



# Fountain Court

## Patrick Goodall

### Call date

March 1998

### Practice Areas

Patrick has a broad commercial and civil practice, including in:

- banking and financial services
- insurance and reinsurance
- arbitration and ADR
- professional negligence
- civil fraud, including asset tracing/recovery and freezing injunctions
- jurisdiction and conflict of laws
- international and domestic sales of goods
- contractual disputes

### Recommendations (Practitioners' Guides)

#### *Legal 500, Chambers & Partners and Legal Experts*

Recommended as a leading junior in:

- banking and finance;
- civil fraud;
- commercial litigation;
- insurance and reinsurance;
- international arbitration; and
- professional negligence.

#### *Chambers & Partners Bar Awards*

Nominated for the following awards:

- Commercial Litigation Junior of the Year (2011).
- Insurance Junior of the Year (2010).
- Banking and Finance Junior of the Year (2009).

#### *Commentary*

Comments about Patrick in the legal directories in recent years include:

- “possibly the best senior junior at the Commercial Bar - a real star for the future”
- “a top-class junior who is plainly going places”
- “an absolute star”
- “undoubtedly a star junior”



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- *“one hell of a clever junior”*
- *“predicted to become ‘a great silk one day’”*
- *“a firm favourite with City solicitors”*
- *a “real star to watch”*
- *“highly perceptive”, “practical and commercially aware”*
- *an “esteemed junior” who “combines excellent legal knowledge with great practical advice”*
- *“delivers ‘astonishingly good, clear, narrative advocacy’”*
- *“very user-friendly” and “a pleasure to work with”*
- *“a ‘first-class junior counsel’ who is ‘charming with clients’”*
- *“clever and hard-working”*

## Education

LL.B. Southampton University (First Class Honours)

B.C.L. Brasenose College, Oxford (First Class Honours)

## Prizes & Scholarships

Inner Temple Duke of Edinburgh Entrance Scholarship

Sir Winston Churchill Memorial Prize (Southampton)

British Academy Studentship (Oxford)

Brasenose College BCL Prize (Oxford)

## Appointments

- Junior Counsel to the Crown (A Panel)
- Member, Bar Standards Board’s Education and Training Committee
- Chair, Bar Standards Board’s CPD Sub-Committee
- Member, Commercial Court Users’ Committee
- Member, Commercial Bar Association, London Common Law and Commercial Bar Association and British Insurance Law Association

## Other Qualifications

CEDR accredited mediator (2004)

Former solicitor (1995-1997: Freshfields)

## Professional Experience

Patrick has considerable experience in a wide variety of commercial and civil disputes of varying sizes and nature. He appears regularly in first instance and appellate courts, both with and without a leader. He also has significant experience of arbitration and mediation. Patrick is equally comfortable working alone and as part of a team.



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## Recent Practice

### Commercial Litigation

Patrick specialises in all aspects of commercial litigation, with particular emphasis on banking and financial services, insurance and reinsurance, professional negligence and civil fraud, further details of which are set out below. He is recommended as a leading junior in commercial litigation/dispute resolution in *Legal 500* (top tier), *Chambers & Partners* (UK and Global Guides) (top tier) and *Legal Experts*. Patrick was nominated for the Commercial Litigation Junior of the Year award in 2011 by Chambers & Partners.

He has been instructed in a number of the major commercial and civil cases in recent times, such as:

