

# PROFESSIONAL NEGLIGENCE & INDEMNITY TEAM



Guildhall  
CHAMBERS

5-8  
—  
BROAD  
STREET  
HOUSE

Guildhall  
CHAMBERS



# SPECIALIST EXPERTISE AT REGIONAL RATES

Guildhall Chambers has been described as the “strongest commercial set in Bristol, set apart in particular by financial services expertise” and “... the foremost set for high-quality commercial disputes on the Western circuit” (Legal 500 2010). “There is no comparable set in our region for commercial work; they are as good as the top London sets and an absolute pleasure to work with” (Chambers UK 2010).

Professional liability work forms a strong part of the practices of our commercial team. We regularly appear in the High Court in London and on circuit acting for clients based throughout the UK. We pride ourselves on being flexible and competitive and enjoy receiving instructions from solicitors both within and outside the region. We welcome the opportunity to provide top quality services equal to those to be expected from the top London sets but at competitive regional rates.

Our Professional Negligence & Indemnity Team has experience of professional liability cases ranging from multi-million High Court claims involving multiple parties and/or group actions, through to routine, but no less important, County Court work. We provide specialist advice, drafting and representation for both Claimants and Defendants/insurers in relation to the full range of professional advisors, including:

## Accountants, including insolvency practitioners and auditors

We have experience of representing Defendants and Claimants in claims against accountants and have real and practical understanding of accountancy and auditing issues in the commercial context. With some members also part of our specialist insolvency team, we can offer a wealth of experience in claims against insolvency practitioners.

## Construction professionals

Members frequently act for and against architects and engineers in cases ranging from domestic



minor works contracts to large commercial developments, appearing in Courts, arbitrations and adjudications.

## Financial advisers, bankers and insurance brokers

We have a particularly strong expertise in this area, which forms a significant part of the practices of many members of our team.

Chambers UK 2011 called Guildhall Chambers “the go-to set for banking and finance matters outside of London. The juniors at the set are known for their industry and attention to detail”.

## IT professionals and patent agents/trademark attorneys

Members have also acted in IT and IP related disputes, notable for their complex and technical underlying subject matter.

## Solicitors and barristers

Our members’ work spans a broad spectrum of typical practice areas which puts them in a perfect position to deal effectively with claims against solicitors in all areas of practice, particularly litigation, commercial transaction work, real property, conveyancing, land registration and landlord and tenant.

## Surveyors, valuers and mortgage lenders

We also have extensive experience acting for and against surveyors and valuers, including for purchasers and lending institutions.

## Disciplinary and regulatory work

In addition, some members of the team further specialise in disciplinary and regulatory work against professionals, including accountants, solicitors and insolvency practitioners.

# RECENT AND NOTABLE WORK, INCLUDING REPORTED CASES



## Accountants, including insolvency practitioners and auditors

- **Our Price v HMT:** Multi-million claim against auditor concerning a statutory audit report pursuant to The Companies Act 1985.
- **Re Octagon Energy:** Defending multi-million misfeasance claim against insolvency practitioner relating to residential property sale.
- **Confidential:** Advising on allegations of negligence against accountant in relation to advice to directors relating to their statutory duties.
- **Confidential:** Defending misfeasance claims against insolvency practitioners, including in relation to fee reclaims.

## Construction professionals

- **SG South Ltd v Swan Yard (Cirencester) Ltd** [2010] EWHC 376 (TCC) (enforcement of Adjudication Award; grounds for stay of enforcement).

- **SG South v King's Head, Cirencester** [2009] EWHC 2645 (TCC) (enforcement of Adjudication Award; allegation of fraud in the adjudication; grounds for stay of enforcement).
- **Business Link Berkshire & Wiltshire Ltd v Fearn** [2009] EWCA Civ 455 (appeal on the basis of fresh evidence; consideration of *Marshall v Ladd* criteria; mis-treatment of evidence by trial judge as to professional fees entitlement and direction for re-trial).
- **Neath Port Talbot County Borough Council v Currie & Brown Project Management Ltd** [2008] EWHC 1508 (TCC). (multi-million pound claim against the authors of a technical due diligence report relating to a PFI waste project).

## Financial advisers, bankers and insurance brokers

- **Confidential:** Defending claim brought against financial adviser in relation to suitability of investments made.

