



# Patrick Goodall KC

Call 1998 | Silk 2014

*"Patrick Goodall is absolutely superb. He is excellent on his feet and the barrister you want on your team."*

*Chambers & Partners*

 [pjg@fountaincourt.co.uk](mailto:pjg@fountaincourt.co.uk)  +44 (0)20 7583 3335

Patrick Goodall KC is a highly sought after advocate and is widely recognised as a leading silk in commercial dispute resolution.

He has a wide-ranging practice encompassing domestic and international commercial litigation and arbitration, and has been instructed in many of the major commercial cases in recent times. He has been described in the directories as “*absolutely superb*” and “*the barrister you want on your team*”. He is recommended in the directories as a leading silk in commercial litigation, banking and finance, civil fraud and insurance/reinsurance. Patrick was one of the first of his level of call to take silk. He is Deputy Head of Chambers.

Much of Patrick’s work raises conflict of laws and jurisdictional issues and he is experienced in all aspects of private international law. His practice is international in nature and he regularly acts for, or advises, clients in offshore jurisdictions. He is admitted to the British Virgin Islands Bar.

In 2023, Patrick was nominated as ‘Commercial Litigation Silk of the Year’ by *The Legal 500* and as ‘Commercial Dispute Resolution Silk of the Year’ by *Chambers & Partners*. He was previously nominated as ‘Banking Silk of the Year’ by *Chambers & Partners* in 2019. In 2024, he was named amongst *The Lawyer’s* ‘Hot 100’.

Patrick is a co-author of *The Law of Privilege* (ed. Thanki) and has acted in a number of the leading cases concerning privilege.

In addition to accepting appointments as an arbitrator, Patrick is a CEDR accredited mediator.

## Recent Highlights

### Philipp v Barclays Bank

Acted successfully for Barclays in this landmark Supreme Court appeal – one of *The Lawyer’s* Top 10 Appeals of 2023 – concerning whether banks can be held liable to their customers when they fall victim to authorised push payment fraud. The Supreme Court recast the *Quincecare* duty, and rationalised it by reference to agency principles.

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### Loreley Financing (Jersey) No.30 v Credit Suisse

Acted successfully for Credit Suisse in its defence of a US\$160 million claim based on alleged fraudulent misrepresentations relating to the credit quality of residential mortgage-backed securities. Following a nine-week trial in the Financial List – which was listed as one of *The Lawyer's* Top 20 Cases of 2023 – the claims were dismissed at every level.

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### Farol Holdings & ors v Clydesdale Bank & National Australia Bank

Acting for National Australia Bank in proceedings relating to the break costs and fixed rate payable for tailored business loans offered by Clydesdale Bank to its customers. Judgment is awaited following a 12-week trial in the Chancery Division in autumn 2023.

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### Autonomy/Hewlett-Packard v Lynch & Hussain

Acted successfully for the claimants in these substantial proceedings (for US\$5 billion) – one of *The Lawyer's* Top 20 Cases of 2019 – involving claims for breach of fiduciary duty, breach of contract and misrepresentation in relation to the acquisition of Autonomy by the Hewlett-Packard group. The ten-month trial concluded in January 2020, with judgment being handed down in May 2022. The Judge noted that the trial ranked “*amongst the longest and most complex in English legal history*” and observed that the length of his judgment, which runs to almost 1,660 pages, “*may well be unparalleled*”.

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### Glencore Securities Litigation

Acting for a defendant director in significant group securities litigation under FSMA 2000 relating to Glencore's IPO and subsequent merger with Xstrata.

## Expertise

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### Banking & Finance

Patrick has advised and represented retail and investment banks and other financial institutions in a wide range of domestic and international disputes as well as in non-contentious contexts, including in relation to investment banking, fund management, securitisations, structured products, complex financial investments, LIBOR and FX manipulation, letters of credit, cheques, security, consumer credit, syndicated loans and export credit. He is recommended as a leading silk in banking and finance in *The Legal 500*, *Chambers & Partners* and *Who's Who Legal*. Patrick was identified by *Who's Who Legal* as one of the ‘Most Highly Regarded Silks’ in Banking & Finance in its 2022 UK Bar Report. In 2019, he was nominated as ‘Banking Silk of the Year’ by *Chambers & Partners*.

