

# Benjamin Fowler

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*He is extremely hardworking and astute. He is very collected, and will advise when a case is weak and needs to be strengthened, as well as when a more aggressive and expansive approach is required. These qualities are unusual for someone of his call.*

- Legal 500

**Benjamin Fowler has a broad commercial practice with a particular focus on construction and engineering, professional liability and costs.**

Ranked as a Leading Junior in the Legal 500 for Professional Negligence, Benjamin has been described as:

**"Extremely hardworking and astute. He is very collected, and will advise when a case is weak and needs to be strengthened, as well as when a more aggressive and expansive approach is required. These qualities are unusual for someone of his call."** - Legal 500, 2021

**"Technically gifted both in writing and orally."** – Legal 500, 2020

Benjamin is an experienced junior advocate with significant experience in litigation, arbitration and adjudication. He has appeared in the Court of Appeal and High Court (led and as sole counsel) as well as the SCCO and County Court on a wide variety of matters encompassing general commercial litigation, construction, professional negligence and costs. He has substantial advocacy experience as sole counsel in numerous trials and appeals.

Benjamin has considerable experience of **professional liability** disputes, in particular claims against solicitors and construction professionals (including disciplinary and regulatory matters). Examples include:

- *Holt v Holley & Steer* [2020] EWCA Civ 851: Sole counsel in the Court of Appeal successfully striking out a claim against solicitors arising out of ancillary relief proceedings on limitation grounds.
- *Quaradeghini v Mischcon de Reya*: sole counsel in a lost litigation claim arising out of banking proceedings. Successfully overturned the striking out of the claim for want of prosecution on appeal: [2019] EWHC 3523 (Ch); [2020] 4 WLR 34.
- Sole counsel in a three-day trial in the Queen's Bench Division (April 2018). A solicitors negligence claim concerning conveyancing and planning enforcement. Benjamin successfully resisted an application to amend the Particulars of Claim on limitation grounds and the claim was dismissed on grounds of no duty of care and causation.

- Led by David Turner QC in *Muduroglu v Stephenson Harwood (A Firm)* [2017] EWHC 29 (Ch), successfully striking out allegations against solicitors who acted for the claimant in property development and share transactions. Includes issues of limitation, amendments made under CPR Part 17, and allegations of dishonest assistance and breach of trust.
- Led by Ben Hubble QC in *Guney v Kingsley Napley* [2016] EWHC 2349 (QB). Acting for defendant solicitors in a claim arising from five years' of family litigation, concerning issues of domicile and claims for financial provision under the 1975 Inheritance Act. Succeeded in having several heads of loss struck out and the Claimants' applications to amend refused.
- Benjamin also has significant disciplinary experience, including successfully defending an architect in a RIBA disciplinary action and acting for a leading UK architect in an ARB matter due to be heard this year.

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- Adjudication arising out of allegations of defective waterproofing at a swimming pool and leisure centre.
  - *Premier Inn Hotels Limited v McAleer & Rushe Limited v (3) M Clarke & Sons Limited (4) Urban Innovations Limited (5) Michael Slattery & Associates Fire Safety Engineers Limited (6) Bureau Veritas Building Control UK Limited*, and other associated matters. Benjamin acts with Anneliese Day QC for the cladding subcontractors on this cladding claim concerning one of the Premier Inn group's hotels.
  - Adjudication concerning architectural design of a major swimming pool complex
  - *Redbourn Group Ltd v Fairgate Development Ltd* [2017] EWHC 1223 (TCC) (Coulson J) Acting for the Claimant project managers in their successful opposition to the Defendant property developer's application to set aside default judgment. Benjamin acted as sole counsel in the four-day quantum hearing which concerned issues of damages for repudiatory breach of contract against a background of property development and planning - [2018] EWHC 658 (TCC).
  - Instructed by Dandara, a major property developer on Jersey, in Royal Court claims against a civil engineering contractor, arising out of allegedly defective subcontract works on the foundations of a beachfront property.
  - Adjudication concerning design coordination of M&E and drylining sub-contract packages.
  - Led by Fiona Sinclair QC in a delay claim brought by the main contractor against architects and M&E consultants arising from a luxury London apartment development.
  - Sole Counsel in a claim in arbitration for delay and damages brought by an employer against architects of a prestigious UK art gallery.
  - A complex claim in arbitration worth in excess of £100 million (led by Roger Stewart QC) relating to a nuclear facilities project in Scotland.
  - A TCC claim arising from traffic modelling and design for the redevelopment of a junction of a major UK motorway (led by Anneliese Day QC).