- **AXA Sun Life Services Plc v Mortgage UK Financial Services Ltd and Others** [2011] EWCA Civ 133 (construction of exclusion clauses in appointed representative agreements; scope of UCTA).
- **Carroll v AXA Sun Life Services Ltd** [2010] EWHC 2233 (Merc) (claim by financial adviser against life insurer for an indemnity – payment of Financial Ombudsman Service award – when limitation period starts to run).
- **JD Cleverly Ltd v Family Finance Ltd** [2010] EWCA Civ 1477 (contract formation in context of provision of third party funding).
- **PNC Telecom Plc v Thomas & Ors** [2007] EWHC 2157 (Ch) (breach of fiduciary duty; relief from professional liability under The Companies Act 1985).
- **Brinsons v Financial Ombudsman Service** [2007] EWHC 2534 (scope of jurisdiction of the Financial Ombudsman Service over mortgage-endowment linked mis-selling claims).
- **Bunney v Burns Anderson** 2007 EWHC 1240 (scope of jurisdiction of the Financial Ombudsman Service in high value claims).
- **Abeles and Others v Equitable Life Assurance Society** (group action on behalf of about 400 Claimants for mis-selling of annuities over a period of years, 2005-2007).
- **Baker v JE Clarke & Co (Transport) UK Ltd** [2006] EWCA Civ 464 (trustee of life and pension benefits under occupational pension scheme; whether negligent in failing to arrange life cover; liability to widow of deceased employee; whether trustee could rely on trustee exemption clause; impact of Unfair Contract Terms Act 1977).
- **Seymour v Caroline Ockwell & Co; Zurich IFA Ltd** [2005] EWHC 1137 (QB), [2005] PNLR 758 (offshore unregulated fund; claim by investors)

against financial adviser and provider of offshore insurance "wrapper bond"; negligence; breach of statutory duty).

- **Triodos Bank NV v Dobbs** [2004] EWHC (Ch) 845; Lewison J (claims against bank and receivers).
- **Corbett v Halifax Building Society** [2003] 1 WLR 964, CA (claim against bank).
- **Loosemore v Financial Concepts** 2001 Lloyds Law Reports Professional Negligence 235 (impact of the Limitation Act on claims for mis-selling personal pension plans).
- **Hale v Guildarch** [1999] PNLR 44 (no personal liability of employee in respect of negligent advice given in connection with sale of Home Income Plan product).
- **Cocking v Prudential** 1996 CCH Commercial Law Cases 692 (no right to stay of proceedings over pension mis-selling despite availability of PIA Review).

## Patent agents and trademark attorneys

- **Confidential:** Claim relating to alleged negligence by patent agents in relation to registration process.

## Solicitors and barristers

- **Solicitors:** We are currently handling numerous claims relating to claims against solicitors in relation to the conveyancing process, including mortgage and transaction work.
- **Williams v Hull** [2009] EWHC 2844 (Ch) (grounds for admission of without prejudice material; consideration of *Rush v Tomkins*).
- **Richardson v Morton** [2002] EWCA Civ 124 (appeal concerned with scope of barrister's immunity).
- **May & May v Woollcombe Beer Watts** 1999 PNLR 283 (use of expert evidence in conveyancing negligence claims).

- **Searles v Cann & Hallett** 1999 PNLR 494 (scope of solicitor's duty of care to third party in connection with provision of protection scheme for investment plan).

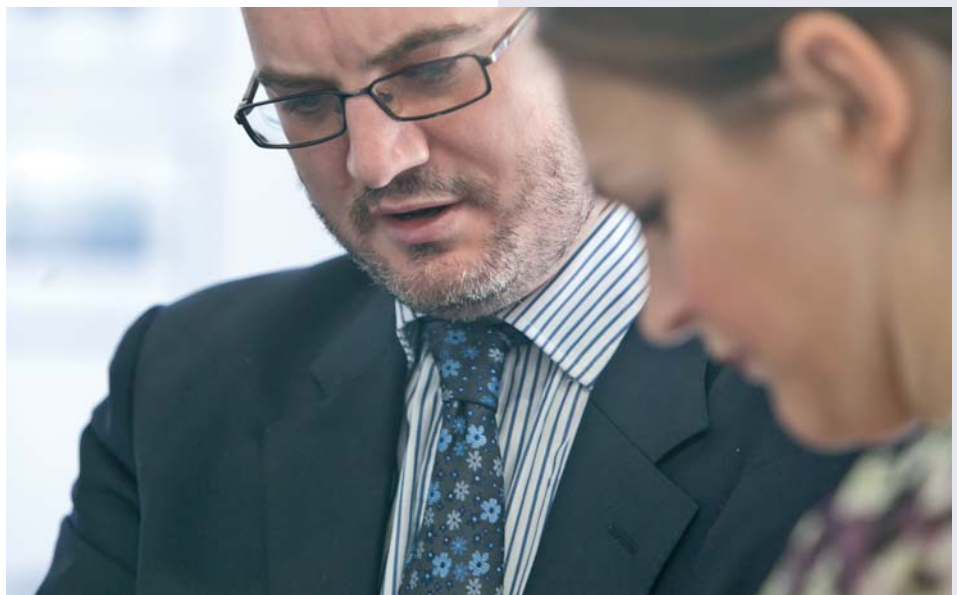
## Surveyors, valuers and mortgage lenders

- **Plymouth & South West Co-operative Society v Architecture, Structure and Management Ltd** [2006] EWHC 5 (TCC) (case concerned with negligent estimation of refurbishment costs and contract letting).
- **Swansea Building Society v Bradford & Bingley (t/a BBG Surveyors)** [2003] PNLR 740 (surveyor's negligence - defective building - limitation - knowledge required to start time running - whether deliberate concealment by Defendant).
- **Devine v Jefferies** 2001 Lloyds Law Reports Professional Negligence 210 (credit for windfall gains in computing damages for negligent surveys).

