

## MARK CUNNINGHAM KC

CALL: 1980 KC: 2001



### OVERVIEW

Mark is a litigator equally at home dealing with interlocutory matters, conducting trials and arguing in appellate courts, whether in the UK or abroad. He is comfortable and familiar with handling substantial cases, particularly where the facts and documents are complex and heavy. He is an experienced and well regarded cross-examiner and notably effective where the honesty or integrity of the witness is in issue.

Mark regards himself as a specialist advocate and in particular a trial lawyer. He has appeared in over 80 reported cases, covering a wide range of legal topics. He is happy to appear in any tribunal, anywhere in the world: in recent years he has represented clients in the House of Lords, the Court of Appeal, all divisions of the High Court, the Crown Court, the Upper Tribunal, the First Tier Tribunal, the Solicitors' Disciplinary Tribunal, the Copyright Tribunal, and having been called to the East Caribbean Bar in 2005, at first instance and in the Court of Appeal in Grand Cayman, and at first instance in the BVI.

Prior to taking Silk he had been on the Panel of Junior Counsel to the Crown (Chancery) and then on the Attorney-General's A Panel. He has been a DTI Inspector, conducting insider-dealing inquiries and was involved in the BSE Inquiry. He is an accredited mediator.

Since taking Silk Mark has diversified his practice so as to embrace a wide range of private, regulatory and government work. Though he welcomes unusual and "one-off" cases, his practice generally falls within the following areas of law:

- Commercial Chancery
- Company/Corporate Insolvency
- Tax
- Professional Conduct

# EXPERTISE

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## COMPANY & PARTNERSHIP

Mark has substantial experience of company disputes. He has acted in many of the major director's disqualification cases (those involving Atlantic Computers, Blue Arrow, Astra, Norton, Allied Carpets and Terry Venables for example) and for both the Crown and individual directors. He is also experienced in public-interest winding-up petitions.

Mark's notable cases include:

- **SED Essex Ltd:** [2013] EWHC 1583 (Ch) Randall QC Appointment of Provisional Liquidators following VAT assessments.
- **UKLI Ltd:** [2013] EWHC 680 (Ch) Hildyard J: Director's Disqualification : Land banking.
- **S of S v Potiwal:** [2012] EWHC 3723 (Ch) Briggs J. Director's Disqualification: MTIC fraud.
- **Instant Access Properties:** [2011] EWHC (Ch) Floyd J. Director's Disqualification: acting for one of the defendant directors.

## DIRECTORY QUOTES

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*"Displays real expertise when dealing with sensitive issues. He is excellent and a real pleasure to deal with as he exudes calmness and confidence. Mark is a real asset to have on a case, especially one that has really complex issues."*

### **Chambers UK Dispute Resolution: Commercial Chancery (2023)**

*"Displays real expertise when dealing with sensitive issues. He is excellent and a real pleasure to deal with as he exudes calmness and confidence. Mark is a real asset to have on a case, especially one that has really complex issues."*

### **Chambers UK Chancery: Commercial (2022)**

*"Mark is a real pleasure to work with and is very thorough and hard-working. He's also able to devour mountains of evidence and get straight to the heart of the issues, and he's confident in the advice he gives. He is a true team player and is very approachable, a careful listener and actively encourages discussion and debate. He always has an eye on the end goal. He's also extremely client-friendly is very able to adapt his style to suit his audience."*

### **Chambers UK Chancery: Commercial (2021)**

*"He's an excellent chancery silk, providing pragmatic advice."*

**Chambers UK Chancery: Commercial (2020)**

*"Does a really, really fine job. He has quite a forensic approach to his cross-examination and is good on his feet. He also has very good client skills, and puts people at ease." "His advocacy style is attractive and he has the ear of the judge."*

**Chambers UK Chancery: Commercial (2019)**

*"A very experienced advocate who can take flak from the judge and hold his ground." "He has an air of quiet authority and doesn't waste words, so that means you listen."*

**Chambers UK Chancery: Commercial (2018)**

*"He is a very effective advocate and an aggressive cross-examiner. He's very practical."*

**Chambers UK Chancery: Commercial (2017)**

*"He is effective in court and a good cross-examiner."*

**Chambers UK Chancery: Commercial (2016)**

*"He is very responsive and very eager."*

**Chambers UK Chancery: Commercial (2016)**

## QUALIFICATIONS

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- BA (Oxon)