Benjamin has a growing **costs** practice, and regularly appears in the SCCO and County Courts on detailed assessment proceedings and related hearings. Recent work includes:

- Solicitor-client assessments under s. 71 of the Solicitors Act 1974, including advising in relation to solicitors' liens, delivery up of clients' files, applications and 'special circumstances'.

- Advising on the applicability of QOCS in claims against multiple defendants and 'mixed' claims.
- Preliminary issue concerning the scope of the EL/PL Protocol and the exclusion for clinical negligence.
- Led by Nicholas Bacon QC in the Supreme Court on a successful application relating to CFA enforceability on appeal from the Court of Appeal of Northern Ireland (*Denise Brewster v NILGOSC* [2017] UKSC 8).
- Sole counsel in appeals and detailed assessments on the recoverability of ATE premiums.
- Advising on Part 36 formalities including the date of acceptance following the settlement of an extensive multi-million pound group action.
- Numerous detailed assessments.

In **other matters**, outside of the above specialist areas, Benjamin deals with a wide range of **commercial disputes** across a variety of industry sectors, including insolvency, company and partnership disputes, directors' duties, fraud, conspiracy and breach of confidence. Benjamin has a particular interest and specialism in personal property and sales of goods. He is regularly instructed as sole counsel in multi-day trials and has extensive experience of freezing injunctions, security for costs and other such applications.

Benjamin has given many talks over the last 18 months on the **disclosure pilot scheme** and regularly advises on issues arising from the pilot and Practice Direction 51U.

Click here for a **Privacy Policy** for Benjamin Fowler.

## Areas of Expertise

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### Commercial

Commercial litigation is at the heart of Benjamin's practice. He deals with a wide range of commercial disputes across a variety of industry sectors addressing issues such as contractual disputes, negligence claims, breach of fiduciary and directors' duty, breach of trust (including accessory liability), banking disputes, shareholder disputes, breach of confidence and misuse of private information. He has experience of advising on jurisdictional matters and conflicts of laws, which in turn formed a significant part of his academic legal studies.

Benjamin also has experience of pre-action and interim applications including freezing injunctions and security for costs.

Recent instructions include:

- Overturning the striking out of a claim for want of prosecution on appeal (sole counsel in the High Court; *Quaradeghini v Mishcon de Reya* [2020] 4 WLR 34).
- A partnership dispute and derivative action arising out of the breakdown of a private equity and investment management partnership.
- Acting as sole counsel in a four-day TCC trial on causation and quantum concerning damages for repudiatory breach of contract (*Redbourn Group Ltd v Fairgate Developments Ltd* [2018] EWHC 658 (TCC)).
- A multi-million pound partnership dispute and derivative action arising out of a falling-out between partners in an investment management LLP.
- A dispute between members of a joint venture concerning the law of guarantees, involving allegations of fraud and conspiracy.



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## Cases

- Benjamin Fowler
- Redbourn Group Limited v Fairgate Development Limited  
[2018] EWHC 658 (TCC) – Sole counsel in a four-day quantum hearing in the TCC to assess the value of the Claimant’s claim for damages for repudiatory breach of contract following default judgment on liability.
- Obtaining a freezing injunction in the High Court  
In the context of a claim to enforce a loan agreement which was resolved in favour of Benjamin’s client at trial.
- Muduroglu v Stephenson Harwood [2017] EWHC 29 (Ch)  
*Muduroglu v Stephenson Harwood (A Firm)* [2017] EWHC 29 (Ch) \_\_\_\_\_
- Claim against Insurance Brokers  
Acting for insurance brokers in a claim brought against them and two insurers under EL policies. Engages issues of policy interpretation, rectification, dual insurance and gaps in cover.
- Acting for a software company  
In a claim which raises issues of conversion, unjust enrichment, retention of property rights and constructive trusts.
- Dispute between shareholders and co-directors of a company  
Involving issues of fraud and breach of directors’ and fiduciary duties.
- Advice regarding disputed multi-million pound share sale  
Advising in a dispute arising from a multi-million pound share sale.
- Advising on liability  
Advising on liability under the Bribery Act 2010.

## Construction

Construction comprises a significant proportion of Benjamin’s practice, acting and advising for employers, contractors and sub-contractors in disputes in the High Court (in particular the Technology and Construction Court) and the County Court as well as adjudication and arbitration. He has been instructed in relation to several high-profile construction and engineering projects in the UK, including cladding claims, motorways, nuclear-implicated and marine installations and commercial and residential property.