## PUBLICATIONS

Team members use their experience and knowledge to edit and contribute to textbooks, write articles and regularly give talks and presentations. Books authored and contributed to by members of the team include *Surveyor's Liability: Law and Practice* (Jordans, 1998), *The IFA's Guide to the FSA Handbook* (City and Financial Publishing, 2003), *Mortgage Regulation for Intermediaries* (Lexis Nexis, 2004), *Compliance Officer's Handbook* (Lexis Nexis, 2004) (John Virgo), *Financial Services Law* (OUP, 2nd edn, 2009) (Gerard McMeel and John Virgo) and *McMeel and Virgo on Financial Advice and Financial Products: Law and Liability* (OUP, 2nd edn, 2007) (Gerard McMeel and John Virgo).

Articles have been published in *Compliance Monitor*, *IFA Review*, *Compliance Institute Gazette*, *Journal of Financial Regulation and Compliance*, *The Lawyer*, *General Insurance*, *Pensions Week*, *Journal of Pensions Management* and the *Law Society Gazette*.



# Adrian Palmer QC



Adrian has a wealth of experience in dealing with professional negligence cases involving solicitors, valuers, and financial service providers, with a special emphasis on claims for financial mis-selling and insurance, including advice on the interpretation of insurance contracts and coverage issues.

His experience, analytical approach and attention to detail mean he is consistently singled out as being an outstanding practitioner in this field. His directory recommendations include:

*“Adrian Palmer QC is another stellar name on the Western circuit. He is widely recognised for his attention to detail and his outstanding written work. “He is rigorous, bright, analytical and able to handle a wide range of commercial disputes,” according to peers. His areas of expertise include insurance, professional negligence and sale of goods disputes”.*  
Chambers UK 2011

*“Adrian Palmer QC is a “rigorously analytical performer” who strongly reassures his clients. They value his exceptional ability to handle figures, and acclaim him as a real force in the financial services field. His areas of expertise span contract, trade, insurance and professional negligence matters”.*  
Chambers UK 2010

*“Adrian Palmer QC is hailed as an “outstanding practitioner.” Over the past year he has continued his involvement in the major group action against Equitable Life, which recently reached a favourable conclusion for the clients”.*  
Chambers UK 2009

Adrian’s experience includes:

## Financial advisers

Leading in many and various actions on behalf of both financial advisers and investors arising from alleged mis-selling of financial products. His notable cases in this field include the equitable life litigation (*Abeles and Others v Equitable Life Assurance Society*), a group action on behalf of about 400 Claimants for mis-selling of annuities over a period of years, *Gorham v BT & Standard Life* [2000] 1WLR 2129 involving the duty of care owed by financial services provider to third party, and *Cocking v Prudential* 1996 CCH Commercial Law Cases 692, establishing that there is no right

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## Professional details

### Contact:

adrian.palmer@guildhallchambers.co.uk

### Education:

St John’s College, Cambridge MA (Mathematics and Law)

Bristol University LL.M

### Call:

1972 (took silk:1992) (Middle Temple)

### Appointments:

Recorder

Deputy High Court Judge

Bencher of Middle Temple

### Specialist expertise:

Financial advisers

Insurance & insurance brokers

Solicitors

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to a stay of proceedings over pension mis-selling despite the availability of PIA Review.

### **Insurance & insurance brokers**

Dealing with all aspect of insurance work including advising on policy coverage.

Adrian is a member of the Professional Negligence Bar Association.

# Malcolm Warner



Malcolm's practice encompasses Chancery and commercial work with professional negligence where related to property, being negligence by solicitors and valuers. Most of Malcolm's professional negligence cases are normally heard, where they come to trial, in the Chancery Division or Queen's Bench Mercantile in the first instance.

Malcolm's experience includes:

## Solicitors and barristers

### Land & Commercial Related

- Failure to disclose a conflict of interest.
- Failure to notice registered charges.
- Failure to point out adverse rights.
- Failure to ensure land properly identified.

