

N Christopher Makin FCA FCMi FAE QDR MCI Arb

Curriculum Vitae

Mirfield

West Yorkshire

www.chrismakin.co.uk

chris@chrismakin.co.uk

Tel 01924 495888

Fax 01924 494421

Mob 07887 660072

DX 29648 Mirfield

3 Gray's Inn Square

Gray's Inn

London

WC1R 5AH

DX 283 London Chancery Lane

Tel 020 7430 0333

Fax 020 7430 0666

Qualifications and Accreditations

Fellow of the Institute of Chartered Accountants in England and Wales. Admitted 1968, fellow 1979

Fellow of the Academy of Experts, Practising. Admitted 1990, fellow 1994

Qualified commercial mediator (Member of Faculty, Academy of Experts) 1998

Fellow of the Chartered Institute of Management 1984

Member of the Chartered Institute of Arbitrators 2006

*One of the first 23 to become Accredited Expert Witness & Forensic Accountant, ICAEW, Dec 2009

*One of the first 5 to become Accredited Expert Determiner, The Academy of Experts, Dec 2009

Past and Present Positions

Partner or Principal in the international firm of Mazars Neville Russell or predecessor firms continuously from April 1971 to October 1998

Partner in the national firm of Bentley Jennison 1998 to 2003, latterly National Head of Litigation

Consultant to Bentley Jennison, litigation support & mediation, October 2003 to March 2006

Freelance forensic accountant, expert witness, mediator and expert determiner as Chris Makin Mediator Ltd, April 2006 to date

General Practice Experience

Accountancy, audit, taxation and general business advice, wide variety of clients from 1971 to 1989

Support member, or confidential counsellor, for chartered accountants with ethical problems

“Lifetime Achiever” finalist, West Yorkshire Society of Chartered Accountants

Mediation Experience

Acted as mediator in 100 cases: partnership, director, share valuation, company sale & purchase, Section 994, construction, rights of way & boundaries, defamation, intellectual property, professional negligence, business interruption, housing disrepair, employment & many kinds of contract disputes

Frequent lecturer on mediation matters; trained in time limited and advanced mediation techniques

Participated in mock mediations to demonstrate power of mediation to judges, barristers & solicitors

Litigation Support Experience

Involvement in both civil and criminal matters since 1989, covering the following areas:

- Loss of profit and consequential loss
- Business & share valuations
- Matrimonial valuations
- Partnership disputes
- Professional negligence
- Criminal & commercial fraud investigations
- Personal injury & fatal accident
- Drug trafficking etc asset tracing & confiscation

Attendance at court & meetings of experts. Many appointments as SJE. Given expert evidence about 100 times

Expert determinations appointed by the Court, by the parties, & by President of the Institute of Chartered Accountants in England & Wales. About 30 ED cases undertaken to date

Publications, Lectures, Committee work

Past contributor to Kemp & Kemp “The Quantum of Damages”, and author of a chapter in that work on quantification of loss of profits for the self-employed and family businesses

Frequent lecturer to professionals and writer for professional journals

Past member, Forensic Special Interest Group committee, ICAEW. Past member, Support Member Steering Group, ICAEW. Member, Ethics Advisory Committee, ICAEW. Member, Investigations Committee, The Academy of Experts

Assessor for higher level qualifications, The Academy of Experts

Experience especially relevant to various assignments

Please see the following extract from my website for examples of my work.

<http://www.chrismakin.co.uk/forensic-accountancy.html> :-

BUSINESS INTERRUPTION

Great experience in valuing businesses and business interruption claims over 25 years

Deep understanding of business, based on my acting for hundreds of clients as a general practitioner, on building four accountancy practices from scratch or almost, and on writing the chapter in Kemp & Kemp which is of much wider application than personal injury claims

Acted for claimants and defendants/ insurance companies, in broadly equal measure

Given expert evidence frequently at RCJ, Commercial Courts, arbitrations, and public enquiries. “Hot-tubbing” experience

COMMERCIAL DISPUTES AND MEDIATION

Thorough understanding of business, having built four accountancy practices from scratch and acted for hundreds of businesses, from sole traders to PLCs

Experience in valuing a wide range of different businesses

As an experienced commercial mediator, can always appreciate both sides of a dispute

