



Michael Booth QC

Call: 1981

Silk: 1999

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"He's superb as he's ferocious in court." "He talks on complicated issues and arrives at simple solutions."

Chambers UK Northern Bar 2013

Practice Overview

Michael is an experienced barrister with a recognised expertise in advocacy. Michael's speciality is conducting trials in commercial and chancery matters where allegations of fraud, complex questions of credibility and large amounts of money are involved.

"A real streetfighter whose cross-examination is outstanding." (Chambers UK Bar). Michael is particularly strong in handling heavily contested litigation.

He has been described as being *"an absolutely first-rate commercial litigator"* who is *"a ferocious advocate and who has the ability to get to the root of the problem quickly"* (Legal 500).

Civil Fraud

Many of Michael's cases involve allegations or issues of fraud. Recently Michael conducted a fraud claim on behalf of one of a group of companies owned by a prominent Arab Sheikh, and conducted a trial and various applications in a long-running partnership and fraud case. He has recently been instructed on a substantial fraud case in relation to fraudulent misrepresentations inducing transfer of shares worth in excess of £20 million.

Michael has substantial experience of fraud in the context of share transactions e.g. *Hurdell v Hozier* [2010] EWHC 3340 (Ch).

Michael is effective in cross examining; demonstrates significant grasp of the factual detail; promotes confidence of the client in the legal team by ensuring all lawyers work as an effective unit; and is flexible to adapt both cross-examination and legal arguments to the changing underlying factual scenario.

Michael also has specialist expertise in money-laundering and associated matters. He has regularly spoken on this topic to solicitors and also to professional bodies and groups such as the Chancery Bar Association.

Commercial Litigation

Commercial Chancery

Michael specialises in high-value litigation where there are complicated factual and legal issues. The amounts at stake are frequently millions or tens of millions if not more.

In the last few years, having travelled to Washington DC, Michael was selected as the leader on a \$3 billion international arbitration claim in respect of a joint venture agreement in the East with an English choice of law clause. He also obtained a High Court judgment for \$4 billion in connection with provision of a bond under a joint venture agreement in relation to substantial proposed developments in the Middle East and the United States. He is involved in many trials, mediations and appeals regarding contractual construction whether express terms

(*Easyair v Opal Telecom Limited* [2009] EWHC 339) or implied (*Beazer Homes Ltd v County Council of Durham* [2010] EWCA Civ). Michael has led the successful defence of a claim to a one third share in the profits of one of the flagship skyscraper developments in Dubai.

Michael also does professional negligence work where it relates to Chancery and Commercial topics.

Company & Partnership

Michael is often instructed in relation to contentious company matters, whether the complaint is by petition, or dispute regarding warranties (*Belfairs Management Limited v Sutherland* [2013] EWCA Civ 185) or disqualification of directors (*Official Receiver v Watson* [2008] EWHC 64). Many cases involve alleged breach of fiduciary duties. His insolvency practice includes both cases regarding specific statutory duties or obligations (*Miller v Bayliss* [2009] BPIR 1438) and the run of applications regarding misfeasance, wrongful/fraudulent trading or preferences. He recently pursued a case on behalf of a liquidator regarding an alleged wrongful dividend payment prior to the onset of insolvency (resulting in a substantial payment by settlement). In both company and insolvency matters, his fraud trial experience is of considerable benefit.

Insolvency

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Offshore

Michael has appeared a number of times in the Caribbean and the Isle of Man, and has also been involved in litigation in the Channel Islands (not as advocate but assisting the local advocates). He has undertaken Privy Council work both in relation to trusts (*Oakley v Osiris Trustees Ltd* (Isle Of Man) [2008] UKPC 2) and property (*Mount Murray Country Club Ltd and another v Department of Transport of the Isle of Man* (PC) [2004] UKPC 57). Michael's robust approach to advocacy is well-suited to offshore work.

Trusts, Wills & Estates

Michael's trust and property work is solely contentious, whether or not involving cross-examination of witnesses. In relation to trustee indemnities he recently successfully appeared in *Oakhurst Property Developments (Lowndes Square No. 2) Limited v Blackstar (Isle of Man) Limited* [2012] EWHC 1131. He has dealt with issues regarding change of the proper law of trusts, *Oakley v Osiris Trustees Ltd (Isle Of Man)* [2008] UKPC 2. He was recently involved in the latter stages of the litigation between the Earl of Cardigan and the trustees of the family trust. His extensive experience in examining witnesses is useful in any case involving disputes of fact.

Property

Michael has a long background and extensive experience in traditional property work (from issues of title or construction of instruments to boundary disputes, easements or landlord and tenant). When he was a junior a significant part of his practice consisted of acting for SIF on behalf of solicitors accused of negligence in conveyancing transactions. As a silk he succeeded for the Ministry of Defence in the test case regarding efficacy of its overage provisions on land disposals (*Ministry of Defence v Country and Metropolitan Homes (Rissington) Ltd* Times Law Reports 7th November 2002). He also appeared in the property related case of *Mount Murray Country Club Ltd and another v Department of Transport of the Isle of Man* (PC) [2004] UKPC 57).

Additional Information

Qualifications / Education

Manchester Grammar School (1969-1977)
Open Scholarship to Trinity College Cambridge
M.A, Trinity College Cambridge (1977-1980)
President of the Cambridge Union Society, Michaelmas 1979

Memberships

Chancery Bar Association
COMBAR
Commercial Fraud Lawyers Association
Northern and North Eastern Circuits

New Square Chambers

12 New Square
Lincoln's Inn
London
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