- Failure to ensure option correctly protected.
- Failure to obtain appropriate undertaking to clear off entries on register.
- Failure to procure registration of a charge at HMLR.
- Failure to raise appropriate pre-contract enquiries of a listed building.
- Failure to disclose true financial state of potential investments.
- Disputes with HM Land Registry on the statutory indemnity arising from alleged negligence by the chargee in taking charges subsequently vacated.
- Solicitor advised client to finalise planning permission before finalising his option to purchase.

### Will related

- Failure to expedite will making progress for the elderly or infirm.
- Failure to properly explore the range of possible beneficiaries.
- Failure to chase up the making of a will after the draft will provided.

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## Professional details

### Contact:

malcolm.warner@guildhallchambers.co.uk

### Education:

University College, Cardiff  
City of London University

### Call:

1979 (Lincoln's Inn)

### Specialist expertise:

Solicitors and barristers

Construction professionals, surveyors, valuers and mortgage lenders

## For further information please

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## Construction professionals, surveyors, valuers and mortgage lenders

These tend to arise after recessions and include cases where:

- Wrong property valued.
- Valuer misidentifies property inspected/valued.
- Failure to notice significant defects.
- Valuing outside the bracket.
- Failure to identify key comparables.
- Failure to detect a derelict additional floor to a tenanted building.
- Not advising taking of other professional advice.

# John Virgo



John (1984) has wide experience of professional negligence claims with a special emphasis on claims for financial mis-selling and negligent investment advice. John's experience includes:

## Financial advisers, bankers and insurance brokers

- Appointment as lead counsel to a group pension mis-selling Claimants sponsored by three leading trades unions in the Bristol Mercantile Court;
- Acting for:
  - A group of late joiners to Equitable Life in a Managed Action against the Society in the Bristol Mercantile Court;
  - A 400 strong group action in the Commercial Court on behalf of Equitable Life's trapped annuitants; and

- An Irish group of Equitable Life pensions and bond investors suing in the Commercial Court.
- Instructions on behalf of Zurich Life to defend claims for product mis-selling arising out of the collapse of the Imperial Consolidated Fund based in the Bahamas;
- Instructions on behalf of Sun Life of Canada in relation to the sale of endowment linked mortgage products.
- Private client instructions in:
  - The mis-sale of film scheme investment products for the principal of a Television Network Company; and
  - Relation to substantial losses suffered by a venture capitalist following the collapse of a PLC.
- A number of recent judicial review hearings relating to the jurisdiction of the Financial Ombudsman Service (*Bunney v Burns Anderson* [2007] All ER 177 and *The Queen on the application of Brinsons (a firm) and the Financial Ombudsman Service* [2007] EWHC 2534.
- Instructions on behalf of investors into the AIG Enhanced Variable Rate Fund who have suffered substantial losses following the collapse of the Fund.

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## Professional details

### Contact:

john.virgo@guildhallchambers.co.uk

### Education:

Oxford University

### Call:

1983 (Inner Temple)

### Appointments:

2008 – External adviser to the Irish Pensions Board

Appointed Arbitrator with the Centre for Business Arbitrations, Lincoln's Inn

### Specialist expertise:

Financial advisers, bankers and insurance brokers

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- Instructions on behalf a number of high net worth individuals and businesses in relation to the mis-selling of interest rate hedging products/swaps.
- The defence of two separate independent adviser/mortgage broker firms in disciplinary proceedings brought by the Financial Services Authority alleging fraudulent trading activity.

He frequently advises both authorised firms and investors on liability issues relating to thematic mis-selling and PI coverage issues. He has also been concerned with advising firms directly on compliance issues – particularly following the extension of

regulation to the mortgage and insurance sectors. Recent instructions of this kind include:

- Drafting the Conflicts of Interest Policy and procedures manual for a substantial firm of IFAs;
- Preparing a Due Diligence Report on regulatory compliance issues for an Australian Bank considering taking a major equity stake in a large IFA business;
- Advising a major product provider over re-structuring its business in the light of the FSA's Retail Distribution Review.

# Neil Levy



A former in-house lawyer with Lloyds Bank, Neil deals principally with professional negligence claims relating to financial transactions, especially claims involving bankers, financial advisers, accountants, solicitors, technical advisers, surveyors and valuers, relating to banking transactions and investments, technical due diligence and mortgage lending. Neil's experience includes:

## Financial advisers, bankers and insurance brokers

Neil has advised and appeared in many claims by and against banks for negligence in the operation of bank accounts, the provision of investment advice and realisation of securities

at an undervalue. See for example *Triodos Bank NV v Dobbs* [2004] EWHC (Ch) 845; *Lewison J* (claims against bank and receivers); and *Corbett v Halifax Building Society* [2003] 1 WLR 964, CA (claim against bank).