Benjamin has acted on claims for and against construction professionals, including architects, structural engineers, concrete suppliers and interior designers involving standard form and bespoke contracts. He has experience of the major forms of construction and engineering contracts, including JCT and NEC3. He has experience of litigation and arbitration where the underlying issues include mechanical and electrical engineering, civil and marine engineering, concrete, subsidence, traffic flow modelling, public procurement and nuclear safety and engineering.

Since commencing practice, and in addition to acting as a junior on high value disputes, a significant proportion of Benjamin’s construction practice has been as sole counsel. He regularly acts for both employers and contractors and is comfortable appearing before any tribunal whether led or not.

Recent work includes:

- *Premier Inn Hotels Limited v McAleer & Rushe Limited v (3) M Clarke & Sons Limited (4) Urban Innovations Limited (5) Michael Slattery & Associates Fire Safety Engineers Limited (6) Bureau Veritas Building Control UK Limited*, and other associated matters. Benjamin acts with Anneliese Day QC for the cladding subcontractors on this cladding claim concerning

one of the Premier Inn group's hotels.

- complex cladding claim in the TCC (acting for the architect in a major UK commercial/residential property development)
- adjudications including (most recently in 2020) a dispute between contractor and architect arising out of waterproofing at a swimming pool complex and a claim concerning defective installation of drylining
- acting as sole counsel in *Redbourn Group Ltd v Fairgate Development Ltd* [2018] EWHC 658 (TCC); [2017] EWHC 1223 (TCC)
- representing an architect in ARB disciplinary proceedings
- representing an architect in RIBA disciplinary proceedings
- sole counsel for an architectural practice in arbitration proceedings arising from the design and design coordination of a prestigious UK art gallery.
- a claim in the Jersey Royal Court concerning defective piling works

## Cases

- **Redbourn Group Limited v Fairgate Development Limited**

Benjamin acts for the Claimant project managers who succeeded in resisting the Defendant developer's application to set aside default judgment in a claim arising from a large mixed commercial/residential development in Wembley. Mr Justice Coulson considered the interrelationship between CPR 13.3 and 3.9 and made important findings on the nature of promptness for the purposes of CPR 13.3(2).

At a four-day hearing before Andrew Bartlett QC (sitting as a Deputy Judge of the High Court) the Claimant's claim for damages was assessed. This involved consideration of issues and evidence around planning issues in the context of the London Plan and local planning authority requirements.

- **Private:**

A claim in the Jersey Royal Courts arising out of piling design and implementation

- **A complex claim in arbitration**

Worth in excess of £100 million concerning a nuclear-implicated installation; involving issues of civil and marine engineering, M&E installation and delay. Led by Roger Stewart QC and Anneliese Day QC. The claim also incorporated an adjudication.

- **Adjudication under the Scheme for Construction Contracts (England and Wales) Regulations 1998**

Acting for the contractor in a fee claim under a bespoke Maximum Price Target Cost contract, concerning issues of deductions for rework

- **Benjamin Fowler**

- **Arbitration**

Concerning motorway construction and public sector procurement (led by Anneliese Day QC).

- **A claim against an architect**

Led by Fiona Sinclair QC in a delay claim brought by the main contractor against architects and M&E consultants arising from a prestigious London residential development.

- **Linked claims against structural engineers**

Obtaining summary judgment in linked claims against structural engineers arising from a loft conversion.

- **CIP Properties (AIPT) Limited v Galliford Try Infrastructure Limited v (1) EIC Limited (2) Kone PLC (3) DLG Architects LLP (4) Damond Lock Grabowski & Partners.**

With Fiona Sinclair QC and Sian Mirchandani, acting for the architects DLG, resisting a main contractor's £6m contribution and damages claim following the settlement of the developer claimant's defects claim. The action related to the construction of the landmark "Broadway Plaza" development in Birmingham with allegations concerning the design of drainage and waterproofing.



