



Andrew Marshall

Consultant Advocate

Jurisdiction: Isle of Man

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Overview

Andrew advises and acts on a broad range of commercial and civil litigation and has a distinct specialism in complex trust and property disputes, as well as matters relating to fraud and breaches of fiduciary duty in respect of directors and trustees. He also has experience in liquidations and high-value estate disputes, having represented executors, administrators and beneficiaries.

Andrew is skilled in applications to register and enforce foreign judgments, and also deals with applications for Norwich Pharmacal Orders and interim relief, including freezing injunctions.

Andrew has represented numerous clients faced with regulatory proceedings and proceedings under the Proceeds of Crime Act, including restraint and confiscation proceedings. He has also represented clients in the High Court, the Appeal Court, the Privy Council, and in the criminal courts, in addition to the Employment Tribunal, Advocates Disciplinary Tribunal and the Licensing Court.

You have been an amazing lawyer and more importantly an outstanding advisor. You were always straightforward with me and never told me what I want to hear, I admire these qualities. You always answered my calls and made me feel comfortable. It's a unique quality and again I can not thank you enough.

Mr P

“Very sincerely, there is no way for me to thank [you] adequately for the brilliance and panache with which you flourished your legal swords and decapitated the AG’s office. A big case for me, of course, a big case for you.”

Mr D & Others

“We have all appreciated very much the knowledge and experience you brought to this matter and on behalf of my colleagues and myself, thank you. It has been my pleasure working with you as you have been professional, friendly and supportive for which I similarly thank you.”

Minerva Data Limited

“Andrew represented us in litigation required to obtain monies owed from the sale of our business and also the costs in our case Morris versus Knox Trust and MBL. We went to the High Court in December 2015 and Andrew prepared our case superbly. Andrew was always completely professional and helpful. He worked within the required timescales and we achieved a favourable outcome in December 2016. We have complete confidence in Andrew’s ability and would not hesitate in recommending him to anyone requiring legal guidance.”

Mr M

“We have worked closely with Andrew on a complex litigation involving breach of fiduciary duty, conflict of interest, fraud and constructive trust in IOM. He is a very able, quick and energetic lawyer. He is adept at commercial litigation and has the ability to be precise and commercial at the same time. He goes into detail meticulously, is methodical and smart. He is calm at all times. We strongly recommend him as a commercial litigator.”

Ballacorey Wheat Limited and Gem Global Yeild Fund Limited

“I engaged Andrew to act for me following the sudden death of my husband in February. Part of winding up my late husband’s estate involved closing a busy restaurant, making redundancies (some of which were quite acrimonious) and dealing with a very aggressive and unsympathetic landlord. All were brought to a very satisfactory conclusion. “I have found Andrew to be patient, considerate and professional at all times. Indeed, he has gone beyond the call of duty. I never thought any solicitor would have been so attentive and thoughtful. “Andrew continues to work with the same courteous and professional manner. I consider myself very lucky to have Andrew fighting my corner for me and certainly wouldn’t hesitate to recommend him to anyone.”

Ms C

“Andrew has been excellent in providing solid and logical advice in these ongoing litigation proceedings. Of special note is his easy yet direct approach which seeks to gain resolution rather than unnecessary conflict.”

“Andrew represented me in respect of two difficult and challenging matters. The first was a claim against me which involved complicated issues of duty or care and limitation and which went as far as the Judicial Committee of the Privy Council (Supreme Court) in which Mr Marshall was entirely successful and the second was a disciplinary matter in respect of which Mr Marshall’s strategy was both pragmatic and, given the nature of the matter, resulted in a most satisfactory outcome. Mr Marshall is a litigator in the traditional sense, fearless, well prepared, with good advocacy skills and a sensible pragmatic approach. Mr Marshall remained thoroughly unfazed and professional. I have no hesitation whatsoever in recommending him to other parties.”