## Surveyors, valuers and mortgage lenders

Neil has advised and appeared in many claims by or against solicitors, valuers and surveyors relating to mortgage lending, including during the interlocutory stages of the *Bristol & West* run of claims in the early and mid 1990s.

## Technical due diligence reports

Neil has particular experience of PFI/PPP projects and of negligence claims arising out of technical due diligence reports prepared by accountants, engineers and other construction project specialists. Between 2006 and 2009 Neil advised and appeared on behalf of Neath Port Talbot County Borough Council in a multi-million pound claim against the authors of a technical due diligence report relating to a PFI waste project. See *Neath Port Talbot County Borough Council v Currie & Brown Project Management Ltd* [2008] EWHC 1508 (TCC).

## Professional details

### Contact:

neil.levy@guildhallchambers.co.uk

### Education:

Exeter University

### Call:

1986 (Lincoln's Inn)

### Specialist expertise:

Financial advisers, bankers and insurance brokers

Surveyors, valuers and mortgage lenders

Technical due diligence reports

## For further information please

contact Neil's clerk **Dan Cuthbertson**

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**Tel:** 0117 930 9000

# Jeremy Bamford



## Accountants and insolvency practitioners

He has successfully presented cases on behalf of the Investigation Committee of the ICAEW before the Disciplinary Committee in respect of complaints: (i) acceptance of appointment as provisional liquidators of *boo.com* where there was a prior material professional relationship with leading counsel and (ii) invalid appointment as LPA receiver and duress. He has also acted before the Appeal Tribunal of the ICAEW.

He has successfully defended an IP facing investigation of a professional complaint by the Law Society and has successfully represented an IP against the Insolvency Service in an appeal over their decision to withdraw the IP's insolvency licence.

He regularly advises on the impact of insolvency of the Defendant or Claimant on professional negligence claims and the Third Party (Rights Against Insurers) Act 1930 and 2010.

Jeremy specialises in commercial litigation with a particular emphasis on contentious individual and corporate insolvency, live company work (in particular shareholder disputes and unfair prejudice petitions), breach of warranty, directors' disqualification proceedings and BROs, disciplinary, regulatory and professional negligence proceedings involving IPs and bank recovery proceedings. Jeremy's experience includes:

## Professional details

### Contact:

[jeremy.bamford@guildhallchambers.co.uk](mailto:jeremy.bamford@guildhallchambers.co.uk)

### Education:

Campbell College, Belfast, Northern Ireland  
Oxford University

### Call:

1989 (Lincoln's Inn)

### Specialist expertise:

Accountants and insolvency practitioners

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# Matthew Wales



Since his call to the bar in 1993, Matthew has specialised in property litigation and other contentious property-based subjects, appearing before HM Adjudicator to the Land Registry and in the County Court, High Court and Court of Appeal.

With a wealth of experience to call upon, Matthew is well placed to deal with professional negligence in the real property field, including the professional negligence

of solicitors and surveyors in property transactions, and the professional negligence of solicitors and others in property/chancery litigation. Matthew's experience includes:

## Construction professionals, surveyors, valuers and mortgage lenders

Matthew is currently advising a GP's partnership in respect of an alleged overvaluation of the partnership's premises by a surveyor, and the subsequent purchase of an outgoing partner's share by the continuing partners.

## Solicitors and barristers

Matthew is currently engaged in two cases concerning a solicitor's alleged negligence in failing to advise a purchaser concerning the listed status of the property in question. He has recently advised concerning the alleged negligence of a solicitor acting in Inheritance Act proceedings.

## Professional details

### Contact:

matthew.wales@guildhallchambers.co.uk

### Education:

Durham University

### Call:

1993 (Inner Temple)

### Appointments:

2010 – Deputy District Judge (Midland Circuit)

### Specialist expertise:

Construction professionals, surveyors, valuers and mortgage lenders

Solicitors and barristers

**For further information please contact Matthew's clerk Dan Cuthbertson**

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# Gerard McMeel



Gerard's professional negligence practice is heavily focussed on cases with a financial services dimension, embracing claims against financial advisers, stockbrokers and insurance brokers. Gerard's experience includes:

## Financial advisers

Gerard was successful counsel for the investors in one of the leading cases of *Seymour v Caroline Ockwell & Co and Zurich IFA Ltd* [2005] PNLR 798 where the standard of duty of a high street independent financial adviser was examined, and the principles established for pushing liability up the chain to another intermediary or product provider. He has extensive experience of dealing with professional negligence disputes involving various financial services providers, intermediaries

and products: pension opt-outs and transfers, stockbroking, portfolio management, regulated and unregulated collective investment schemes, precipice bonds or SCARPs, endowment mortgages, shared appreciation mortgages, life and critical illness policies. He acts for clients, intermediaries and product providers. Gerard has long-standing expertise in this field having acted as counsel for large number of Claimants (supported by three trade unions) in the pension mis-selling managed litigation in the Bristol Mercantile Court in the late 1990s. Most recently, he successfully defended Axa Sun Life in proceedings brought by an independent financial adviser (based on *Seymour v Ockwell*) for allegedly negligently failing to identify guaranteed annuity rates in a policy. The judgment explores the inter-relationship of Financial Ombudsman Service awards and the law of limitation (principally *Law Society v Sephton*): *Carroll v AXA Sun Life Services Ltd* [2010] EWHC 2233 (Merc).