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- **Acting for property owners**  
Acting for the employer in a claim against the main contractor and engineers arising from a basement development in a multi-million pound London residential property.
- **Claim against building contractors**  
Concerning allegations relating to the failure to install damp-proofing measures
- **Claim against structural engineers**  
Following subsidence, involving issues of soil desiccation, tree removal and NHBC guidelines

## Professional Liability

**“Extremely hardworking and astute. He is very collected, and will advise when a case is weak and needs to be strengthened, as well as when a more aggressive and expansive approach is required. These qualities are unusual for someone of his call.”** – Legal 500, 2021

Benjamin has experience in all aspects of professional liability and regularly advises and acts on behalf of both claimants and defendants in claims against lawyers, construction professionals (including architects and structural engineers), surveyors and valuers, insurance brokers, accountants and financial professionals. In lawyers’ claims, Benjamin has experience of cases including conveyancing, lost litigation, underlying family proceedings, probate, mortgage lending, corporate transactions and tax advice. Benjamin has also acted for defendant solicitors and planning consultants in a claim arising from a lost chance to obtain planning permission and appeal an enforcement notice and refusal of planning permission.

Recent work includes:

*Holt v Holley & Steer* – sole counsel in the Court of Appeal successfully striking out a claim against solicitors arising out of ancillary relief proceedings on limitation grounds following a second appeal: [2020] EWCA Civ 851.

*Quaradeghini v Mischon de Reya* (Ch Div, 2019) acting as sole counsel in a lost litigation claim arising from the Defendant’s handling of a claim brought against the Claimants by Banca Monte dei Paschi di Siena. Successful on appeal in overturning the Deputy Master’s decision to strike out the claim for want of prosecution ([2020] 4 WLR 34).

*Tomlinson v TW Solicitors* (QB, 2018) as sole counsel, successfully defeating a claim against solicitors following a three-day trial in the Queen’s Bench Division.

*Muduroglu v Stephenson Harwood (A Firm)* [2017] EWHC 29 (Ch) as junior to David Turner QC, striking out claims against solicitors arising out of their handling of share sale agreements and warranties and complex loan transactions and trust arrangements.

Led by Ben Elkington QC in a claim against two firms of solicitors relating to rights of light provisions in leases forming part of a hotel and commercial property development.

## Cases

- **Muduroglu v Stephenson Harwood** [2017] EWHC 29 (Ch)  
Led by David Turner QC, successfully striking out claims against a firm of solicitors brought by a former client.
- **Guney v Kingsley Napley**  
Acting (led by Ben Hubble QC) for defendant solicitors in a claim arising from five years’ of family litigation, concerning issues of domicile and claims for financial provision under the 1975 Inheritance Act. Succeeded in having several heads of loss struck out and the Claimants’ applications to amend refused.
- **Claim against Insurance Brokers**  
Acting for Defendant insurance brokers in a claim brought by an insured against two EL insurers and the broker. Concerns



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issues of dual insurance, policy interpretation, gaps in coverage, rectification and exemptions.

- **Acting for defendant solicitors**

A claim for wrongful advice in relation to a termination notice in an agency agreement.

- **Claim against solicitors**

Advising on limitation in the context of a claim against solicitors for failing to obtain a first legal charge for a mortgagee.

- **Acting for an IFA**

A claim arising from a series of investments in a fund which is alleged to have been a UCIS, including alleged breaches of FSMA and COBS.

- **Lenders claims**

Including acting for defendant solicitors in a claim for breach of trust and failure to obtain security, raising issues of contributory negligence, mitigation and appropriate remediation.

- **Acting for IFAs**

In a spate of claims arising from investments entered into prior to the global financial crisis where it was alleged that the investments were outside the claimants' risk profile. Most involve detailed consideration of limitation which have led to successful summary judgment applications and drop-hands settlements.

- **Acting for defendant solicitors**

In a claim brought by a firm previously instructed in the same underlying matter, alleging failure to recover their costs.

- **Acting for defendant accountants**

In a contribution claim against tax advisors and providers of an EFRBS tax avoidance scheme.

- **Sole counsel in the Court of Appeal**

Arising from the under-settlement of divorce proceedings.

## **International Arbitration**

Benjamin has extensive experience of arbitration, in particular large-scale construction arbitration. Benjamin acted (led by Roger Stewart QC and Anneliese Day QC) on behalf of contractors in a complex arbitration claim worth in excess of £100 million relating to a nuclear installation. He is currently acting as sole counsel in the preliminary stages of an arbitration between employer and architect arising from a prestigious art gallery development.

Benjamin is a member of IBA and YIAG.

## **Cases**

- **Acting for contractors**

A complex arbitration claim worth in excess of £100 million relating to a nuclear installation. Led by Roger Stewart QC and Anneliese Day QC.

