



Andrew Mitchell KC

Call 1992 | Silk 2011

"Andrew Mitchell QC is a wonderful barrister. He's thoughtful, great on his feet and tough."

Chambers & Partners

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Andrew Mitchell KC is described in the legal directories as “an extremely clever silk with excellent judgement and courtroom presence” and “excellent to work with”.

He is an experienced commercial litigation silk, described as “a smooth and persuasive advocate. A KC with real gravitas” attracting instructions in the most complex and high value disputes. He has been involved in many of the major commercial disputes in recent years, including appeals before the Court of Appeal, House of Lords and Privy Council.

Andrew's litigation and international arbitration practice includes commercial contract, civil fraud and fiduciary duties, asset tracing, restitution, offshore trusts, professional negligence and discipline, forum disputes, injunctions, freezing and search orders and other interim remedies. Andrew is particularly well-known as an expert in banking and financial services law and litigation, with considerable experience in money-laundering and financial regulation law, and (re)insurance.

He is Vice Chair of the Bar Standards Board and has many years of experience in dealing with professional and regulatory conduct issues in legal services. He has acted as an LCIA arbitrator and is an accredited mediator.

Recent Highlights

Yukos Finance v Lynch & Ors

Acting in a conspiracy claim tried in the Commercial Court in summer 2019, governed by foreign law, concerning an alleged rigged share auction in Russia, with related litigation in the Netherlands, and the US. Andrew successfully represented his clients, who were two of the defendants.

Tchenguiz v Grant Thornton

Acting successfully for a former office holder of Kaupthing, the Icelandic bank, in a claim for more than £1 billion, with the claims being discontinued during trial.

Marrache litigation

Acting in the Court of Appeal in Gibraltar in 2018, where Andrew succeeded in overturning the trial judge's factual findings of dishonesty; he also acted on the appeal to the Privy Council in October 2019.

UBS v KWL litigation

Successfully appearing in the Court of Appeal for Depfa Bank (a two-week appeal) in one of the largest appeals of the year.

Stuart Wall v RBS

Acting for RBS in the largest mis-selling claim of its type then brought against a bank. Andrew led a counsel team of six.

Expertise

Banking & Finance

Andrew is the go-to silk for many banking and finance matters, his experience extending to letters of credit, bills of exchange, derivatives, syndication, CDOs and similar products, consumer credit, electronic money transfers, mortgage indemnity guarantees, and insolvency. He has experience of freezing injunctions for/against banks, including NCIS-type problems and disclosure orders, in both a domestic and international context, and proceeds of crime issues.

Clients include all the UK clearing banks; several other UK banks/building societies as well as overseas banks and similar institutions. His experience includes retail and investment banking, and intra-bank issues.

Notable Banking & Finance cases

Tchenguiz v Grant Thornton

Successfully acting for a former officeholder of Kaupthing, the Icelandic bank, in a well-publicised claim for more than £1 billion which was tried in October 2018.

The Marrache litigation

Succeeding in the Court of Appeal in Gibraltar in 2018, in overturning factual findings of dishonest assistance against his client RBS. Andrew was brought in for the Appeal and he also acted on the Appeal to the Privy Council in October 2019.

Stuart Wall v RBS

Acting for RBS in the largest mis-selling claim of its type ever brought against a bank. He led a counsel team of six for RBS in a multi-million mis-selling claim involving manipulation of LIBOR and alleged misconduct by GRG, the bank's restructuring group.

Numerous other financial mis-selling, fraud and misrepresentation cases, including the interest-rate swap and LIBOR litigation, in which he appeared in the leading cases of *Thornbridge v Barclays* [2015] EWHC 3430; *Crestsign v RBS* [2014] EWHC 3023 Ch; and *Green and Rowley v RBS* [2013] EWCA 1197 both at trial and in the Court of Appeal; as well as *Wall v RBS*.

UBS v KWL Litigation

Successfully appearing in the Court of Appeal for Depfa Bank (a two-week appeal) in one of the largest appeals of the year.

Acting in the Bank Charges litigation (Court of Appeal and House of Lords).

Acting in the *PPI litigation*, in which he has represented a number of banks, including Barclays.

J M Finn v McDonnell

Acting successfully in a Commercial Court case involving allegations of duty (Springwell), negligence, breach of COBS and mis-selling.

Arch Cru Investments

Acting in a well-known case involving allegations against (among others) the authorised corporate director and fund managers of a series of OEIC investment funds, which invested in offshore closed cell companies. Allegations of misselling, e.g. by inaccurate prospectuses, on the basis that the investments were unsuitable and high risk. Breach of various provisions of FSMA and Handbook (including collective investment sourcebook) alleged.

Civil Fraud

Andrew has experience of asset-chasing and recovery cases, including jurisdiction/conflict of laws problems, restitution and constructive trust issues, and injunctions. His recent experience includes cases involving insurance fraud (secret profits and commissions etc.), widespread mortgage fraud and alleged timeshare frauds.

Notable Civil Fraud cases

Successfully defending his clients in a major claim arising out of the controversial sale of Yukos' assets pursuant to a

Russian state auction, involving US, Russian, Dutch and Commercial Court proceedings. A six-week trial took place in London in the summer of 2019.

Successfully defending well-publicised £1 billion+ fraud and conspiracy proceedings brought by Robert Tchenguiz arising out of the collapse of the Icelandic bank, Kaupthing. Almost 10 years of related litigation led to a three-month trial starting in October 2018; the claim spectacularly collapsed in week three when it was discontinued.

