



Mark Wraith

Year of Call: 2017

mwraith@serlecourt.co.uk

clerks@serlecourt.co.uk



Practice Overview

Mark joined Chambers in October 2018 following the successful completion of his pupillage. His pupil supervisors were Dan McCourt Fritz, Constance McDonnell, Matthew Morrison, and Gareth Tilley. During pupillage he gained experience working on a wide range of cases across the full spectrum of Chambers' practice.

Mark read Mathematics at Trinity College, Cambridge and worked in the online gambling industry before coming to the Bar. Mark also holds an LLM from University College London, where he came first in his year and in each of his six subjects. While at UCL, he was a research assistant for Professor Ben McFarlane on a number of books and journal articles.

Areas of Expertise

Company

Assisted Dan McCourt Fritz in a mediation in the context of a s. 994 unfair prejudice petition arising out of alleged misappropriations of company assets by its directors.

Assisted Matthew Morrison in a ten-day trial of a s. 994 unfair prejudice petition concerning allegations of excessive directors' remuneration and a failure to pay dividends.

Assisted Gareth Tilley in drafting points of reply and a cross-petition in s. 994 proceedings involving allegations of

misappropriation of company assets.

Private Client Trusts and Probate

During his time as a pupil with Constance McDonnell, Mark gained experience in a variety of trusts and probate matters including advising on the construction of a nil-rate band clause, drafting a defence to a claim alleging that a constructive trust had arisen pursuant to the doctrine of mutual wills, advising on the proper procedure for obtaining probate where the deceased died domiciled abroad leaving an English will, applying to remove the executors of a will pursuant to s. 50 of the Administration of Justice Act 1985.

Assisted James Weale in the trial of a claim for reasonable financial provision under the Inheritance Act 1975 (*Ubbi v Ubbi*).

International and Offshore

Assisted Constance McDonnell in preparing for a *Public Trustee v Cooper* application by the trustees of a Guernsey settlement.

Assisted Matthew Morrison (led by Lance Ashworth QC) in advising a Cayman law firm on whether any of the contractual arrangements it had entered into with its clients were champertous.

Partnership and LLP

Assisted Dan McCourt Fritz in a mediation in a long-running partnership dispute.

Assisted Dan McCourt Fritz in advising on a potential restitutionary claim against HMRC and/or a former partner in respect of partnership tax paid by mistake.

Chancery

Assisted Constance McDonnell in proceedings to set aside inter vivos gifts on the basis that they had been procured by undue influence and/or that the donor had lacked capacity to make them.

Commercial Litigation

Assisted Dan McCourt Fritz (led by Philip Marshall QC) in drafting of grounds of appeal in a claim for a restitutionary quantum meruit (*Wright v Rowland*).

Assisted Dan McCourt Fritz in providing advice in relation to a potential claim for specific enforcement of a share purchase agreement and/or restitution of monies advanced to the target company in the anticipation that the purchase would complete.

Assisted Gareth Tilley in advising on whether a lender was estopped by his conduct from enforcing the strict terms of a loan agreement.

Civil Fraud

Assisted Matthew Morrison in defending proceedings brought by a bank alleging that the assets of a Jersey trust

were the traceable proceeds of a fraud perpetrated on it by one of the beneficiaries of the trust.

Intellectual Property

Assisted Dominic Dowley QC in providing an expert opinion on the English law of conversion for the benefit of the Guernsey court.

Assisted Dan McCourt Fritz in an application to have a trade mark declared invalid pursuant to s. 3(6) of the Trade Marks Act 1994 on the ground that it had been registered in bad faith.

Professional Negligence

Assisted Dan McCourt Fritz in advising a firm of solicitors on the enforceability of exclusion and limitation clauses in their standard terms of business, having regard to the provisions of the SRA Code of Conduct, the Unfair Contract Terms Act 1977, and the Consumer Rights Act 2015.

Financial Services

Assisted Dan McCourt Fritz in bringing proceedings for specific enforcement of a bank's obligation under a standby letter of credit.

Regulatory and Disciplinary

Assisted Daniel Lightman QC, acting pro-bono, in challenging a decision of the Information Commissioner that a university was entitled to rely on s. 40(2) of the Freedom of Information Act to refuse to provide a complete response to a request made under that Act.

Administrative and Public Law

Assisted Matthew Morrison (led by Philip Marshall QC) in a judicial review of a Crown Court's decision not to make an order under s. 59 of the Criminal Justice and Police Act 2001.

Court of Protection

Assisted Constance McDonnell in preparing an application in the Court of Protection authorising a Patient's attorneys to execute a deed of variation on the Patient's behalf.

Prizes

Outstanding Achievement Award for the highest mark on the LLB, BPP University

Master of the Rolls Scholarship for Commonwealth Students, UCL

Pump Court Tax Chambers Prize for International and Commercial Trusts Law, UCL

4 Stone Buildings Prize for Civil Litigation and Evidence, University of Law

University of Law Prize for Drafting

Education & Qualifications

Trinity College, University of Cambridge: Mathematics (MA)

BPP University: Law (LLB) (First Class, highest mark in the year)

University College London: Law (LLM) (Distinction, highest mark in the year)

University of Law: BPTC (Outstanding)