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### Notable Banking & Finance cases

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**Philipp v Barclays Bank [2022] Q.B. 578 (CA) & [2023] 3 W.L.R. 284 (SC)**

Acted successfully for Barclays in this landmark Supreme Court appeal – one of *The Lawyer's* Top 10 Appeals of 2023 – concerning whether banks can be held liable to their customers when they fall victim to authorised push payment fraud. The Supreme Court recast the *Quincecare* duty, and rationalised it by reference to agency principles.

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**Loreley Financing (Jersey) No.30 v Credit Suisse [2023] EWHC 2759 (Comm)**

Acted successfully for Credit Suisse in its defence of a US\$160 million claim based on alleged fraudulent misrepresentations relating to the credit quality of residential mortgage-backed securities. Following a nine-week trial in the Financial List – which was listed as one of *The Lawyer's* Top 20 Cases of 2023 – the claims were dismissed at every level.

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**Farol Holdings & ors v Clydesdale Bank & National Australia Bank**

Acting for National Australia Bank in proceedings relating to the break costs and fixed rate payable for tailored business loans offered by Clydesdale Bank to its customers. Judgment is awaited following a 12-week trial in the Chancery Division in autumn 2023.

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**Stichting Vestia v Barclays Bank**

Acting for Barclays in relation to a €280 million claim brought by a Dutch social housing association in respect of various interest rate derivative transactions which are alleged to have been beyond its capacity. Listed for a nine-week trial in the Financial List in summer 2024.

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**Allianz Global Investors & ors v Deutsche Bank & ors**

Acted for Standard Chartered Bank in proceedings before the Competition Appeal Tribunal based on alleged cartel behaviour in respect of FX trading.

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**Bartels v Barclays Bank [2018] 1 W.L.R. 2137 & Elite Property Holdings v Barclays Bank [2019] Bus.L.R. 129**

Acted successfully for Barclays in two high profile appeals regarding the nature of the duties owed by the bank to customers in relation to the FCA Review into interest rate hedging product mis-selling.

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**UBS AG, London Branch v GLAS Trust Corp [2017] EWHC 1788 (Comm)**

Acted for UBS in Financial List proceedings concerning the payment of Note Trustee expenses in relation to a distressed securitisation.

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**NRAM v McAdam [2015] 2 All E.R. 340 (Burton J) & [2016] 3 All E.R. 665 (CA)**

Acted for the claimant in test case proceedings to determine the effect of loan agreements entered into between NRAM and its borrowers which were not regulated by the Consumer Credit Act 1974 but were documented as if they were.

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Acting for a number of the leading retail banks in relation to swap mis-selling claims.

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Acting for a number of financial institutions in relation to claims arising out of alleged LIBOR manipulation.

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Acted for GLG Partners in the claims brought by Richard Desmond in relation to two £50 million swap transactions entered into by him.

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Acted for BNP Paribas in its claim against Anchorage Capital Group for US\$60 million arising out of the sale of subordinated private placement notes: [2013] EWHC 3073 (Comm).

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#### **Ibrahim v Barclays Bank [2012] 1 B.C.L.C. 33 (Vos J) & [2013] Ch. 400 (CA)**

Acted for Barclays at first instance and on appeal, a case concerning the law relating to subrogation and the discharge of debts by a third party.

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Acted for Coutts in the high profile claim brought by Sir Keith Mills in relation to his investment in an AIG Life Premier Bond.

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#### **The Sisters of Charity of Jesus & Mary v Morgan Stanley & Co. International**

Acted for the defendants concerning claims brought by noteholders relating to the sale and redemption of structured notes totalling €35 million.

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#### **Royal Bank of Scotland v Hicks**

Acted for RBS in high profile proceedings with the former US owners arising out of the sale of Liverpool Football Club.

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Acted for a leading Russian bank in high value Commercial Court proceedings arising out of the restructuring of an international bond issue.

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#### **OFT bank charges litigation**

Acted 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.