Magner v RBS

Acting in a leading case on dishonest assistance in commercial transactions. It was alleged that RBS dishonestly conspired with a leading firm of offshore solicitors to steal millions from accounts. The trial Judge found the bank dishonest; Andrew was brought in for the appeal in the Court of Appeal and unusually the Court of Appeal reversed all the findings of fact made by the Judge, with the result that RBS succeeded.

Financial Services

Andrew has significant regulatory experience, having advised on both contentious and non-contentious matters of compliance, such as COB/COBS; MCOB, ICOB, the UTCCR, PSD and CPD. He has drafted new terms and conditions for products.

He has acted for the FSA/FCA in connection with the mis-selling of financial products; collective redress compensation schemes; and market abuse cases. He has acted against the regulators too, on a variety of matters, as well as against the Office of Fair Trading.

Notable Financial Services cases

CGL v RBS & Elite v Barclays (2019)

Acting in leading financial services regulatory cases in the Court of Appeal. These cases concern duties of care in the financial and regulatory context and whether customers can sue banks for failing to implement FCA redress schemes.

Carey v HSBC, Sternlight v Barclays & Others

Acting in the Consumer Credit Act test cases.

Acting in the *Bank Charges* litigation (Court of Appeal and House of Lords).

Acting in the *PPI litigation*, in which he has represented a number of banks, including Barclays.

J M Finn v McDonnell

Acting successfully in a Commercial Court case involving allegations of duty (Springwell), negligence, breach of COBS and mis-selling.

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Insurance

Andrew has experience of both litigation and arbitration insurance disputes. Clients have included Lloyd's of London, Lloyd's syndicates, company market insurers and reinsurers as well as policyholders and brokers. He has also acted as an English law insurance expert in French proceedings.

His recent experience includes matters involving various *Grenfell* insurance issues, the recoverability of regulatory and other fines under insurance (he acted in the leading Court of Appeal case, *Safeway v Twigger*), US hurricane damage claims, personal payment insurance, D&O coverage issues, W&I claims, LMX spiral business litigation, aircraft hull coverage disputes, D&O coverage arbitrations, binding authority disputes, goods in transit insurance, residual value motor, coverage litigation, life assurance commission and overrides, Bermuda form and Aggregation and block notification issues.

International Arbitration

The details are confidential but Andrew has considerable experience in arbitration matters before LCIA (including as arbitrator) and other tribunals (including ad-hoc) in a variety of fields. He also has experience of court applications in relation to jurisdiction, interim relief, applications in support of arbitration, anti-suit injunctions, appeals from/applications to set aside awards on the law and/or for misconduct and bias.

Examples of his experience include arbitrations concerning Russian oligarch disputes, foreign mineral mining contracts, construction contracts, international insurance coverage arbitrations, family partnership and trust disputes and international hotel management disputes.

Professional Negligence

Andrew has considerable experience of claims against financial institutions, solicitors, barristers, D&O claims, W&I claims, accountants, valuers, restaurant managers, mortgage administrators, banks, share registrars, insurance brokers, stockbrokers, financial advisers, estate agents, film production companies, architects/health and safety prosecutions. Andrew sat on the Professional Conduct Committee of the Bar Standards Board for many years and is now Vice Chair.

Directory Quotes

"An extremely clever silk who is great to work with, commercial, fun and highly experienced in commercial litigation. Andrew sets high standards for his team and is very skilled at getting the best out of all those who work with him."

The Legal 500

"He makes all the points that need to be made and doesn't waste the court's time with unnecessary arguments - a first-class lawyer." "Andrew is one of the best advocates I know. He has an incredible manner and a brilliant brain."

Chambers & Partners

"He is unfailingly calm in a crisis and always good-humoured." "Andrew commands the attention of the court and is trusted by judges."

Chambers & Partners

"A very impressive advocate - always thoroughly prepared and able to deliver engaging submissions as well as dealing with challenges from the bench or opposing advocates."

The Legal 500

"He is a top class advocate in every respect - a brilliant cross-examiner and a first class mind. One of the best of his generation."

The Legal 500

"One of the very best QCs at the bar - his preparation is meticulous, he builds a great rapport with the judge, and was both forensic and ruthless at the right moments when dealing with the opponent's arguments at trial."

The Legal 500

"A great silk for strategic advice."

The Legal 500

"He's willing to roll his sleeves up to get into the detail, and he has sound judgement." "Andrew is very pleasant to work with day to day. His manner in court is exceptional and he commands respect."

Chambers & Partners

"He has a highly authoritative and effective advocacy style that judges really warm to."

The Legal 500

Directory Rankings

Chambers & Partners – Global

- Dispute Resolution: Commercial – UK

Chambers & Partners – UK

- Banking & Finance (Band 1)
- Commercial Dispute Resolution

The Legal 500

- Banking & Finance (Tier 1)
- Commercial Litigation
- Financial Services Regulation

Education

- B.C.L. (First Class), Oxford University (1990-1991)
- M.A. (First Class), Cambridge University (1987-1990)

Appointments, Memberships and Prizes

- Appointed Vice Chair of the Bar Standard Board (2021-)
- Accredited CEDR Mediator
- Middle Temple Certificate of Honour (1992)

- Bar Council Prize for “outstanding” performance in Bar Finals (1992)
- Harmsworth Scholar of the Middle Temple (1991)
- The Dicey & Morris Prize (1991): awarded in the Oxford BCL examinations for the candidate with the highest marks in private international law
- The George Long Prize for Jurisprudence (1990): awarded to the candidate with the highest marks in Cambridge University Final Examinations

Publications

- Editor of *Commercial Court Procedure* (Sweet & Maxwell)

Languages

- French (reading)

Awards

