



## Chloe Carpenter

**Call date:** 2001

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### Practice Areas:

Chloe Carpenter has a broad commercial and civil practice, specialising in:

- All areas of commercial law
- Professional Discipline, Administrative Law, Public Law & Regulatory Law.

### Recommendations (Practitioners' Guides):

Chloe is recommended in the field of Professional Discipline in Chambers UK (2010, 2011 and 2012) where comments include:

- Solicitors are "in awe" of her "incredible grasp of facts and documentation."
- "routinely acts for the SRA, often unled"
- "'Immensely thorough and bright," she is now an established figure in the regulatory field."
- "Clients and peers rave about Chloe Carpenter, a bright young barrister who is rapidly making a name for herself in solo appearances [for] the SRA..."

Chloe is also recommended in Legal 500 (2011) in the area of Administrative and Public Law.

### Summary of Practice:

Chloe has a broad commercial practice covering all areas of commercial law, in particular, arbitration, commercial litigation, banking and insurance work and professional negligence. She acted as junior counsel in an arbitration concerning an insurance dispute arising out of mortgage endowment misselling, as second junior counsel in the *Box Clever Securitisation litigation* (duties of arranger and joint lead manager in the context of a securitisation) and as junior counsel in the House of Lords in *Hilton v Barker Booth and Eastwood*. She also has extensive experience in all aspects of the professional discipline/regulation of solicitors, regularly advising on and acting (both led and unled) in disciplinary proceedings and appeals, IPS matters, cases arising out of interventions and appeals against conditions on practising certificates. For example, she acted as junior counsel for the SRA in the Miners' Compensation cases.



## Recent Practice:

### Banking & Finance

- Acting (led by Patricia Robertson QC) for investment advisers in defending a claim for alleged misselling of structured notes and alleged mismanagement of an advisory portfolio.
- Acting for Awal Bank BSC (led by Marcus Smith QC) in relation to a claim under a put option agreement.
- Acting in claims relating to finance leases raising various issues including of capacity and authority.
- Acted as junior counsel (with Michael Brindle QC) in an insurance dispute arising out of mortgage endowment misselling.
- Acted as second junior counsel (with Michael Brindle QC and John Taylor) in the *Box Clever Securitisation litigation* (duties of arranger and joint lead manager in the context of a securitisation) (one of The Lawyer magazine's top trials of 2008, settled in January 2008).
- Acted as a second junior counsel (with Michael Brindle QC and Craig Orr) for Close Brothers Corporate Finance in defending a claim for £180m by UGC.

### Civil Fraud

- Acting (with Michael Brindle QC) for claimants in a multi-million dollar deceit claim.
- Acted (with David Railton QC and Marcus Smith) as second junior counsel for the insured in a three-week arbitration concerning an insurance dispute with Lloyd's insurers regarding viatical policies.
- Acted for a High Street bank in obtaining freezing injunctions against customers.

### Commercial Litigation

- Acting (with Michael Brindle QC) for claimants in a multi-million dollar deceit claim.
- Acting for Awal Bank BSC (led by Marcus Smith QC) in relation to a claim under a put option agreement.
- Acting (unled) for a firm of solicitors on a claim for its professional fees.
- Acting (led by Patricia Robertson QC) for investment advisers in defending a claim for alleged misselling of structured notes and alleged mismanagement of an advisory portfolio.
- Acting in claims relating to finance leases raising various issues including of capacity and authority.
- Acted (led by Jeffrey Chapman QC) in a claim for a declaration that a contract had pursuant to one of its terms been extended (2011). The claim settled shortly before the preliminary issue was due to be heard.
- Acted (unled) for the Law Society in *Law Society v Farrell* in obtaining summary judgment against the defendant on a claim for breach of trust and a



subrogated claim brought by the Law Society in its capacity as trustee of the Compensation Fund (2011).

- Acted (with Mark Simpson QC) for solicitors facing a claim arising out of tax advice given on a Management Buy Out. Appeared at interlocutory hearings on the case unled.
- Acted (unled) for the claimant in a High Court claim for breach of an archiving contract, including various contested applications heard at a CMC. The case settled before trial.
- Acted as second junior counsel (with Michael Brindle QC and John Taylor) in the *Box Clever Securitisation litigation* (duties of arranger and joint lead manager in the context of a securitisation).
- Acted (with Guy Philipps QC) in a jurisdictional dispute in *7E v Vertex* [2007] 1 WLR 2175 (Court of Appeal).
- Acted as a second junior counsel (with Michael Brindle QC and Craig Orr) for Close Brothers Corporate Finance in defending a claim for £180m by UGC.

