

## Mark Cawson QC

Call 1982 | Silk 2001



### Clerks' Details

 Nick Buckley  
 0161 817 2757

 Ian Spencer  
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### Appointments

- Accredited Mediator
- Deputy High Court Judge
- Recorder
- Chairman - Northern Chancery Bar Association
- Bencher, Lincoln's Inn

### Memberships

- ADR Group Accredited Mediator
- Standing Council of Mediation Advocates
- Chancery Bar Association
- Northern Chancery Bar Association (Chairman)
- Northern Circuit Commercial Bar Association (Chairman 2008-2013)
- Insolvency Lawyers' Association
- Professional Negligence Bar Association
- R3

### Education

- University of Liverpool, LLB
- Inns of Court Law School

### Insolvency

#### Overview

Mark is recognised as a leading QC in Chambers and Partners UK 2020 (Band 1) in the field of Insolvency/Restructuring.

His insolvency practice extends to:

- Transaction avoidance
- Asset tracing
- Mifeseance and fraud claims
- Enforcement of security
- Directors disqualification
- Bankruptcies and IVAs
- Administrations
- CVAs and Schemes of arrangement
- Professional negligence claims

Mark's clients include government departments, local authorities, banks, office holders, Plcs, SMEs/SMBs, and private clients. The emphasis of Mark's practice is on complex and high value litigation in the above areas. His work takes him on a regular basis to the Court of Appeal, the Chancery Division of the High Court, and the Commercial and Mercantile Courts.

Mark sits as a Deputy High Court Judge and a Recorder, and he is an accredited mediator. He is the current Chairman of the Northern Chancery Bar Association.

## Recommendations

### Chambers and Partners 2020 (Band 1 Silk)

#### Banking and Finance

Recognised as one of the Northern Circuit's leading silks for resolving commercial disputes, he acts for a diverse range of clients including government departments, local authorities, financial institutions, office holders, SMEs, and private clients. He can draw upon his ancillary expertise in the field of insolvency to act in cases concerning distressed corporations and he is experienced in cases relating to commercial fraud and professional negligence.

Expertise: "He's very good with clients and is a real team player."

#### Restructuring/Insolvency

Stands out for his adept representation of both corporates and individuals in complex insolvency cases. He numbers banks, office holders and government departments among his impressive roster of clients. He is especially well known for his ability to deal with cross-border corporate insolvency.

Expertise: "A very experienced and technically strong silk who has a real air of calm, in even the most high-pressured of situations." "Technically excellent, very personable and pleasant to deal with." "Mark combines a strong understanding of applicable law and methodical analysis with a commercial and practical approach. He is an extremely persuasive advocate."

#### Professional Negligence

Leading silk who continues to impress in the professional negligence sector. He handles a range of claimant and defendant work pertaining to the legal profession. This forms part of a broader commercial and chancery practice. He frequently acts for SMEs, banks, local authorities and private clients.

Expertise: "An excellent lawyer who operates very thoughtfully." "He is very experienced and well respected in the market. He's also very good with clients." "Very authoritative and measured in his approach."

#### Chancery

Highly regarded silk adept at commercial chancery litigation. He regularly represents the government, financial institutions and individuals in fraud, insolvency restructuring and partnership disputes.

Expertise: "He is not an aggressive opponent but he is somebody who is firm and stands his ground. He has got a very even and calm manner in court." "He is calm and analytical. He won't bully witnesses, but he will cut their evidence apart."

#### Commercial Dispute Resolution

Extremely well-regarded silk who has a wealth of experience in corporate disputes, partnership

and company matters, commercial fraud and insolvency litigation. He is also active in cases concerning property litigation, and his work extends to chancery and professional negligence-related matters. He often represents government entities, as well as banks, private businesses and individual clients.

Expertise: "He can very quickly run through a vast mass of documents and has a mastery of the detail." "He's excellent with clients and provides very robust and sound advice."

## Chambers and Partners 2019 (Band 1 Silk)

### Banking and Finance

Recognised as one of the Northern Circuit's leading silks for resolving commercial disputes, he acts for a diverse range of clients including government departments, local authorities, financial institutions, office holders, SMEs, and private clients.

Expertise: "He's superb. He's very balanced, judges like him and he's very bright." "A master tactician and a very safe pair of hands."

### Restructuring/Insolvency

Stands out for his adept representation of both corporates and individuals in complex insolvency cases.

Expertise: "A formidable legal mind and extremely easy to deal with." "Outstanding ability, a piercing intellect and extremely persuasive in court."

### Professional Negligence

Leading silk who continues to impress in the professional negligence sector.

Expertise: "He is very calm and measured, and has the respect of the judiciary."

### Chancery

Highly regarded silk adept at commercial chancery litigation. He regularly represents the government, financial institutions and individuals in fraud, insolvency restructuring and partnership disputes.

Expertise: "A very thorough and persuasive advocate." "He's someone judges take seriously, as would you if you saw him on the other side." "He is very high-quality, very smooth, very well liked by the judges and commands a lot of authority in the court."