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### **Rutherford v HSBC [2009] N.P.C. 62**

Appearing for the bank concerning a stay of County Court proceedings pending the Supreme Court judgment in the bank charges litigation.

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Acted 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.

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Advised a major high street bank in relation to claims arising out of the sale of payment protection insurance.

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### **Aspinall's Club v Al-Zayat No. 1 [2007] Bus.L.R. D92 (David Steel J), The Times, 31 October 2007 (CA); No. 2: [2008] Bus.L.R. D134**

Acted for the claimant in a high profile case raising issues concerning cheques, credit and the Gaming Act 1968.

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Acted for a major UK asset manager in connection with “credit crunch” claims arising from substantial investments in various structured products.

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Acted for a leading investment bank in relation to claims arising out of an Italian securitisation.

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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 houses. He has recently acted for a major investment bank in proceedings brought against it relating to the performance of one of its equity products.

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Advised JP Morgan, ABN AMRO, Dresdner Kleinwort Wasserstein and Morgan Stanley, as joint global coordinators of the IPO of Rosneft, the Russian oil company.

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Advised a leading investment fund management company in relation to a substantial dispute with one of its major clients.

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Acted for Standard Bank Asia in a substantial customer claim in relation to withdrawals from a Hong Kong bank account.

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Advised 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.

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Acted for Morgan Grenfell in its substantial claim against SACE, the Italian export credit agency.

## Civil Fraud

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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 silk in civil fraud in *Chambers & Partners*.

### Notable Civil Fraud cases

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#### Loreley Financing (Jersey) No.30 v Credit Suisse [2023] EWHC 2759 (Comm)

Acted successfully for Credit Suisse in its defence of a US\$160 million claim based on alleged fraudulent misrepresentations relating to the credit quality of residential mortgage-backed securities. Following a nine-week trial in the Financial List – which was listed as one of *The Lawyer's* Top 20 Cases of 2023 – the claims were dismissed at every level.

#### Autonomy/Hewlett-Packard v Lynch & Hussain [2022] EWHC 1178 (Ch)

Acted successfully for the claimants in these substantial proceedings (for US\$5 billion) – one of *The Lawyer's* Top 20 Cases of 2019 – involving claims for breach of fiduciary duty, breach of contract and misrepresentation in relation to the acquisition of Autonomy by the Hewlett-Packard group. The ten-month trial concluded in January 2020, with judgment being handed down in May 2022. The Judge noted that the trial ranked “*amongst the longest and most complex in English legal history*” and observed that the length of his judgment, which runs to almost 1,660 pages, “*may well be unparalleled*”.

#### National Bank Trust v Yurov

Heavily contested application to discharge a US\$830 million freezing injunction for material non-disclosure.

#### 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

Acted for the claimants in this large-scale multi-jurisdictional action concerning alleged cross-border civil fraud in an insurance / reinsurance context.

## Commercial Disputes

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Patrick specialises in all aspects of commercial litigation, with particular emphasis on banking and financial services, insurance and reinsurance, professional negligence and civil fraud. He is recommended as a leading silk in commercial dispute resolution in *The Legal 500*, *Chambers & Partners* (UK and Global Guides) and *Who's Who Legal*. In 2023, Patrick was nominated as 'Commercial Litigation Silk of the Year' by *The Legal 500* and as 'Commercial Dispute Resolution Silk of the Year' by *Chambers & Partners*.

## Notable Commercial Disputes cases

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### Glencore Securities Litigation

Acting for a defendant director in significant group securities litigation under FSMA 2000 relating to Glencore's IPO and subsequent merger with Xstrata.

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### Autonomy/Hewlett-Packard v Lynch & Hussain [2022] EWHC 1178 (Ch)

Acted successfully for the claimants in these substantial proceedings (for US\$5 billion) – one of *The Lawyer's* Top 20 Cases of 2019 – involving claims for breach of fiduciary duty, breach of contract and misrepresentation in relation to the acquisition of Autonomy by the Hewlett-Packard group. The ten-month trial concluded in January 2020, with judgment being handed down in May 2022. The Judge noted that the trial ranked “*amongst the longest and most complex in English legal history*” and observed that the length of his judgment, which runs to almost 1,660 pages, “*may well be unparalleled*”.