### **Insurance & Reinsurance**

- Acted as junior counsel (with Michael Brindle QC) in an insurance dispute arising out of mortgage endowment misselling.
- Acted (with David Railton QC and Marcus Smith) as second junior counsel for the insured in a three-week arbitration concerning an insurance dispute with Lloyd's insurers regarding viatical policies.
- Acted (with Michael Brindle QC and Craig Orr QC) for insurers in connection with claims arising out of the collapse of Enron.
- Advised on insurance coverage issues relating to professional indemnity insurance.

### **Professional Negligence**

Advised on and acted in various professional negligence claims including claims against solicitors, insurance brokers, accountants, financial advisers, investment advisers, valuers and construction contract professionals, including:-

- Acting (led by Patricia Robertson QC) for investment advisers in defending a claim for alleged misselling of structured notes and alleged mismanagement of an advisory portfolio.
- Acted (with Mark Simpson QC) for solicitors facing a claim arising out of tax advice given on a Management Buy Out. Appeared at interlocutory hearings on the case unled.
- Acted as second junior counsel (with Michael Brindle QC and John Taylor) in the *Box Clever Securitisation litigation* (duties of arranger and joint lead manager in the context of a securitisation).
- Acted (with Mark Simpson QC) for a firm of valuers in a £1.8m claim arising out of a valuation of a development site and 2 HMOs.
- Acted for the Appellant (with Timothy Dutton QC) in the House of Lords in *Hilton v Barker Booth and Eastwood* [2005] UKHL 8.



- Acted as a second junior counsel (with Michael Brindle QC and Craig Orr) for Close Brothers Corporate Finance in defending a claim for £180m by UGC.

### **Professional Discipline, Administrative, Public Law & Regulatory Law.**

Advised and acted (both led and unled) in various matters concerning solicitors' regulation, either for the SRA (formerly the Law Society) or for solicitors who are subject to investigation/ disciplinary action or who seek advice as to regulatory compliance. Cases have included disciplinary cases before the Solicitors' Disciplinary Tribunal and appeals from/applications for judicial review of such decisions; review of findings of IPS before the Solicitors' Disciplinary Tribunal; intervention matters before the High Court and appeals to the Master of the Rolls against conditions on Practising Certificates. For example:

- Acting (unled) for the SRA on a solicitor's claim for withdrawal of an intervention.
- Acting (unled) for the SRA in relation to an application for a stay of a decision of the Solicitors' Disciplinary Tribunal.
- Acting (unled) for the SRA in the Divisional Court in respect of appeals by solicitors against sentences imposed by the Solicitors' Disciplinary Tribunal.
- Acted (unled) for the SRA in the case of *SRA v Higgott* (heard by the Solicitors' Disciplinary Tribunal in October 2011).
- Acting (unled) for the Law Society on two judicial review claims brought by a solicitor who is challenging IPS awards.
- Junior counsel for the SRA (led by Nicholas Peacock QC) in *SRA v Baptist, Benz, Taylor and Wild* (2010-2011).
- Acted (unled) for the Law Society in *Law Society v Farrell* in obtaining summary judgment against the defendant on a claim for breach of trust and a subrogated claim brought by the Law Society in its capacity as trustee of the Compensation Fund (2011).
- Acted for the SRA (unled) in the cases of *SRA v Obatolu and Kola* and *SRA v Obatolu and Scott-Emuakpor*, heard together by the Solicitors Disciplinary Tribunal in January 2011.
- Junior counsel for the Law Society/SRA on disciplinary/regulatory issues arising out of the *Miners Compensation* cases (2006 onwards) including *SRA v Raleys* (led by Geoffrey Williams QC on an application to enforce 2 IPS awards in June 2006 and led by Timothy Dutton QC on disciplinary proceedings/ application to enforce further IPS awards brought against 5 partners and 1 former partner of the firm in 2007 onwards), *SRA v Nulty and Trotter* (led by Timothy Dutton QC) and *SRA v Robinson* (led by Katrina Wingfield).
- Acted as junior counsel for the SRA (led by Richard Coleman) in the disciplinary proceedings brought against certain former partners of Rowe Cohen regarding their work in connection with the TAG Scheme (2009).
- Acted (unled) at the Solicitors Disciplinary Tribunal for a solicitor charged with dishonest, alternatively reckless, breaches of the Solicitors Accounts Rules



and dishonest, alternatively culpable, overcharging (October 2009). The solicitor was acquitted of dishonesty.

