



Andrew Maguire

ADR Accredited Mediator

Overview

Andrew is a former Inner Temple Pegasus Scholar with over 25 years' experience at the Bar and is an accomplished Chancery and Commercial advocate. Andrew has built up a formidable reputation dealing with banking and financial services claims including regulation and mis-selling in addition to heavyweight construction disputes.

Andrew has extensive experience of foreign jurisdictions and has worked inter alia with lawyers in the USA, Canada, Bermuda, France, Spain, Portugal and China. Andrew was a mentor on the Lord Chancellor's Training Scheme for Chinese lawyers and in 2010 and 2011 formed part of the Bar Council's official delegation to China.

Professional Background

Andrew is Head of Banking and Financial Services and ADR at St Philips Chambers with a busy commercial practice. Andrew is well versed in both UK and international banking law including securitizations, clearing and settlement systems, documentary credits, guarantees and indemnities, asset finance, commercial loans, promissory notes and other capital raising transactions.

Andrew is frequently instructed to deal with large financial claims, often involving a foreign element and a chancery flavour, including claims for breaches of trust and fiduciary duty. Andrew also regularly deals with worldwide freezing orders and proprietary injunctive relief.

Andrew has extensive experience of all aspects of commercial and retail mis-selling, including investment advice and investment management, trade finance, options and structured financial products. Indeed Andrew has been involved with a number of significant banking and financial disputes arising out of the global economic crisis.

Andrew has acted in a number of cases involving regulatory authorities particularly the Financial Services Authority and was instructed in the £32 million claim arising out of the

collapse of Keydata Investment Services Ltd involving a levy imposed by the Financial Services Compensation Scheme on Financial Advisers.

Andrew has also dealt with a number of high profile claims of alleged fraudulent mis-selling including; the Arch Cru scandal involving £500 million investments in Guernsey; Keydata involving 30,000 investors and £750 million of losses and the Panareti Cyprus property investment litigation. Andrew also deals with claims of fraudulent trading, deceit and misappropriation of funds.

Andrew has a sizable property practice and considerable experience of advising and conducting trials in all aspects of contested chancery property litigation including the enforceability of contracts and covenants, unilateral notices and restrictions, joint ventures, easements, title and proprietary estoppel. Andrew regularly advises upon the validity and extent of mortgages and securities over real property and also advises on commercial lease disputes, break clauses, options, dilapidations and rent review.

Andrew's Construction practice covers a wide spectrum of advisory, drafting and advocacy work in relation to all major standard form building and engineering contracts including JCT and ICE. Andrew deals with both contractual and tortious claims on behalf of contractors and employers, including allegations of defects, claims for extensions of time, loss and professional negligence. Claims frequently involve allegations in relation to Architects, Surveyors, Valuers and Contract Administrators. Andrew has been instructed in construction litigation, arbitration and expert determination. In addition Andrew is experienced with contested section 106 agreements.

Andrew also deals with all aspects of Professional Indemnity and Insurance and is particularly experienced in claims brought against financial advisers and solicitors.

Professional Experience

- Business to Business
- Commercial Contracts
- Construction
- Dilapidations
- Directors Liability
- Financial Products & Mis-selling
- Insolvency
- Insurance
- Landlord & Tenant
- Partnership
- Professional Negligence
- Property
- Shareholder
- Trusts

Feedback

Andrew Maguire is recognised as being a leader in Chancery Practice and noted for his property and financial services expertise. He is described as follows:

'A respected senior junior with a strong commercial chancery practice. He is commonly instructed in disputes relating to mortgages, fiduciary obligations, negligence and breach of trust...He's very good with clients and always willing to go the extra mile.'

Chambers UK Bar Guide 2016

'A larger than life character with a fearsome intellect' 'Andrew Maguire picks things up quickly' and is a reliable source of 'sensible commercial advice.'

Chambers UK 2013

'Andrew Maguire is recommended for his expertise in all property matters. He is much sought after in ... heavyweight commercial real estate litigation.'

Chambers UK 2012

Andrew is also praised for being:

'Highly responsive and a pleasure to work with.'

Chambers UK 2012

'At the start of the day's mediation the parties could barely be in the same room, yet by 3pm a settlement had been achieved...with the parties shaking hands and each apologising to the other. I would have no hesitation in recommending Andrew as a mediator.'

DB, Solicitor

Recently Reported Cases

- *Avoncroft Construction Ltd v Sharba Homes (CN) Ltd* [2009] 119 Con LR 130
- *State Bank of India v Toor* [2010] EWHC 1097 (Ch)
- *Wright v Wright* [2010] EWHC 1808 (Ch)
- *Acco Properties Ltd v Severn* [2011] EWHC 1362 (Ch)
- *Kahlon v Isherwood* [2011] EWCA Civ 602; [2011] 2 P&CR 19

- *Argentum Lex Wealth Management Ltd v Giannotti* [2011] EWCA Civ 1341
- *R (on the application of ABS Financial Planning Ltd & Ors) v Financial Services Compensation Scheme Ltd & Financial Services Authority* [2012] 2 BCLC 267.
- *National Merchant Buying Society Limited v Bellamy & Mallett* [2012] EWHC 2323 (Ch).
- *Thursfield v Thursfield* [2012] EWHC 3742 (Ch). *Thursfield v Thursfield* [2013] EWCA Civ 840; [2013] C. P. Rep. 44 (Lloyd, Jackson and Beatson LLJ).
- *Thinc Group v Armstrong* [2011] EWHC 3152 (QB), upheld on appeal [2012] EWCA Civ 1227.
- *Cole v National Westminster Bank* [2014] EWHC 992 (Ch).
- *Thorp v Abbotts* [2015] EWHC 2142 (Ch).
- *Miller v Stonier* [2015] EWHC 2796 (Ch), Newey J.
- *Power and Ors v Hodges and Ors* [2015] EWHC 2931 (Ch) & [2015] EWHC 2983 (Ch).

Recent Mediation

Andrew not only practices as a Mediator but is regularly instructed to act as an advocate for parties at mediations.

Recent Mediations have included the following:

- £700,000 claim for breach of restraint of trade provisions within a share sale agreement.
- £600,000 dilapidations claim in relation to commercial premises involving experts.
- High Court Inheritance claim which had been ongoing for over 15 years.
- £2.7m claim relating to a Share Purchase Agreement.
- Claim for malicious prosecution and misfeasance in public office.
- Mis-selling claim involving asset finance.

- Mis-selling claim relating to investment portfolio, assessment of risk and investments in gold.
- Contentious Probate.

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