

Max Mallin

Call: 1993
 Education: MA (Cantab)
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Max is an experienced commercial litigator who before coming to the Bar spent a number of years working in international investment banking, undertaking his initial training on Wall Street and subsequently working in the City. He worked in international capital markets first as a trader and eventually as head of international bond trading in London. His work included trading and structuring various forms of derivative instruments.

Max's practice focuses on large-scale litigation (often with an international element) as well as arbitrations. Areas in which he particularly specializes include:

- General contract litigation
- Commercial fraud
- Financial markets and services
- Partnership law
- Company law
- Shareholder disputes including unfair prejudice petitions
- Claims against directors
- Arbitrations
- High Court enforcement of arbitration awards
- Jurisdiction disputes
- Insolvency Act claims by liquidators

Recent cases

The following are examples of recent cases in which Max has been involved (or still is) involved.

- **Dubai Islamic Bank v PSI & Ors**: acting for the second and third Defendants in this claim for \$450,000 million. Following an unsuccessful jurisdiction challenge this claim is now proceeding in the Commercial Court.
- **Film Finance Group litigation**: acting for a large group of investors in a failed film-finance investment scheme. The Claimants claim damages for breach of contract and/or negligence arising from the fact that the scheme did not achieve the advertised tax benefits.
- **Aziz v Lim**: acting for the Claimant in this claim for conversion of diamond jewellery having a value of more than \$15 million.
- **Pentor v John Doe & Ors**: a large ongoing fraud claim in which Max is acting for the Claimant. Various freezing and disclosure orders were obtained against various parties and non-parties. One defendant has been committed to prison for contempt and actions are continuing against other defendants.
- **James Earp v Thomas McCabe & Ors**: acted for the liquidators of a telecommunications company. The claim was for breach of fiduciary duty arising out of a fraud perpetrated by the company whilst under the control of the respondents. The claim settled in March 2011 following the respondents' unsuccessful application to discharge worldwide freezing injunctions obtained by Max on behalf of the Liquidators.
- **Benham v Dr Hon (QBD)**: an action for fraudulent misrepresentation against an individual and various companies through whom the Claimant conducted very large betting on international sporting events. Instructed by the Claimant. The case settled shortly before trial in November 2010.
- **O'Donnell v Shanahan & Ors (Chancery Division)**: acted for the Respondents to this unfair prejudice petition (Section 459/994 CA 1985/2006). Max was successful in obtaining the dismissal of the petition

following a 12-day trial in June 2008. The Petitioner was granted permission to appeal in respect of one issue and was successful on that issue before the Court of Appeal in March 2009. The case settled shortly before the retrial in October 2010 ordered on the appeal. .

- **Spreadex v Barnes (Chancery Division)**: acted for the principal Defendant. The claim was for substantial damages arising out of spread betting by this Defendant through the Claimant. The case settled after the first two days of trial in July 2010.
- **IBB v Preston (Chancery Division)**: acted for the Claimants in this claim by a firm of solicitors for breaches of fiduciary duty by a retiring partner. The claim settled just before a 5 day trial in June 2010.
- **Saxena v Citibank (Commercial Court)**: acted for the Claimant in this claim for damages for negligent investment advice. There was an unsuccessful jurisdiction challenge by the Defendant and the case settled on the first day of trial in March 2010.
- **Spreadex v Kemsley (Chancery Division)**: acted for the Defendant. The claim was for substantial damages arising out of spread betting by the Defendant through the Claimant. The Defendant successfully opposed the Claimant's summary judgment application in June 2009. The case settled shortly before trial in April 2010
- **Trace Group Limited & Tulip Holdings Limited v Chapchal & Ors (Chancery Division)**: acted for the Defendants who were former directors of Trace. Trace was the subject of a contested takeover by Tulip. Trace and Tulip sued the Defendants for (amongst other things) breach of fiduciary duty in their conduct of the takeover battle. The case settled just before a 4-week trial due to begin in January 2010.
- **Rosenberg v Nazarov (Chancery Division)**: acted for the claimant in this claim which arose out of breaches of fiduciary duty in relation to a partnership / joint venture agreement, the purpose of the partnership / joint venture was to trade in alumina / aluminium with the Tajik Aluminium plant. There was an 8 day trial in November 2009.
- **Oak Investment Partners v Martin Boughtwood and Ors (Chancery Division)**: acted for the Respondents to this unfair prejudice petition (Section 994 CA 2006). There was a 14-day trial of the petition in December 2008 to January 2009 (before Sales J) and an appeal to the Court of Appeal which was heard in July 2009.
- **V v P (Arbitration) - ICC Arbitration**. Max was instructed by the Claimant who was claiming about \$4 million from the Respondent as commission on the sale of a floating storage and off-loading unit for use on a Libyan oil field. The arbitration took place in April 2009 and Max's client was awarded the full amount of his claim.