Mr C

“I have found Andrew to be extremely well informed and knowledgeable and has always been available when we have had questions. Mr Marshall is a very honest individual that always tells the situation as it is rather than trying to make things look possibly better than they are, which under our personal circumstances is a breath of fresh air. As a family we would like to also say that Mr Marshall is very confident in his approach to his work and has a very calming demeanour. I would have no hesitation in recommending Mr Marshall to anybody looking for legal representation.”

Mr Q

“Andrew represented me at the Advocates Disciplinary Tribunal where the case was dismissed. The case was a vexatious claim by an aggrieved litigant-in-person in a civil case. Mr Marshall showed an in-depth knowledge and experience of the process and navigated me through the stresses of the antiquated process, which took the best part of three years. He made the process straightforward and stress-free as possible so that it did not have an undue impact on my caseload.”

Mr R

“I have been impressed with Andrew’s exceptional client service, attention to detail and methodical approach which combines practical and strategic thinking with wise and concise legal judgment to provide sensible, pragmatic and reassuring advice.”

Mr W

“I dealt with Andrew, who from the outset, listened sympathetically to my case and advised me with professional diligence. Throughout our meetings, Andrew has always displayed to me his in-depth planning in order to be in a suitable position for each stage of my case. I would have no hesitation whatsoever in recommending Andrew’s professional service to anyone else.”

Mr C

Expertise

- Trial and courtroom advocacy
- Dispute resolution
- Freezing injunctions and Norwich Pharmacal Orders
- Registration and enforcement of foreign judgments
- Debt recovery
- Fraud
- Breach of fiduciary duties
- Professional negligence claims
- Trust disputes and related proceedings
- Shareholder disputes
- Contractual disputes
- Criminal litigation
- Proceedings under the Proceeds of Crime Act, including restraint and confiscation proceedings
- Employment disputes
- Regulatory proceedings

Cases

Freezing injunctions and Norwich Pharmacal Orders

- Advised numerous clients on freezing injunctions, including ancillary disclosure orders, and Norwich Pharmacal Orders.

Registration and enforcement of foreign judgments

- Registered and enforced numerous foreign judgments, including a judgment in the sum of £90m.

Debt recovery

- Acted for numerous individuals and entities in recovering substantial debts.

Fraud

- Advised a shareholder in a claim against three fellow shareholders (who were also holding the shares in trust for the client) for damages in the sum of £500,000 as a result of breach of the shareholders' agreement, and fraudulently breaching their fiduciary duties and trust by manipulating the valuation of the client's shares following his resignation from the company. The matter reached a successful conclusion following a lengthy mediation.
- Acted for a defendant in high-profile complex fraud/breach of directors' duties proceedings alleging fraud against the billionaire director of a publicly listed Indian company with damages claimed in excess of £350m.
- Advised a company in a claim against its former directors and corporate service provider as a result of a number of fraudulent payments to one of the former directors amounting to over £10m. Also advised the company's subsidiary in a claim against one of the main banks seeking to set aside a number of charges granted by the former directors to secure a loan from the bank to a former director as part of the former directors' attempts to disguise the origins of the fraudulent payments.
- Advised publicly listed claimant companies in complex fraud proceedings in the Isle of Man arising from an alleged Eastern European real estate investment fraud with a claim value in excess of €25m, including negligence claims against the directors and auditors.
- Advised numerous individuals and entities in quasi-fraud claims.

Breach of fiduciary duties

- Acted for the defendant in high-profile complex fraud/breach of directors' duties proceedings alleging fraud against the billionaire director of a publicly listed Indian company with damages claimed in excess of £350m.
- Successfully represented a firm of advocates in defending a claim brought against it for damages in the sum of £2m, as a result of an alleged breach of contract, breach of fiduciary duty and negligence.
- Advised a shareholder in a claim against three of his fellow shareholders (who were also holding the shares in trust for my client) for damages in the sum of £500,000.00 as a result of breach of the shareholder's agreement, and fraudulently breaching their fiduciary duties and trust by manipulating the valuation of my client's shares following his resignation from the company. This matter reached a successful conclusion following a lengthy mediation.
- Advised a company in a claim against its former directors and corporate service provider as a result of a number of fraudulent payments to one of the former directors amounting to over £10m. Also advised the company's subsidiary in a claim against one of the main banks seeking to set aside a number of charges granted by the former directors to secure a loan from the bank to a former director as part of the former directors' attempts to disguise the origins of the fraudulent payments.