## Bankers and insurance brokers

Gerard acts both for and against banks and insurance companies in cases involving professional negligence and claims under the Financial Services and Markets Act.

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## Professional details

### Contact:

gerard.mcmeel@guildhallchambers.co.uk

### Education:

BCL, MA Oxford University

### Call:

1993 (Inner Temple)

### Appointments:

Professor of Law, University of Bristol (2002)

Legal Adviser, Irish Pensions Board  
(An Bord Pinsean)

### Specialist expertise:

Financial advisers

Bankers and insurance brokers

Solicitors

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## Solicitors

Gerard acts in professional negligence claims involving solicitors, especially in the context of mortgage fraud type cases; and has expertise in breach of trust, breach of fiduciary duty and restitutionary claims, in addition to classic professional negligence principles.



# Nicholas Briggs



Nick has spent the last 18 months as a partner in a law firm supervising a professional negligence and commercial litigation team. He was junior counsel in *Royal Bank of Scotland v Etridge No 2* where many solicitors faced actions for failing to advise wives regarding securities and defended claims against insolvency practitioners in the Court of Appeal where he successfully relied on the SAMMCO principle. He has been rated as a “*real stand out barrister in the South-West*” for his commercial dispute resolution work (Chambers UK 2009). Nick has also been described (Chambers UK 2009) as a having “*a tremendous ability to think on his feet, making him a great advocate for particularly confrontational cases*” and that he is “*personable, commercial and good at thinking outside the box*”. Nick’s experience includes:

## Solicitors and barristers

- Defending solicitors in relation to property transactions.
- Defending a barrister – abuse of process.
- Claim against solicitors for fraud.
- Claim against solicitors for breach of duty of care in failing to report or warn sufficiently.
- Claim for misrepresentation against solicitor.
- Defending solicitors in relation to property transactions.
- Claims against solicitors for breach of trust.

## Accountants and insolvency practitioners

- Defending claim in the Court of Appeal for failure to advise adequately in respect of an IVA.
- Defending a breach of duty claim against an insolvency practitioner for under value.
- Defending insolvency practitioner on claims brought by creditors.
- Defending auditor accountant for alleged breach of duty.

## Financial advisers

- Advising in respect of mis-selling allegation and breach of FSA regulations.

## Professional details

### Contact:

nicholas.briggs@guildhallchambers.co.uk

### Education:

LLM (Bristol) specialising in commercial law

### Call:

1994 (Lincoln’s Inn)

### Appointments:

October 2002 – Attorney General’s Panel of Junior Counsel to the Crown

December 2007 – Deputy Registrar of the High Court London, Companies and Bankruptcy Court

### Specialist expertise:

Solicitors and barristers

Accountants and insolvency practitioners

Financial advisers

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# Hugh Sims



Hugh has been rated as a star performer amongst leading juniors on the Western Circuit for his commercial dispute resolution work. He has been described (Chambers UK 2009) as *“technically brilliant, highly commercial, confident barrister”* who can always be relied on to *“put up a proper fight.”* Professional negligence and indemnity work forms a substantial and increasing part of Hugh’s commercial practice. He has wide experience of high value advisory and litigation work both for Defendants and Claimants and in many different industry areas. Hugh’s experience includes:

## Accountants, including insolvency practitioners and auditors

- Multi-million claim against auditor concerning the “whitewash” procedure under section 151 of the Companies Act 1985.

- Defending a misfeasance claim against an insolvency practitioner relating to a residential property sale.
- Advising on allegations of negligence against an accountant in relation to advice to directors relating to their statutory duties.
- Defending misfeasance claims against insolvency practitioners.
- Defending insolvency practitioners in relation to fee reclaims.

## Financial advisers

- Defending a financial adviser against investment mis-selling allegations and alleged breaches of FSA Principles and COB Rules.
- Defending a financial adviser against pension mis-selling allegation and alleged breaches of FSA regulations.
- Advisory work on limitation issues relating to group action against pension/life assurance company.

## Construction professionals, surveyors, valuers and mortgage lenders

- Defending claims brought against surveyors in relation to alleged overvaluations of residential properties.

