

Time out with Mathew Newman, Head of Dispute Resolution in Guernsey

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The work environment has changed dramatically in recent months. For many, it has meant having to quickly transition to new ways of doing business, new ways of maintaining team morale from home and the arrival of a corona virus caveat on many current and future plans.

At Ogier, the foundations were already in place to make that transition a smooth one, as Mathew Newman, Head of the firm's Dispute Resolution team in Guernsey, explained to Connect.

"We have always had flexible working and the technology to enable people to work from home, so we have been able to do it seamlessly, without any interruption."

Mathew's team, which is comprised of 12 lawyers plus paralegals and secretarial staff, keep in contact every day via Skype for Business and Zoom, in addition to a more social call at the end of the week with a drink of choice.

"At the moment, it's really important that we find ways to support each other and appreciate the personal circumstances of colleagues and friends. Some may have been physically isolated for weeks, or looking after children alone or worried about relatives. We're lucky enough to have the means to stay in touch with each other and talk regularly. More widely, Ogier staff also have access to a 24/7 counselling helpline and we're all sharing tips, laughs, and even cooking triumphs (and failures) on our intranet platform to keep us connected."

As someone who regularly watches sport, whether it's his favourite football team Manchester United, or more locally Guernsey Raiders and Guernsey FC, Mathew knows all too well the importance of teamwork, which he says has shone through these past few months.

"I think it has brought us closer together as a team and people and are looking after each

other, not just in my team but across the whole Ogier group.”

In Mathew’s opinion, history will look back on this pandemic as a turning point in the way people work.

“I think people will work from home a lot more; people are working flexibly and it hasn’t disrupted our work at all, so I think that will continue after we are back to normality.

“I also think it has made people more mindful of our environmental impact with fewer planes and cars and how that has created a much nicer atmosphere, both literally and metaphorically.”

It has not simply been a case of ‘business as usual’ in Mathew’s team. Ogier has been able to proceed as planned with the creation of its ‘Restructuring and Corporate Recovery’ cross-jurisdictional service line.

“We set that group up at the beginning of April as we already had the restructuring and insolvency capability, but we have never had a specific and dedicated service line. We created it to show off our cross-jurisdictional strength and bring it all together in one place from an external perspective.”

He is expecting that service line to be of great relevance in the current environment and in the economic fallout from Covid-19.

“There is going to be a flurry of activity and I think we are going to see people looking to refinance and restructure their businesses. For a lot of organisations, if they do not restructure then we will see a lot more formal insolvency work and consequential disputes coming out in around ten to 12 months’ time.”

The creation of that service is also testament to the breadth and depth of expertise within a relatively small team.

“We need to have a very high calibre team, as we need to be able to advise clients in the way our clients expect, not just on procedural issues but on substantial law,” said Mathew.

“Because we are in Guernsey we cannot specialise in one specific area of law. As a dispute resolution team, we do insolvency, restructuring, contentious trusts work, insurance disputes, professional negligence cases and construction disputes. Frankly a piece of litigation is a piece of litigation. If you understand the subject matter, then you can use your litigation instincts, experience and expertise to fully advise the client.”

The team has honed its skills by working on some of the most complex, lengthy and high-profile Guernsey cases in recent years, including the legal fallout from the collapse of the Providence Group and the \$1.5 billion Carlyle Capital case.

“Because we have exclusive rights of audience before the Guernsey Courts, we have to know the case backwards,” said Mathew. “For a team of 12, we work very hard in order to do that, that's every single team member, not just the court-going advocates.”

The way the firm has handled such cases has undoubtedly put the law firm on the map, while demonstrating the ability of a small jurisdiction such as Guernsey to manage cases with far-reaching, sometimes global, implications.

Another piece of work that Mathew thinks will showcase the island to the wider world is the modernisation of the island's insolvency legislation, which is set to make Guernsey a more desirable forum for those proceedings.

“The new laws are going to enhance Guernsey's reputation as an insolvency jurisdiction by bringing us into line with the UK and other major offshore jurisdictions.

“They will give liquidators far greater powers to investigate the affairs of a company and bring actions to claw back monies into the insolvent estate. The administration process will be streamlined and the Guernsey court will have a welcome ability to wind up foreign registered companies.”

This year may not have had the easiest of starts but Mathew is looking forward to a positive future for Ogier, his own family and the Guernsey community.

“My mother lives on her own in Manchester and I am looking forward to her being able to come over again and see her grand kids,” he said, looking out over the sea at Pembroke, just a short walk from his family home.

“Personally I am also looking forward to a really nice holiday somewhere so that everyone can forget about the first few months of 2020!”

“The infrastructure that we have in place, together with employees' willingness to be flexible during a really difficult time means that Ogier remains in a really strong position and has been able to develop its services in line with the needs of clients and the wider market. It hasn't been easy for anyone but I think the resilience of the Guernsey community has shone through over the past few months and it is something that we can all build on.”

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