### Commercial Dispute Resolution

Extremely well-regarded silk who has a wealth of experience in corporate disputes, partnership and company matters, commercial fraud and insolvency litigation.

Expertise: "He has exceptional clarity of thought and a warm manner that puts clients at ease. He is able to express the most technical of points in a language that a client can readily understand

and consider, and always goes the extra mile.” “He is an exceptionally gifted advocate and very good technical barrister.”

## **Chambers and Partners 2018 (Band 1 Silk)**

### **Chancery**

Regularly represents the government, financial institutions and individuals in fraud, insolvency restructuring and partnership disputes.

Expertise: “Academically first rate.” “He makes his points beautifully.”

### **Commercial Dispute Resolution**

Extremely well-regarded silk who has a wealth of experience in corporate disputes, partnership and company matters, commercial fraud and insolvency litigation. He is also active in cases concerning property litigation. He often represents government entities, as well as banks, private businesses and individual clients.

Expertise: “He is very calm and measured. When he is in court the judges respect him and he has real gravitas.” “He should be a judge; he is a very safe pair of hands and is very dependable.”

### **Professional Negligence**

Leading silk who continues to impress in the professional negligence sector. He handles a range of claimant and defendant work pertaining to the legal profession. This forms part of a broader commercial and chancery practice.

Expertise: “He’s an absolute joy. He’s very user-friendly and has a practical grasp of the client’s needs.”

### **Restructuring/ Insolvency**

Stands out for his adept representation of both corporates and individuals in complex insolvency cases. He numbers banks, office holders and government departments among his impressive roster of clients. He is especially well known for his ability to deal with cross-border corporate insolvency.

Expertise: “He prepares thoroughly – it is a given that he has read every single paper.” “He has a formidable legal mind and he is extremely easy to deal with as well.” “He demonstrates every key attribute required of an effective QC and never fails to impress clients.”

## **Chambers and Partners 2017 (Band 1 Silk)**

### **Chancery**

“He is very calm and collected in court and he always knows what he is doing.” “I rate him very highly and he has a particularly strong reputation for insolvency work.”

### **Commercial Dispute Resolution**

“He is an incredibly calm and insightful barrister.” “He is forensic in his analysis, his arguments are a joy to read.”

### **Professional Negligence**

“He is excellent, he has good manners with clients and he is very user-friendly, responsive and very capable in the courtroom.”

### **Restructuring/Insolvency**

“His drafting skills are excellent. He’s calm on his feet, but ruthless when he needs to be.”

## **Chambers and Partners 2016 (Band 1 Silk)**

### **Restructuring/ Insolvency**

“He is personable, knowledgeable and committed.” “He is a quiet thinker with a formidable legal mind who is extremely easy to deal with.” “He demonstrates every key attribute required of an effective QC and he never fails to impress clients.”

### **Professional Negligence**

“He’s approachable, calm, constructive and helpful. Excellent with the client, he has good empathy, and is quite pragmatic in his advice.”

### **Recent work:**

“Acted for Weightmans in a claim against it regarding a conveyancing transaction that went wrong due to a nearby quarry development plan which was missed.”

### **Commercial Dispute Resolution**

“I have been thoroughly impressed by his attitude, his paperwork and his quick and easy grasp of a detailed case.” “Always very well prepared, he never dodges a difficult question and is always willing to give the client as much time as they need.”

### **Chancery**

“He is just brilliant; steady, bright and a really safe pair of hands.”

## **Chambers and Partners 2015 (Band 1 Silk)**

### **Commercial Dispute Resolution**

“One of the top silks in Manchester in chancery and commercial work. He is of great stature.” “He is quiet and unflappable, and his work is very thorough.” “He’s very measured, very bright, very careful in his approach. He always seems to get it right.” “At the trial he is excellent on his feet and can give his opponent a good pummelling. His cross-examination is excellent. He’s very measured and considered. He’s very bright and sees things in cases that no one else has.”

### **Restructuring/Insolvency**

“Ten out of ten. His legal knowledge is superb and it’s a great advantage that he sits as a judge as you get extra perspective on problems you might face.”

### **The Legal 500 UK 2020**

“Technically excellent on insolvency matters.”

### **The Legal 500 UK 2018/19**

“A tremendously bright silk.”

### **The Legal 500 UK 2017**

#### **Commercial, Banking, Insolvency and Chancery Law**

“Calm and discerning; judges warm to him.”

### **The Legal 500 UK 2016**

#### **Commercial, Banking, Insolvency and Chancery Law**

“One of the best Manchester insolvency practitioners; he is technically excellent.”

### **The Legal 500 UK 2015**

#### **Commercial, Banking and Insolvency**

“Vast experience, sensible and commercial.”

### **The Legal 500 UK 2014**

#### **Chancery and Commercial Litigation**

“Exchange Chambers’ Mark Cawson QC is clearly respected by the judges.” “A highly effective commercial litigator.”