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## Professional details

### Contact:

[hugh.sims@guildhallchambers.co.uk](mailto:hugh.sims@guildhallchambers.co.uk)

### Education:

Manchester University (First Class)

### Call:

1999 (Lincoln’s Inn)

### Appointments:

Attorney General’s Panel of Junior Counsel to the Crown

### Specialist expertise:

Accountants, including insolvency practitioners and auditors

Financial advisers

Construction professionals, surveyors, valuers and mortgage lenders

Solicitors and barristers

Patent agents

For further information please

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**Tel:** 0117 930 9000

- Acting on behalf of claims by banks against surveyors relating to mortgage and remortgage valuations.
- Claims against surveyors in relation to over-valuations and under-valuations of residential and commercial properties and boats.
- Defending claims against engineers in relation to certification work.
- Claims against architects and project managers concerning alleged negligence in the design and supervision of construction projects.
- Claim against a solicitor concerning allegations of negligent drafting work in a commercial lease.
- Claim against a solicitor concerning alleged mortgage frauds.
- Various claims relating to alleged negligence by solicitors (and barristers) relating to contentious and non-contentious work.
- Defending claims against solicitors in relation to alleged negligence in non-contentious work.

### Solicitors and barristers

- Claim against a solicitor relating to alleged mishandling of professional negligence claim against a construction professional.

### Patent agents

- Advising on alleged negligence by a patent agent relating to development of agricultural product.

# Stefan Ramel



Stefan has been a member of Guildhall Chambers since October 2005 and undertakes litigation and advisory work in the fields of commercial, chancery and insolvency law. He appears regularly in the County Court and the High Court; he has also appeared in the Court of Appeal.

Stefan is recommended in Chambers UK 2011 as being *"a rising junior and one to watch for the future"* and *"a star of the future"*. He is considered to be *"commercial and client-focused"* and is described as having a *"quick, analytical mind"*. In November 2010, Stefan was appointed to the Attorney General's Regional Panel of Junior Counsel to the Crown. He is a contributor to Gore-Browne on Companies.

Stefan is well versed in and has practical experience of both challenging and defending the conduct and decisions of accountancy and insolvency professionals in context of litigation in his practice areas. Stefan has a particular interest in professional liability claims against financial professionals such as accountants and insolvency practitioners. Stefan's experience includes:

## Solicitors and barristers

Acting for a trustee in bankruptcy in a claim which raised allegations of solicitor's negligence arising out of advice given by a solicitor to a party.

## Accountants and insolvency practitioners

Acting on behalf of beneficiaries under a trust in a claim involving adverse allegations being made by them in respect of the conduct of an insolvency practitioner and the impact of those allegations on the nature of the relief which could be awarded.

## Financial advisers

Defending a claim for negligence against a firm of financial advisers.

## Professional details

### Contact:

stefan.ramel@guildhallchambers.co.uk

### Education:

Baccalauréat, Lycée Français Charles de Gaulle, London

LLB, UWE, Bristol (First)

LLM, Queens' College, Cambridge

### Call:

2002 (Inner Temple)

### Appointments:

British Fencing Disciplinary Panel

Attorney General's Regional Panel of Junior Counsel to the Crown

### Specialist expertise:

Solicitors and barristers

Accountants and insolvency practitioners

Financial advisers

**For further information please contact Stefan's clerk Dan Cuthbertson**

**Email:** dan.cuthbertson@guildhallchambers.co.uk

**Tel:** 0117 930 9000

# Ross Fentem



Before joining Guildhall Chambers in 2008, Ross practised for five years from Henderson Chambers in London, gaining broad experience in advocacy and advisory work across a range of legal disciplines including multi-million pound commercial disputes, complex credit and finance matters and financial services disputes.

He is recommended by both Chambers and Partners and the Legal 500 (2010) for commercial work. Chambers and Partners describes him as a “*phenomenally clever*” barrister who is “*clearly going places*”, particularly strong on asset finance, and according to the Legal 500 he is “*proving extremely popular at an early call*”.

Ross’s experience includes:

## Solicitors and barristers

He is frequently called upon to advise and represent Claimants and Defendants in professional negligence actions which relate to his principal areas of practice, including claims against solicitors and barristers.

Recent examples of work including acting against a firm of solicitors for purchasers of a seaside property for their retirement where the property turned out to be “holiday letting” only, defending an employment rights advisor against a claim for negligent conduct of litigation and settlement, and acting for a number of mortgagees against their solicitors in a case involving allegations of non-disclosure of the borrowers’ financial delinquency.

## Surveyors, valuers and insolvency practitioners

He also acts for claims against surveyors, valuers and insolvency practitioners. He has a particular interest in and knowledge of claims by lenders and financial institutions against their advisors and valuers, and is presently involved in a series of professional negligence claims arising out of a large-scale mortgage fraud.