- *OFT bank charges litigation*: acting for HSBC in the high profile test case brought by the Office of Fair Trading in relation to current account overdraft fees: No. 1: [2008] 2 All E.R. (Comm) 625 (Andrew Smith J) and [2010] 1 A.C. 696 (CA and SC); No. 2: [2009] 1 All E.R. (Comm) 717.
- *Babcock & Brown litigation*: acting for the Babcock & Brown Group in multi-faceted and multi-jurisdictional fund management litigation, including in relation to jurisdictional issues in the Commercial Court and proceedings in the Chancery Division concerning legal professional privilege ([2011] Ch. 296).
- *Ansol litigation*: acting for Ansol and others in two substantial civil fraud claims in the Commercial Court: *Intermet v. Ansol* and *Tajik Aluminium Plant v. Ermatov*.
- *Cable & Wireless/Pender litigation*: acting for the claimants in this large-scale multi-jurisdictional action concerning alleged cross-border civil fraud in an insurance/reinsurance context, including in the Court of Appeal ([2005] 2 Lloyd's Rep. 597) as to whether a binding settlement agreement had been entered into.
- *Film finance insurance litigation*: acting for MGM and United Artists in *The Red Corner* and *Orion*.
- *Unilever Pension Fund v. Mercury Asset Management*: acting for MAM in this novel claim for alleged negligent fund management.
- *Unipart/Partco litigation*: acting for the directors at first instance ([2002] 1 Lloyd's Rep. 320) and in the Court of Appeal ([2002] 2 Lloyd's Rep. 343) in connection with multi-million pound claims arising from a recommended takeover bid.
- *"Credit hire" litigation*: acting for Centrus (a subsidiary of Avis) in the widespread litigation surrounding the car "credit hire" industry, including in the Court of Appeal in *Burdis v. Livsey* [2003] Q.B. 36 (intervening) and *Ketley v. Gilbert* [2001] 1 W.L.R. 986.
- *Morgan Grenfell v. SACE*: acting for Morgan Grenfell in its substantial claim against SACE, the Italian export credit agency.

### Banking & Finance

Patrick has advised and represented clearing and merchant banks and other financial institutions in a broad range of domestic and international disputes as well as in non-contentious contexts, including in relation to investment banking, fund management, letters of credit, cheques, security, consumer credit, structured products and export credit. He is recommended as a leading junior in banking and finance in *Legal 500* (top tier), *Chambers & Partners* (top tier) and *Legal Experts*. Patrick was short-listed for the Banking and Finance Junior of the Year award in 2009 by Chambers & Partners. Recent examples of his practice in this area include as follows:

- Acting for HSBC in the OFT bank charges litigation (see above), including appearing for the bank in *Rutherford v. HSBC* [2009] N.P.C. 62 concerning a stay of County Court proceedings pending the Supreme Court judgment.



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- Acting for a leading investment bank in Commercial Court proceedings brought by noteholders relating to the sale and redemption of structured notes totalling €35 million.
- Acting for the respondents to a multi-million pound LCIA arbitration concerning the validity of the release of liabilities arising in respect of guaranteed secured notes relating to assets in the Russian Federation.
- Advising a major high street bank in relation to claims arising out of the sale of payment protection insurance.
- Acting for the Club in *Aspinall's Club v. Al-Zayat*, a high profile case raising issues concerning cheques, credit and the Gaming Act 1968: No. 1: [2007] Bus.L.R. D92 (David Steel J), *The Times*, 31 October 2007 (CA); No. 2: [2008] Bus.L.R. D134.
- Acting for a major UK asset manager in connection with "credit crunch" claims arising from substantial investments in various structured products.
- Acting for a leading investment bank in relation to claims arising out of an Italian securitisation.
- Following on from acting for MAM in *Unilever Pension Fund v. Mercury Asset Management*, Patrick has been instructed in a number of other cases concerning allegations of negligent fund management against other investment banks. He has recently acted for a major investment bank in proceedings brought against it relating to the performance of one of its equity products.
- Advising JP Morgan, ABN AMRO, Dresdner Kleinwort Wasserstein and Morgan Stanley, as joint global coordinators of the IPO of Rosneft, the Russian oil company.
- Advising a leading investment fund management company in relation to a substantial dispute with one of its major clients.
- Acting for Standard Bank Asia in a substantial customer claim in relation to withdrawals from a Hong Kong bank account.
- Advising in relation to potential claims against a large investment bank in respect of various non-deliverable forward contracts entered into by a number of offshore funds.
- Acting for Morgan Grenfell in its substantial claim against SACE, the Italian export credit agency.