What others say

Max has been recommended by the major legal directories as a leading barrister in the areas of commercial litigation and civil fraud for several years now.

Max Mallin enjoys the support of instructing solicitors for the depth and breadth of his knowledge base. His extensive understanding of financial disputes is underlined by his background in investment banking. (*Commercial Chancery - Chambers UK 2012*)

At the same set, Max Mallin also impresses market observers as an "astute and user-friendly" junior. Having worked in international investment banking before being called to the Bar, Mallin's practice is centred on commercial disputes arising within financial markets. (*Commercial Dispute Resolution - Chambers UK 2012*)

Max Mallin brings considerable real-world experience to bear on his cases as he is a former investment banker. Sources were quick to praise him as "generous with his time, friendly, and someone who comes across well to judges and clients alike." (*Civil Fraud - Chambers UK 2012*)

Max Mallin is ranked as a leading junior in the areas of Commercial Litigation, Company and Civil Fraud in *Legal 500 2011*.

Mallin is a "smooth advocate" who one instructing solicitor considers to be "the most approachable barrister I've instructed." He recently represented the claimant in a multimillion-dollar breach of fiduciary duty claim. (*Commercial Dispute Resolution - Chambers UK 2011*)

Max Mallin brings a penetrating insight into the financial world, having worked as a merchant banker prior to his call to the Bar. Solicitors warm to him as he is "hard-working, very clever and driven". Mallin has been acting for the liquidators of Convergence Group in relation to a number of actions against former directors. (*Civil Fraud - Chambers UK 2011*)

Max Mallin has considerable experience... (*Civil Fraud - Legal 500 2010*)

Max Mallin is a highly respected authority in finance litigation and commercial fraud. Sources agree that his unique insight into the world of high finance is, in part, a result of his pre-Bar incarnation as an international bond trader on Wall Street and in the City. (*Commercial Dispute Resolution - Chambers UK 2010*)

Max Mallin's former career as a banker assists him greatly in handling financial markets disputes and commercial fraud matters. In court, he is "quick on his feet, bullish and forthright", say interviewees. Lately he has been engaged in *Rosenberg v Nazarov*, a case relating to damages for conspiracy and breach of fiduciary duty in a partnership and joint venture. (*Civil Fraud - Chambers UK 2010*)

Max Mallin is "strikingly good, thorough, hard working and straight". (*Civil Fraud - Legal 500 2009*)

"Terrific advocate" Max Mallin inspires confidence in his clients. His practice focuses on major commercial and company disputes, with particular emphasis on commercial fraud, financial markets issues and general contract litigation. Mallin engenders further praise for his "ability to see the bigger picture" and the fact that "he leaves the ostentatious stuff at the door and focuses on the core issues." (*Civil Fraud - Chambers UK 2009*)

"Few understand finance-related litigation and commercial fraud better than Max Mallin. A man with Wall Street and City banking experience, he is "utterly au fait with the world of high finance". (*Commercial Dispute Resolution - Chambers UK 2009*)

"Down to earth" Max Mallin of 11 Stone Buildings puts his banking background to good use and has impressed clients in a number of high-profile travel fraud cases. (*Chambers UK 2009*)

'Excellent advocate' Max Mallin, formerly an investment banker, garners significant accolades. (*Civil Fraud - Legal 500 2008*)

Specialising in large-scale litigation and arbitration, 11 Stone Buildings' Max Mallin is noted for his expertise in contractual issues and his affinity with financial markets. "Clients like him a lot" and peers describe him as a "reliable presence" in court. (*Commercial Dispute Resolution - Chambers UK 2008*)

Max Mallin obtains plaudits for "always being on his A-game". (*Civil Fraud - Chambers UK 2008*)

Professional memberships

Commercial Bar Association
Chancery Bar Association