Professional negligence

- Successfully represented a firm of advocates in defending a claim brought against it for damages in the sum of £2m, as a result of an alleged breach of contract, breach of fiduciary duty and negligence.

Trust disputes and related proceedings

- Advised the executors of a billionaire's estate on an application to seek the court's direction on the ownership of

the deceased's family home, as a result of a number of failed trusts and an erroneous conveyance made in the deceased's lifetime.

- Advised the executors of an estate, valued at over £20m, in defending a claim over the validity of a will and allegations of undue influence.
- Advised a number of clients in Beddoe Applications and applications seeking the directions of the court.

Contractual disputes

- Advised a company in defending a claim brought by an online gambling company, and counterclaiming for approximately £12m.
- Acted for the claimants in *Morris & Morris v Knox Limited* and *MBL Financial Limited* and succeeded on all of the contested points, and in defending the counterclaim for £500,000. Also successfully represented the claimants in the costs application and proceedings, which involved sums that outweighed the amounts at stake in the substantive proceedings.
- Advised a listed company in a dispute regarding a break clause in a lease.
- Advised numerous companies and individuals in landlord and tenant disputes.
- Advised the Island's leading property development company in defending a claim for damages in the sum of £1.5 as a result of an alleged breach of contract for sale.
- Successfully represented a firm of advocates in defending a claim brought against it for damages in the sum of £2m, as a result of an alleged breach of contract, breach of fiduciary duty and negligence.

Employment disputes

- Advised an employee in a successful claim against a government department for unfair dismissal and breaches of the Data Protection Act.
- Advised a consultant employee in a whistleblowing claim against the Department of Health and Social Care.
- Advised a former director of a government department on a claim for redundancy.
- Advised a leading corporate service provider in a high-level employment dispute involving sums over £400,000.
- Advised a company that owned a leading Isle of Man restaurant on 12 redundancies following the decision to close the restaurant. This matter also involved successfully defending a claim for unfair/wrongful dismissal.

Proceedings under the Proceeds of Crime Act

- Advised 10 individuals and entities who were subject to Restraint Orders, restraining assets valued at over £15m, following a global investigation. Successfully discharged all of the Restraint Orders and obtained an order requiring the police to return the assets seized for the criminal investigation.
- Successfully discharged a Restraint Order that restrained an individual's assets valued at £400,000.
- Advised a client in discharging a Restraint Order which restrained funds in the sum of £360,000.
- Represented a number of clients in confiscation proceedings following guilty pleas to criminal charges.

Regulatory proceedings

- Represented a senior advocate before the Advocates Disciplinary Tribunal as a result of a complaint by the Isle of Man Law Society alleging numerous breaches of the Advocates Practice Rules and Advocates Accounts Rules. The Advocate retained his practising certificate and received a small fine of £4,500.

- Successfully represented a senior advocate before the Advocates Disciplinary Tribunal as a result of a complaint brought by an individual who was the adverse party to his client's claim.

Criminal litigation

- Advised numerous clients in criminal proceedings from police interview to trial.

Recognition

Recommended in the Legal 500 2018 for Dispute Resolution

"Andrew Marshall, whose drafting skills are second to none and who has that rare ability to condense complex issues into compelling, succinct explanations." **Legal 500 2018**

Career

2018	Keystone Law <i>Consultant Advocate</i>
2012 - 2018	Gough Law <i>Director</i>
2012	Kerruish Law & Trust <i>Associate Advocate</i>
2010 - 2012	Gough Advocates <i>Advocate</i>
2010	<i>Qualified as an advocate</i>