



Fountain Court

Paul Casey

Call date: 2002

Email: pc@fountaincourt.co.uk

Paul Casey practices in all areas of commercial law, with particular experience in:

- Arbitration
- Banking and Financial Services
- Commercial Litigation
- Employment
- Insurance and Reinsurance
- Professional Negligence, Discipline and Regulation

Education

BA History, Trinity College Cambridge (Double First)

M.Phil in Medieval History, Trinity College Cambridge (Distinction)

CPE/Diploma in Law, City University (Commendation)

Prizes and Scholarships

Major Scholarship, Inner Temple (2001)

Princess Royal Scholarship, Inner Temple (2000)

British Academy Award for Postgraduate Study (2000)

Research Scholarship, Trinity College Cambridge (1999)

Walker Prize, Trinity College Cambridge (1999)

Senior Scholarship, Trinity College Cambridge (1998)

Choral Scholarship, Trinity College Cambridge (1996)



Arbitration

- Acted for a telecommunications company in a \$170 million LCIA arbitration concerning whether a put option in respect of shares had been validly executed;
- Advised (with leading counsel) on the construction of pre-emption and non-alienation provisions of a share purchase agreement in support of foreign injunctive proceedings in aid of arbitration;
- Acted for a metals manufacturer defending a claim under a territorial exclusive distribution agreement.

Banking and financial services

- Substantial experience of acting for and against retail and investment banks in proceedings relating to mortgages, cheques, loans, guarantees, breach of mandate, negligence, mistaken payments, fraud and credit crunch disputes;
- *Mahonia v WestLB*: Acted for the Defendant (with Michael Brindle QC and Derrick Dale) in a twelve-week Commercial Court trial concerning a £150 million claim under a letter of credit involving allegations of conspiracy and fraud relating to the collapse of Enron;
- Secondment to the Financial Services Authority to advise on a range of regulatory issues with a particular focus on UK implementing legislation for the Markets in Financial Instruments Directive (MIFID).



Commercial Litigation

Acted or advised on commercial disputes of many types and sizes including disputes relating to share purchase agreements, agency agreements, conversion, factoring agreements, transportation, food law, defective products and construction projects. Recent experience includes:

- *Xytis Pharmaceuticals Sarl v London School of Hygiene and Tropical Medicine*: Acted for the Defendant (with Charles Béar QC) in injunctive proceedings and at an expedited Commercial Court trial in which a bio-tech company alleged that an international clinical trial had been conducted negligently (trial settled after first week with Claimant withdrawing all claims);
- Acting (with Mark Simpson QC) in a series of disputes arising from the contamination of food with the illegal colorant Para Red;
- Acting for a major London orchestra in a claim against its agent;
- Advising an airline on the construction of an interline agreement in support of foreign proceedings;
- Advising a major cable television provider in relation to the alleged misuse by customers of reception rights.

Employment

Broad experience of acting and advising in Employment Tribunal, Employment Appeal Tribunal and High Court proceedings relating to unfair dismissal, harassment, discrimination (race, sex, disability, age and sexual orientation), TUPE, protected disclosures, directors duties and restraints of trade. Particular experience in cases involving regulatory regimes



and allegations of fraud, professional negligence and misconduct. Recent experience includes:

- Acting (with Charles Béar QC) for an investment fund defending a protected disclosures/unfair dismissal claim by a former fund manager;
- Acting for an environmental investment fund defending a claim for unfair dismissal by a former fund manager;
- Acting for a bank defending a claim for unfair dismissal by a former banker allegedly dismissed for involvement in mortgage fraud;
- Acting for the UK subsidiary of a major US energy company in a claim for sex discrimination arising from the alleged conduct of its CEO;
- Acting for a firm of architects defending a claim for unfair dismissal and discrimination on grounds of sexual orientation;
- Advising the Criminal Bar Association on the employment aspects of the LSC's proposed scheme for contracts for representation in high value criminal cases;
- Acting (with Mark Simpson QC) for the NHS in a claim against the estate of an allegedly fraudulent dental practitioner.

Insurance and reinsurance

- *Stonebridge Underwriting Limited v QBE Insurance (Europe) Limited*: Acting for the Defendant (with Gavin Kealey QC and Marcus Smith) in a non-disclosure/misrepresentation avoidance claim.



Fountain Court

Professional Negligence, discipline and regulation

- Regularly instructed by professional indemnity insurers of solicitors and surveyors to defend claims for professional negligence.
- Advising (with Mark Simpson QC) on a lay complaint to the Solicitors Disciplinary Tribunal.
- Acting for the Law Society.

Pro Bono

Case Worker: University House Legal Advice Centre.

Undertakes advice for the Bar Pro Bono Unit.