

## Mathew Newman

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VCard



## Areas of expertise

Aviation and Marine >

Banking Disputes >

Corporate and Financial Services Disputes >

Dispute Resolution >

Fraud and Asset Tracing >

Funds Disputes >

Insurance Disputes >

International Arbitration >

Legal >

Restructuring and Insolvency >

Trusts Advisory Group >

Banking Disputes

Channel Islands Local Legal Services

Enforcement of Judgments and Awards

International Arbitration

Local Legal Services

Regulatory

Shareholder and Valuation Disputes

Trusts Advisory Group

Trusts Disputes and Applications

## Background and experience

Mathew qualified as an advocate of the Royal Court of Guernsey in February 2011, where he appears regularly on complex commercial and trusts disputes and insolvency/restructuring matters. In particular, Mathew frequently acts for trustees and beneficiaries in both hostile and administrative trusts proceedings, as well as for insolvency office holders and economic stakeholders in contentious cases involving distressed or insolvent structures, especially in cases of fraud and asset tracing. He also has substantial experience of civil cases involving breach of directors' duties, shareholder disputes and professional negligence, together with contentious regulatory cases in the context of proceeds of crime, sanctions and anti-money laundering legislation. Mathew is ranked by Chambers & Partners (tier 2) and by Legal 500 (leading

individual).

Mathew joined the firm in 2008 from global firm DLA Piper where he was a member of the Restructuring Group. Mathew is a qualified commercial mediator and is a member of the executive committee of ARIES, the local chapter of INSOL International. He is a member of the Guernsey insolvency law reform committee, the Insolvency Lawyers' Association, the Association of Business Recovery Professionals (R3) and is an overseas member of the Chancery Bar Association. Mathew is also a member of the editorial board of International Corporate Rescue magazine and a committee member of INSOL International's Webinar Series.

Mathew is also part of Ogier's Aviation and Marine sector group and has worked on litigation cases surrounding aircraft leasing in an insolvency situation as well as a case involving securing shipping vessels around the world on behalf of the liquidators of an oil and gas company.

**Mathew's recent cases include:**

### **Restructuring and Insolvency**

- Advising for former joint administrators of BSG Resources Limited, a Guernsey incorporated high value mining company
- Advising the administration managers of a Guernsey investment scheme, Providence Investment Funds PCC Limited, and its investment manager, Providence Investment Management International Limited, in relation to their respective claims against their auditors, PricewaterhouseCoopers, for professional negligence in respect of their alleged failure to spot the fact that both companies were being used to operate a Ponzi scheme. The case is ongoing in the Royal Court of Guernsey with a trial expected in the first quarter of 2022. PwC made an application to strike out the claim in December 2020 based on legal causation/reliance and loss, which was dismissed by the Court in May 2021 – see here [insert link to the case briefing note]. The administration managers are being funded by Manolete Partners, and the Court's decision to approve the decision to enter into the funding agreement is the first time that the Royal Court has considered questions of champerty and maintenance in the context of litigation funding – [see here](#)
- Advising a Cayman based re-insurance portfolio manager in relation to a contested administration/cell receivership application relating to Guernsey incorporated re-insurance cells brought by a Lloyd's Syndicate. The case remains ongoing and has spawned satellite proceedings in New York.
- Advising UK trustee in bankruptcy who was seeking information from a Guernsey trust service provider. As there is no power under Guernsey law to compel third parties to produce documents or information to insolvency office holders, the Court refused to make an order to assist the trustee in bankruptcy under the common law (but did so under section 426 of the Insolvency Act 1986 subsequently), basing its decision on the lack of comparability

between Guernsey and English insolvency processes in relation to office holders' investigatory powers – see [here](#)

- Advising the bidders for assets of CanArgo Limited, a company in liquidation with interests in the Georgian energy market, which resulted in a contested application to bless the decision of the liquidators to enter into a transaction with our client and bring the law relating to the approval of decisions of insolvency office holders closer to the equivalent law relating to the blessing of trustees' momentous decisions by the Court – [see here](#)