### Insurance & Reinsurance

Patrick has extensive experience of insurance and reinsurance matters. He has advised and represented many domestic and international clients in relation to a broad range of insurance/reinsurance disputes. He has been instructed in a number of the recent large insurance cases in the Commercial Court and is recommended as a leading junior in insurance/reinsurance in *Legal 500* (top tier), *Chambers & Partners* (second tier) and *Legal Experts*. Patrick was short-listed for the Insurance Junior of the Year award in 2010 by Chambers & Partners. Recent examples of his practice in this area include:

- Acting for the defendant in *Equitas v. R&Q Reinsurance* [2010] 2 All E.R. (Comm) 855, Commercial Court proceedings concerning the recoverability of 'tainted' KAC/BA and Exxon Valdez losses.
- Acting for reinsurers in relation to losses resulting from the attack on the World Trade Center on 11 September 2001.
- Acting for the insured in a major LCIA arbitration involving U\$3 billion worth of cover under a complex financial risk transfer programme.
- Acting for the insured in a substantial Bermuda Form arbitration.
- Acting for the claimants in the Cable & Wireless/Pender litigation, a large-scale multi-jurisdictional action concerning alleged cross-border civil fraud in an insurance/reinsurance context (see above).
- Acting for MGM and United Artists in the multi-party film finance insurance litigation (*The Red Corner* and *Orion*).



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- Acting for a leading provider of legal expenses insurance in respect of a claim brought against it by underwriters in the Commercial Court for allegedly having made undisclosed secret commissions.
- Acting for Cinerenta in its substantial claims against brokers in connection with the placement of film finance insurance

## Professional Negligence

Patrick has acted for and against a wide range of disciplines, including accountants, fund managers, auditors, solicitors, brokers, surveyors, financial advisors and barristers. He is recommended as a leading junior in professional negligence in *Legal 500*, *Chambers & Partners* and *Legal Experts*.

## Civil Fraud

Patrick has considerable experience of acting and advising in connection with claims involving civil fraud, including breach of fiduciary duty, deceit, bribery, dishonest assistance, knowing receipt and equitable remedies. He has significant experience of obtaining freezing injunctions and other interim relief in the context of civil fraud claims. He is recommended as a leading junior in civil fraud in *Legal 500* and *Chambers & Partners*. Recent examples of his work in this area include three large-scale actions in the Commercial Court: *Intermet v. Ansol*, *Tajik Aluminium Plant v. Ermatov* and the Cable & Wireless/Pender litigation.

## Conflict of Laws & Private International Law

Much of Patrick's work raises conflict of laws and jurisdictional issues and he is experienced in all aspects of private international law. He appeared in *Lafi Office and International Business v. Meriden Animal Health* [2000] 2 Lloyd's Rep. 51, an important case concerning jurisdiction and stay of proceedings under the Brussels Convention.

## Arbitration

Patrick has significant experience of domestic and international commercial arbitration under all the principal rules. He has been instructed in proceedings concerning a wide variety of contractual disputes, including in the context of insurance/reinsurance, international and domestic sales of goods, distribution agreements, loan facilities, structured products and joint ventures. Patrick is recommended as a leading junior in international arbitration in *Legal 500* (second tier).

## Mediation

Patrick often acts as advocate at mediations, including at a number taking place prior to the commencement of proceedings. He is also a CEDR accredited mediator and has acted as an assistant mediator on a number of occasions.

## Publications

- Co-author of *The Law of Privilege* (ed. Thanki, 2nd edition, Oxford University Press)
- Co-author of *Law of Bank Payments* (eds. Brindle & Cox, 4th edition, Sweet & Maxwell)
- Contributor to *Bullen & Leake & Jacob's Precedents of Pleadings* (16th edition, Sweet & Maxwell)
- Editor of *Commercial Court Procedure 2001* (Sweet & Maxwell)