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### Von Pezold v Border Timbers [2021] 2 All E.R. (Comm) 762

Acted for the claimant in a significant dispute arising out of overlapping ICSID arbitral awards for US\$124 million obtained against the Zimbabwean state in relation to the unlawful expropriation of a large forestry estate in Zimbabwe ultimately owned by a German and Swiss family.

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### Pinchuk v Bogolyubov & Kolomoisky

Acted for Mr Igor Kolomoisky in a high-profile Commercial Court claim (valued at US\$2 billion) – one of *The Lawyer's* Top 20 Cases of 2016 – between three Ukrainian businessmen concerning title to an iron ore plant.

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### Bank Mellat v HM Treasury

Acted for HM Treasury in this well-publicised damages claim (for almost US\$4 billion) brought by an Iranian bank, Bank Mellat, resulting from the financial restrictions contained in the Financial Restrictions (Iran) Order 2009 being found unlawful by the Supreme Court: [2015] H.R.L.R. 6 (Collins J), [2016] 1 W.L.R. 1187 (CA) (closed material procedure); [2016] 1 All E.R. (Comm) 766 (Flaux J), [2017] Q.B. 67 (CA) (reflective loss). One of *The Lawyer's* Top 20 Cases in both 2015 and 2017.

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### OFT bank charges litigation

Acted 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.

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### 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).

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### 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*.

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### 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.

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### Film finance insurance litigation

Acting for MGM and United Artists in *The Red Corner* and *Orion*.

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### Unilever Pension Fund v Mercury Asset Management

Acting for MAM in this novel claim for alleged negligent fund management.

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### 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.

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### "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.



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## Lafi Office & International Business v Meriden Animal Health [2000] 2 Lloyd's Rep. 51

Concerning jurisdiction under the Brussels Convention.

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## Morgan Grenfell v SACE

Acting for Morgan Grenfell in its substantial claim against SACE, the Italian export credit agency.

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## Insurance

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 silk in insurance in *Chambers & Partners*, *The Legal 500* and *Who's Who Legal*.

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### Notable Insurance cases

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#### Aioi Nissay Dowa Insurance v Heraldglen [2013] 2 All E.R. (Comm) 231

Acting for the claimant in the first decision of the English courts concerning the question whether losses from the 9/11 attack on the Twin Towers of the World Trade Center were caused by accidents or occurrences arising out of one event or two.

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#### WHA v Revenue & Customs Commissioners [2013] 2 All E.R. 907 (SC)

Acted for HMRC which concerned the effectiveness of a scheme which was designed to minimise the overall liability to VAT of a group of companies involved in motor breakdown insurance.

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Acting in a large Commercial Court reinsurance claim for over US\$150 million in relation to guarantees issued to various Korean shipbuilders.

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#### Equitas v R&Q Reinsurance [2010] 2 All E.R. (Comm) 855

Acting for the defendant in Commercial Court proceedings concerning the recoverability of 'tainted' KAC/BA and Exxon Valdez losses.

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Acting for the insured in a major LCIA arbitration involving US\$3 billion worth of cover under a complex financial risk transfer programme.

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Acting for the insured in a substantial Bermuda Form arbitration.

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## Cable & Wireless/Pender litigation

Acted for the claimants in a large-scale multi-jurisdictional action concerning alleged cross-border civil fraud in an insurance/reinsurance context.

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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.

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Acting for Cinerenta in its substantial claims against brokers in connection with the placement of film finance insurance.

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## International Arbitration

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### Notable International Arbitration cases

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Significant experience of domestic and international commercial arbitration under all the principal rules.

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Acted in arbitral proceedings concerning a wide variety of contractual disputes, including in the context of insurance/reinsurance (including Bermuda Form), international and domestic sales of goods, shareholder disputes, distribution agreements, loan facilities, structured products and joint ventures.

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### Internet v Ansol [2007] Arb.L.R. 33

Concerned a novel application before the Commercial Court to injunct arbitral proceedings.

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## Privilege, Confidentiality & Conflicts of Interest

Patrick has expertise in all aspects of civil procedure and is regularly retained to advise in relation to legal professional privilege. He is a co-author of *The Law of Privilege* (ed. Thanki) and a contributor to *Bullen & Leake & Jacob's Precedents of Pleadings*.