## **Beyond the Bar**

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Outside work, Mark enjoys travel, the Cumbrian countryside, watching Sale Sharks and Liverpool FC, and playing the occasional round of golf. He enjoys reading, armchair politics and theology, and taking an active part in his local Church and Church affairs.

## Cases

Recent insolvency cases include the following:

As Leading Counsel

***Conn & Anor v Ezair, Re Charlotte Street Properties Ltd [2019] EWHC 1722 (Ch), HHJ Halliwell, ChD, Manchester:***

Acting for joint administrators in respect of application under s. 234 and 236 of the Insolvency Act 1986 for order for transfer of title to properties vested in the name of the Respondent but which the joint administrators of the company claimed were held on bare trust for the company so as to entitle them to call for a transfer.

***Re, CC Automotive Group [2019] EWHC 2771 (Ch), HHJ Klein, ChD, Leeds:***

Acting for the Liquidator of CC Automotive Ltd (“Car Care”) on application seeking directions from the Court as to the proper application of the monies held in trust fund for benefit of customers.

***House of Fraser [2018]***

Acting for the landlords of a number of properties used by House of Fraser as department stores. Advised the landlords with regard challenge to a Creditors’ Voluntary Arrangement on the grounds of unfair prejudice and material irregularity. Application issued, but settled before it could be heard.

***POWA Technologies Group Plc [2017], HHJ Bird, Ch. D (Manchester):***

Acting for creditor/preferential shareholder on successful application for an administration order in respect of POWA Technologies Plc, opposed by a former director/shareholder who himself sought administration order appointing different office holders. Purpose of administration order was to enable conspiracy claim of potentially in excess of £100m to be pursued against another former director and a secured creditor.

***Wood v Priestley & Anor [2016] EWHC 2986 (Ch)***

Successfully defending claim by a partner of failed Poppleton & Appleby Insolvency Practitioner practice for an indemnity from his co-partners.

***ING v OW Bunker Middle East DMCC [2015]***

Acting for liquidators of Dubai subsidiary within the OW Bunker insolvency in respect of claim that raises issue as to whether certain assets (valued at in excess of £50m) are caught by the terms of a bank’s security. The case raises issues as the terms of the relevant company’s supply contracts.

***Re McNally, McNally v Dymond and National Westminster Bank [2013] BPIR 604 (HHJ Purle QC):***

Acting for bank on issue as to valuation of security for purposes of voting on an IVA

***Consolidated Finance v Collins [2013] BPIR 543 (CA):***

Application of Consumer Credit Act 1974 to credit agreement funding annulment from bankruptcy

***Amble Assets LLP v Longbenton Foods [2012] 1 All ER (Comm) 764:***

Acting for joint administrators on application concerning the entitlement of the joint administrators to forfeit a deposit paid under a contract for the sale of land

***Howarth v (1) Cartmel (2) HMRC [2012] BPIR 428:***

Acting for trustee in bankruptcy on application by bankrupt to annul on grounds of lack of mental capacity

***RBS v Chandra [2010] 1 Lloyd's Rep 677 (Richards J), [2011] EWCA Civ 192 (Court of Appeal):***

Successful enforcement of guarantees on behalf of bank notwithstanding defence of undue influence by wife

***Accident Group Limited, (2003 - 2011):***

Acting for the joint administrators, and subsequently the joint liquidators The Accident Group Limited in respect of claims against former directors and others, and various applications for directions

***Crown Paints Limited v Landsbanki Islands HF, (2008):***

Acting for Crown Paints Ltd in dispute with Landsbanki Islands HF, the Icelandic bank, upon the collapse of the latter

***MG Rover Group Ltd, (2008):***

Acting for former Solicitors of MG Rover Group Ltd on the inquiry into the latter by Inspectors appointed by Department of BIS under S 432(2) of the Companies Act 1985

***Lune Metal Products Limited (In Administration) [2007] 2 BCLC 746:***

Acting for joint administrators on application for permission to make payments to creditors on discharge from administration

***TVR Motors Company Limited, (2007):***

Advising the joint administrators of TVR in respect of antecedent transactions by directors

As a Deputy High Court Judge

***Fons HF v Corporal Ltd [2013] EWHC 1801 (Ch):***

Interpretation of legal charge raising question as to meaning of, "debentures or other securities" (Manchester)

***Re Oxford Pharmaceuticals Ltd; Wilson v Masters International Ltd [2009] 2 BCLC 485:***

Claim relating to preference and misfeasance, and the availability of remedies against third parties (London)

***Re Paycheck Services 3 Ltd; HMRC v Holland [2008] 2 BCLC 613:***

Claim relating to misfeasance, and unlawful dividends paid on basis of unsuccessful tax planning scheme (London)

***Lomax Leisure Limited v. Miller [2008] 1 BCLC 262:***

Application concerning a liquidator's duties in respect of the payment of dividends to creditors (London)

***Re Siteburn Limited [2006] BPIR 1009:***

Estoppel by convention in an insolvency context (London)