Trained in SJE report writing

Written at least 200 forensic and valuation reports in the last 5 years

Given evidence about 100 times before judges at RCJ and other courts, at public enquiries, and in chambers

SPA and IT EDs

I have had experience of IT management, being the partner in charge of IT when I had to set the strategy for the firm, then recruit and manage an internal and external IT department

I have performed many expert determinations on President’s appointment and direct appointment concerning SPA and professional partnership disputes

POCA

A good understanding of POCA regulations

Written about 25 such reports in recent years

Trained in interview techniques in criminal cases

Given expert evidence in about 5 cases; recently at Croydon Crown Court, where a POCA application for £1.5million was reduced to £30k

PERSONAL INJURY, CLINICAL NEGLIGENCE AND LOSS OF DEPENDENCY

See above: *Past contributor to Kemp & Kemp "The Quantum of Damages", and author of a chapter in that work on quantification of loss of profits for the self-employed and family businesses*

Written reports and given expert evidence for both claimants and defendant insurers in many cases of personal injury, fatal accident and clinical negligence cases over the last 26 years

MATRIMONIAL

I have acted for many individuals in family proceedings, and given evidence before many forums, from District Judges in chambers up to High Court family judges at the RCJ and the Principal Registry

I have investigated several opposing parties, helped by the late-lamented *Hildebrand* which regretfully was overturned by *Imerman*, and helped achieve good settlements

I have written many reports as SJE, especially concerning the valuation of family companies

My articles published in the legal press are available on request

Business & share valuations

Often the family company is the largest single asset to be taken out of the marriage by a spouse, and its value can be a large component of the matrimonial balance sheet. And it is seldom for sale, because the spouse who built it will wish, or need, to continue to operate it. Chris has vast experience of valuing family companies as party expert and, increasingly, as SJE, and can advise on tax-efficient ways of withdrawing them from the marriage.

Chris acted as shadow expert for the wife in a case where the spouses owned a specialist IT company half each. The company was making huge trading losses, but its intellectual property was of great interest to an American company. So the husband was in complex negotiations with the US buyers, whilst Chris was advising the wife's family lawyers on company sale & purchase and tax planning issues etc, in a way which would not spoil the negotiations. An order by consent was achieved, and the sale went through. A couple of years later the husband reneged on the deal, and the wife had to sue for the final instalments of the amount due to her. At the hearing, she won. The case is reported as *Wood & Rost* [2007] EWHC 1511 Fam, and the first paragraph of the judgment reads:

"If Charles Dickens were alive today, the twists and turns of this litigation, conducted at vast expense, would provide him with ample copy for a 21st century sequel to Bleak House".

Chris is also experienced at locating hidden assets and diverted businesses. In one case, a husband had an IT company which, as well as selling hardware, provided a range of maintenance, support and training services. Chris captured a print from his website when all such services were listed. He then inspected the husband's sales records, and found that regular income from many customers petered out. The husband contended that these services were no longer worth pursuing. Then a few months later, Chris captured a print from the website of the new girlfriend, who also had an IT company, and found that all the missing services were now listed on her web site. Quelle surprise! The husband very quickly reached a generous settlement with his ex-wife.

Husband and wife were equal shareholders in two companies. One company ran a big waste transfer company, and the other owned a huge quarry from which road gravel was extracted. The wife's lawyer proposed that a fair division of assets should start with the husband taking the waste business and the wife taking the quarry. Chris saw this as a daft proposal, for where would the husband put his landfill, and how would the wife refill the quarry? Chris saw that there was a "marriage" between the two companies, and that they should not be "divorced". He valued the combined businesses, the husband took them out of the marriage, and a settlement was reached with the wife whereby she took the matrimonial home and other assets to balance. A clean break which suited both parties was achieved.

The wife had a rich daddy who paid for a forensic accountant to value the husband's businesses. That expert's opinion was a total value of £1million. Application was made to the court for this expert's report to be admitted, and permission was given provided that the husband could also instruct an expert. So Chris, acting for the husband, then valued the businesses, which had huge losses and pressing creditors, at £nil. Shortly afterwards, and whilst the matrimonial proceedings were part heard, the husband was forced to declare himself bankrupt, and all his businesses collapsed. This was the best possible demonstration that the £1million valuation was hopelessly optimistic.