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### Notable Privilege, Confidentiality & Conflicts of Interest cases

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Acted for Royal Bank of Scotland in its application to injunct Cooke, Young & Keidan from acting in the Property Alliance Group proceedings in order to protect its confidential / privileged information.

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### R (Prudential) v Special Commissioner of Income Tax [2013] 2 A.C. 185

Acting for HMRC in an appeal to the Supreme Court concerning the question whether legal advice privilege should extend to legal advice given by accountants.

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### **BBGP Managing General Partner v Babcock & Brown Global Partners [2011] Ch. 296**

Acting for the claimants concerning the application of legal professional privilege, including the fraud exception, in the context of a major commercial dispute concerning a limited partnership.

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### **Public Law Project v Lord Chancellor [2015] 1 W.L.R. 251 (DC), [2016] A.C. 1531 (CA and SC)**

Acted for the Lord Chancellor concerning the lawfulness of a residence requirement in relation to civil legal aid.

## **Professional Negligence**

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Acted for and against a wide range of disciplines, including accountants, fund managers, auditors, solicitors, brokers, surveyors, financial advisors and barristers.

## **Directory Quotes**

*"A class act: hugely responsive, extremely user-friendly, absolutely thorough in his approach, and not afraid of arguing the trickier points."*

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The Legal 500

*"Patrick is a real go-to silk. He is just brilliant. Technically excellent, incredibly responsive and in the detail, and with superb judgement, inspiring total confidence. Strategic and pragmatic. A complete pleasure to work with and a great team player."*

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The Legal 500

*"Universally loved by clients for his crisp advice and advocacy." "He's extremely easy to work with, rolls his sleeves up and gets stuck in to every aspect of the case."*

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Chambers & Partners

*"He is really excellent - very logical and orderly in the way he approaches things. He is technically very strong. He is also very collaborative." "He understands what solicitors need. He is a great team player and he is very meticulous and provides very thorough, high-quality advice."*

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Chambers & Partners

*"Absolutely outstanding at explaining complicated issues in court."*

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Chambers & Partners

*"He is an inspirational team leader and his cross-examination and advocacy are first class. He adapts very well to the circumstances of the case and is fast in dealing with queries. He has a good knowledge of procedure and thinks in depth about the strategies and tactics." "He is very smart and user-friendly, has meticulous attention to detail and is on top of all the details. He's very proactive and collaborative." "He's smooth on his feet and very logical."*

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Chambers & Partners

*"Absolutely top rate."*

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The Legal 500

*"Right at the top of my list of go-to barristers, he is a joy to work with."*

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The Legal 500

*"Advocacy is outstanding and consistently listened to by judges."*

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The Legal 500

## Directory Rankings

### Chambers & Partners

- Banking & Finance
- Commercial Dispute Resolution
- Fraud: Civil
- Insurance

## The Legal 500

- Banking & Finance (including Consumer Credit)
- Commercial Litigation
- Fraud: Civil
- Insurance & Reinsurance

## Education

- B.C.L. (First Class Honours), Brasenose College, Oxford
- LL.B. (First Class Honours), Southampton University

## International Bar / Court Appointments

- Called to the Bar of the British Virgin Islands

## Appointments, Memberships and Prizes

- Deputy Head of Chambers (2021)
- Recorder (2018)
- Bencher of Inner Temple (2018)
- Called to the BVI Bar (2015)
- Junior Counsel to the Crown (A Panel) (2011-2014)
- CEDR accredited mediator (2004)
- Former solicitor (Freshfields: 1995-1997)

## Publications

- Co-author of *The Law of Privilege* (ed. Thanki, 3rd edition, Oxford University Press)
- Co-author of *Law of Bank Payments* (eds. Brindle & Cox, 5th edition, Sweet & Maxwell)
- Contributor to *Bullen & Leake & Jacob's Precedents of Pleadings* (19th edition, Sweet & Maxwell)
- Editor of *Commercial Court Procedure 2001* (Sweet & Maxwell)

## Awards