## Trusts and Estates

- Advising the trustees of two family trusts, over many years, which were, in effect, a family inheritance, holding both investments and real property.
- Advising the trustee in the recent Court of Appeal case *In the Matter of the K Trust* – this was an application for the construction of the trust instrument in circumstances where the word "share" had been used in the substantive provisions of the trust instrument to refer to a discretionary interest.
- Providing advice to settlors and beneficiaries in relation to the many issues with their Guernsey trustees thrown up by the recent UK requirement to correct legislation including prospective civil claims and Hastings Bass applications
- Advising one half of a Middle Eastern family in relation to the removal of the trustee and protector of the high value family trust – the removal proceedings lasted for over three years due to the complexities involved and involved satellite proceedings in the British Virgin Islands.
- Advising the trustee of a pension scheme, who member was seeking a divorce in the Family Division of the UK High Court. The case involved an examination by the Royal Court of the principles involved when a trustee seeks guidance on whether to submit to a foreign jurisdiction – [see here](#)

## Commercial Litigation

- Advising the shareholder of a Guernsey company holding substantial property in Eastern Europe, in relation to an unfair prejudice/just and equitable winding up application brought by the other shareholder group. The case went to trial and then on to appeal and remains the leading authority on these types of claims in Guernsey.
- Currently advising a number of groups of shareholders in relation to shareholder disputes, involving unfair prejudice applications and derivative actions.
- Acted for another Guernsey law firm in relation to an appeal against a wasted costs order made against it.

- Acted for the Securities and Exchange Commission in relation to interpleader proceedings commenced in the Royal Court in respect of monies held in Guernsey which were subject to a fraud against US investors.
- Acting for a Guernsey fund and its manager in relation to a Hague Convention request for documents made by a US litigant in the Guernsey courts, and acting for the same fund in relation to disclosure of documents in related US proceedings.

## Regulatory

- Acted for a major corporation in relation to monies held by a private bank under proceeds of crime legislation. Proceedings were issued against the Bank to recover the monies held, and the funds were eventually released in full when the allegations made against our client were proved to be completely unfounded.
- Acting for a number of local banks in relation to various proceeds of crime and regulatory issues.
- Acted for a Chinese beneficiary of a Guernsey trust whose assets had been frozen due to the operation to local proceeds of crime legislation.
- Acted for an international bank facing a claim by a customer in relation to monies held by the bank under local proceeds of crime legislation. This was the first such case to come before the Royal Court since the leading case of Garnet in 2009 – see [case briefing here](#)

## Admitted in:

2011 - Guernsey

2002 - England & Wales

## Examples of work

[View more examples of work >](#)

18 August 2022 | 1 min read

### Ogier acts for joint liquidators of Eagle Holdings Limited

Sandie Lyne

Team: Mathew Newman, Michael Rogers, Fay Warrilow

📍 Guernsey

Case

10 August 2022 | 1 min read

### Ogier acts for Equiom in complex cross-border trust case

Mathew Newman

Team: Bryan De Verneuil-Smith, Michael Rogers

 Guernsey


Case

21 July 2022 | 0 min read

## Ogier obtains administration order against company holding student accommodation

Mathew Newman

Team: Alex Horsbrugh-Porter, Nick Taitz

 Guernsey

Case

7 June 2022 | 1 min read

## Ogier represents shareholders of family company in unfair prejudice application

Mathew Newman

Team: Alex Horsbrugh-Porter, Margeaux Newman

 Guernsey

Case

4 August 2021 | 1 min read

## Ogier acts for joint liquidators of Maplecross Properties Limited in complicated liquidation

Sandie Lyne

Team: Mathew Newman, Michael Rogers, Fay Warrilow

 Guernsey

Case

30 December 2020 | 1 min read

## Ogier acts for successful respondent in liquidator blessing application

Mathew Newman

📍 Guernsey

Case

22 September 2020 | 1 min read

## Ogier Guernsey advises on the acquisition of the HWSI Realisation Fund

Bryon Rees

Team: Mathew Newman, Alex Horsbrugh-Porter, James Walsh

📍 Guernsey

Deal

20 December 2019 | 1 min read

## Ogier's Guernsey teams demonstrate strength in complex, cross-border transactions through 2019

Martyn Baudains

Team: Simon Davies, Gavin Ferguson, Christopher Jones, Mathew Newman, Bryon Rees

📍 Guernsey

Deal

12 August 2019 | 1 min read

## Ogier advises on \$889 million acquisition of AIM traded payment services company by way of scheme of arrangement

Mathew Newman

Team: Bryon Rees, Alex Horsbrugh-Porter, Michael Rogers

📍 Guernsey

Deal

31 July 2018 | 2 min read

## Ogier advises Generali on €409 million Generali Worldwide Insurance Company Limited sale

Bryon Rees

Team: Raulin Amy, Martyn Baudains, Angus Davison, James Heinicke, Michael Killourhy, Mathew Newman, and 6 more