## Professional details

### Contact:

ross.fentem@guildhallchambers.co.uk

### Education:

Cambridge University (Double First)  
King’s College London

### Call:

2003 (Lincoln’s Inn, Buchanan, Denning, Haldane & Hardwicke scholarships)

### Specialist expertise:

Solicitors and barristers

Surveyors, valuers and insolvency practitioners

For further information please contact Ross’s clerk Dan Cuthbertson

Email: dan.cuthbertson@guildhallchambers.co.uk  
Tel: 0117 930 9000

# Holly Doyle



Holly is the newest member of the commercial team, having completed pupillage with Guildhall under the supervision of Hugh Sims and Nicholas Briggs in 2009. She spent time during her pupillage on secondment to the Insurance and Reinsurance group of CMS Cameron McKenna LLP. Professional negligence and indemnity, particularly drafting work, forms a substantial part of Holly's commercial practice. She is willing to undertake both Claimant and Defendant work in all areas. Holly's experience includes:

## Accountants

- Defending an accountant against allegations of misrepresentation regarding their certification that company accounts met the conditions of a business grant.

## Financial advisers

- Defending a financial adviser against an allegation that he negligently failed to deal with an insurance policy upon its maturation so as to provide a source of retirement income.

## Insurance brokers

- Advising on the merits of an additional claim by an insurance broker against a placing broker to claim monies paid out to a client who was allegedly given incorrect advice in relation to policy coverage.

## Construction professionals, surveyors, valuers and mortgage lenders

- Defending many and various claims brought against surveyors and valuers by both purchasers in relation to overvaluation of residential and "buy to let" properties and by banks relating to mortgage and re-mortgage valuations.
- Claim against an architect for alleged negligent design of a construction project, costs estimation and failure to supervise a proper tendering process.
- Claims against a building contractors for defective work to both residential and commercial premises.

*continued overleaf...*

## Professional details

### Contact:

holly.doyle@guildhallchambers.co.uk

### Education:

Oxford University (First Class)

### Call:

2008 (Lincoln's Inn: Lord Denning and Hardwicke scholar)

### Specialist expertise:

Accountants

Financial advisers

Insurance brokers

Construction professionals, surveyors, valuers and mortgage lenders

Solicitors and barristers

IT professionals

**For further information please contact Holly's clerk Dan Cuthbertson**

**Email:** dan.cuthbertson@guildhallchambers.co.uk

**Tel:** 0117 930 9000

## Solicitors and barristers

- Defending a firm against allegations of negligence and breach of bailment regarding their possession of client documents.
- Defending a firm against a claim by the joint purchaser of a property for allegedly negligently failing to protect her beneficial

interest in the purchased property by an entry on the Land Register.

## IT professionals

- Claim against a software developer for negligence in relation to the development for a software and hardware system for the processing of card transactions and management of cash payments.

# CONTACT US

If you would like further information regarding our Professional Negligence and Indemnity Team, please contact one of our dedicated clerks:



**Dan Cuthbertson** – Civil Clerk  
**Email:** dan.cuthbertson@guildhallchambers.co.uk  
**Direct Tel:** 0117 930 9045

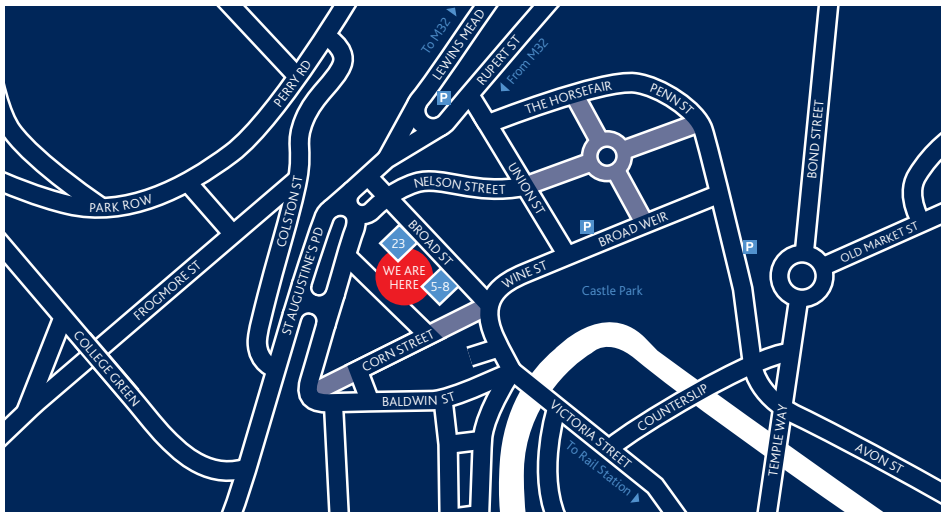


**Justin Emmett** – Principal Civil Clerk  
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