- *Law Society v Baxendale-Walker and Auden*: Acted (with Timothy Dutton QC) for the Law Society on Mr Baxendale-Walker's appeal from phase 1 of the SDT disciplinary findings and on the Law Society's successful cross-appeal on costs (Divisional Court [2006] 3 All ER 675, Court of Appeal [2007] 3 All ER 330). Acted (with Timothy Dutton QC) for the Law Society on Mr Baxendale-Walker's appeal to the Master of the Rolls against conditions on his practising certificate (2005) and responding to an application for judicial review of a decision of the SDT (2005 -2006). Also acted with Timothy Dutton QC in the phase 2 disciplinary proceedings (against Mr Baxendale-Walker and Mr Auden) culminating in a 3-week hearing in September 2006. Prepared a skeleton argument in response to Mr Baxendale-Walker's appeal from the phase 2 disciplinary proceedings; his appeal was subsequently withdrawn.
- Advised/ acted for two partners and one former partner of a firm which was the subject of regulatory investigation regarding alleged breaches of the Solicitors' Accounts Rules (2006-2008). Defended two of the three Respondents (unled) at a 2-day hearing at the SDT in November 2007.
- *Law Society v Guyster* (2007). Acted (with Timothy Dutton QC) for the Law Society in an application for an injunction against a solicitor who was the subject of an intervention compelling him to hand over documents to the Law Society.
- *Harvey v Law Society* [2003] EWHC 535 (Ch), acted (with Timothy Dutton QC and Nicholas Peacock) for the Law Society defending a claim to set aside an intervention.
- *Law Society v Dooley* acted for the Law Society in disciplinary proceedings before the Solicitors' Disciplinary Tribunal (July/August 2002) and on appeal to the Divisional Court (2003). Junior Counsel to Timothy Dutton QC.

### **Arbitration**

- Acted as junior counsel (with Michael Brindle QC) in an insurance dispute arising out of mortgage endowment misselling.
- Acted (with David Railton QC and Marcus Smith) as second junior counsel for the insured in a three-week arbitration concerning an insurance dispute with Lloyd's insurers regarding viatical policies.

### **Aviation**

Advised on and acted in a number of aviation law matters:

- Advised (with Bankim Thanki QC) the CAA as to the effect of section 75 of the Consumer Credit Act 1974 in the event of tour operator failure.
- Acted (with Akhil Shah QC) in a claim arising out of an air accident.
- Acted in various claims for loss of baggage and delay raising Warsaw Convention issues.



## **Construction**

Advised on and acted in cases involving building disputes including claims under the Defective Premises Act, professional negligence claims, misrepresentation claims, claims for non-completion of sale, claims for return of deposit, claims under Section 106 of the Town and Country Planning Act 1990.

## **Consumer Law**

- Advised (with Bankim Thanki QC) the CAA on credit card issuer liability under section 75 Consumer Credit Act 1974.
- Experience of other aspects of the Consumer Credit Act, e.g. issue of whether an agreement which exceeded the statutory ceiling fell within the Act as a multiple agreement.
- Experience of cases raising issues under the Unfair Terms in Consumer Contract Regulations 1999 and the Unfair Contract Terms Act 1977.

## **Partnership**

Experience of advising on various partnership issues e.g. whether a salaried partner liable for partnership debts under the “holding out” principle.

## **Reported cases:**

*Harvey v Law Society* [2003] EWHC 535 (Ch)

*Sterling Hay Corporate Risks Limited v Mr Wasu* [2003] EWHC 748 (Ch)

*Hilton v Barker Booth and Eastwood* [2005] UKHL 8

*Law Society v Baxendale-Walker*: appeal from SDT disciplinary findings [2006] 3 All ER 675 (Divisional Court); [2007] 3 All ER 330, [2008] 1 W.L.R. 426 (Court of Appeal)

*7E Communications v Vertex* [2007] 1 WLR 2175 (Court of Appeal)

*Awal Bank BSC (In Administration) v Al-Sanea* [2011] EWHC 1354 (Comm)

## **Education:**

BVC, Inns of Court School of Law (Very competent) (2001)

BCL, Oxford, Brasenose College (Distinction) (Proxime accessit to the Vinerian Scholarship, i.e. second highest mark in the year) (2000)

LLB, King's College London (First Class) (Top first in the university) (1999)

## **Prizes & Scholarships:**

Mansfield Scholarship, Lincoln's Inn (2000)

Hardwicke Entrance Award, Lincoln's Inn (2000)

Restitution Prize, Oxford University (2000) (highest mark in the university for law of Restitution on the BCL)

Arts and Humanities Research Board Award for Postgraduate Study (1999)

Sweet and Maxwell Prize, King's College London (1999) (highest Honours in the LLB)



## Fountain Court

Strand Trust Prize, King's College London (1998 and 1999) (highest overall marks in Parts I and II of the LLB)

### **Publications:**

Review of *"Enrichment and Restitution in New Zealand"* Tru.L.I. 2001, 15(4), 246-254  
Joint author of *The Law of Privilege*, edited by Bankim Thanki QC (2006, Oxford University Press; second edition forthcoming)

### **Other experience:**

Taught law of Restitution at King's College London, September-December 2000

### **Memberships:**

COMBAR

ARDL (The Association of Regulatory and Disciplinary Lawyers).