📍 British Virgin Islands, Jersey, Guernsey, Cayman Islands

Deal

## News and insights

Find out more >

2 July 2024 | 4 min read

### Disclosure, decisions and non-binding guidance in Guernsey and Jersey trust law – a fireside chat with Ogier

Fay Warrilow

Team: Sandie Lyne, Mathew Newman

📍 Guernsey, Jersey

Insight

2 May 2024 | 6 min read

### A brief summary of the Royal Court of Guernsey's rules on Civil Procedure

Simon Davies

Team: Mathew Newman

Insight

10 April 2024 | 6 min read

### Evidence in Civil Proceedings (Guernsey and Alderney) Law, 2009

Simon Davies

Team: Mathew Newman

📍 Guernsey

Insight

26 February 2024 | 8 min read

### Restructuring and Insolvency Jurisdiction Guide: Guernsey

Mathew Newman

Team: Paul Chanter, Alex Horsbrugh-Porter, Christopher Jones, Sandie Lyne



📍 Guernsey

Insight

20 October 2023 | 2 min read

## Ogier's "go-to" team in Guernsey sees increased rankings in Chambers UK 2024

News

5 October 2023 | 2 min read

## Ogier in Guernsey recognised as market leaders in Legal 500 UK 2024 guide

News

25 May 2023

## Domaille, Clarke and Hannis v Guernsey Financial Services Commission: exercise of regulatory powers must strike a "fair balance"

Mathew Newman

Team: Nick Taitz, Victoria Randall

📍 Guernsey

Insight

20 December 2022 | 1 min read

## Ogier's restructuring and insolvency expertise recognised in GRR 100

News

9 December 2022

## Ogier welcomes Guernsey's new insolvency law

Mathew Newman

Team: Alex Horsbrugh-Porter

📍 Guernsey

News

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## Recognition

"Mathew is technically very good and very knowledgeable on Guernsey law and procedure"

Chambers UK, 2024

"He's a top-quality operator"

Chambers UK, 2024

"He's very hard-working, very measured and very reasoned in his advice."

Chambers UK, 2024

"Mathew leads the team very well; he's a strong litigator with a sharp commercial mind"

Chambers UK, 2024

"A very well respected and seasoned advocate who leads the Guernsey team. He has an excellent record in the Guernsey courts and has a stellar knowledge of the law."

Legal 500 UK, 2024

"Excellent leader of the team, very commercially astute and guides clients through the various stages of litigation in a reassuring and calm manner."

Legal 500 UK, 2024

"A savvy commercial litigator with good strategic awareness."

Legal 500 UK, 2024

"Mathew communicates clearly, is robust when necessary and lacks visible ego, all while being an excellent lawyer and building a strong team"

Chambers UK, 2023

"Clients have full trust in his exceptional judgement"

Chambers UK, 2023

"He is an experienced professional with a good understanding of the foreign player perspective and challenges when navigating the Guernsey environment"

Chambers UK, 2023

"Mathew Newman has a calming and logical influence, and very strong technical knowledge"

Chambers UK, 2023

"Mathew has an enormous knowledge of Guernsey insolvency procedures and is an extremely strong litigator"

Chambers UK, 2023

"Remarkable advocate and not afraid of a fight"

Legal 500 UK, 2023

"Leading Individual"

Legal 500 UK, 2023

"One of the few standout insolvency litigation lawyers in Guernsey. He is practical and gives sound advice"

Chambers UK, 2022

"Team of the Year - Litigation"

Citywealth IFC Awards 2022

"He is excellent; he has a very good style both in court and out of court"

Chambers UK, 2022

"Notable for his easygoing manner, extensive availability and sound judgement"

Legal 500 UK, 2022