## **Costs**

Benjamin has a busy practice in costs work. He has been instructed on a variety of costs matters, which include the following:

- Led by Nicholas Bacon QC in the Supreme Court on a successful application relating to CFA enforceability on appeal from the Court of Appeal of Northern Ireland (*Denise Brewster v NILGOSC* [2017] UKSC 8).
- Detailed and provisional assessment proceedings in the SCCO and County Court, often on preliminary issues including:
  - Applicability of the EL/PL Protocol to contractual claims and the definition of "clinical negligence" for the purpose of exclusion from the Protocol

- Enforceability issues arising from the assignment of CFAs
- Acting on behalf of a successful claimant appealing a provisional assessment of an ATE premium which was subsequently held to be wholly recoverable
- An appeal of a decision on the recoverability of an ATE premium
- Solicitor-client assessments under s. 71 Solicitors Act 1974, including:
  - applications for permission to commence detailed assessment proceedings outside the 1-month period and “special circumstances” cases;
  - acting in detailed assessment proceedings;
  - applications for delivery of files and enforceability of liens; and
  - advising on strategy and issues such as costs of assessments, liens, and interest.
- Setting aside of default costs certificates and applications for relief from sanctions following late service of Points of Dispute.
- Advising on Part 36 formalities including the date of acceptance following the settlement of an extensive group action.
- Advising on the application of QOCS in claims with an element of personal injury.

Benjamin has extensive experience of dealing with costs management in both the County Court and High Court.

## Chancery

Benjamin’s commercial and property practice regularly involves consideration of issues of a chancery nature such as breach of directors’ duties, breach of fiduciary duties, breach of trust and proprietary remedies. Benjamin has significant experience of trusts of land, including claims under the Trusts of Land and Trustees Act 1996.

Benjamin has experience of and has given talks on issues of will preparation, probate and administration in a professional liability context, including claims from disappointed beneficiaries.

Benjamin regularly advises and acts for high street banks and other lenders in various aspects of mortgage law, appearing in the Court of Appeal, High Court and County Court. Benjamin regularly deals with complex possession matters and rectification (including subrogation claims and vesting orders). Recent work includes:

- Sole counsel in the Court of Appeal resisting an application for permission to appeal a decision of the High Court refusing a stay of execution of a warrant for possession on human rights grounds.
- Sole Counsel in the High Court resisting various applications for interim injunctions and stays of execution brought by tenants and mortgagors.
- Obtaining a High Court Freezing Injunction relation to a claim to enforce a loan agreement and promise to secure the loan by way of a second charge
- Acting as Sole Counsel in a successful common intention constructive trust claim relating to residential property following a five-day trial which was reported in the national press.
- Acting in a subrogation claim in the Lands Tribunal arising out of a mortgage fraud.
- Successfully representing a lender appealing an enforcement notice over a series of flats built without planning permission in a two-day planning inquiry. The appeal was brought on the basis that the notice was brought after a period of four years of continuous use in breach of planning permission. It also required consideration of the test for positive deception under the Welwyn principle.

## Cases

- **Re Whelen (Deceased)**  
A probate dispute concerning issues of due attestation (in accordance with s. 9 of the Wills Act 1837); want of knowledge and approval; revocation by destruction and costs. Led by Simon Myerson QC.
- **Claim in the Central London County Court**



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Sole counsel in this successful claim following a five-day trial by which his client sought to establish an interest in a property purchased with her former partner and held in his sole name.

- **Subrogation claims**

Appearing in the High Court, County Court and First Tier Property Tribunal in subrogation and rectification claims for mortgage lending institutions.

- **Claim for the return of shares**

Advising on the effects of personal insolvency.

## **Insolvency**

Benjamin acts for and advises private individuals, corporate bodies and insolvency practitioners on bankruptcy and corporate insolvency. His recent work includes disputed bankruptcy petitions and advising a trustee in bankruptcy on costs recovery.

Benjamin was sole counsel in *Access Flooring Services (Special Works) Limited v Pither & Or* [2019] EWHC 1243 (Ch), an application under ss. 212, 238 and 239 of the Insolvency Act 1986.

Successfully resisting winding-up petitions brought against an LLP and limited company in the context of a derivative claim brought by a partner/director.

## **Insurance**

In line with Chambers' expertise, Benjamin's practice encompasses insurance work, particularly in the context of professional indemnity insurance. He has experience of a wide range of coverage issues and often advises on matters of policy construction. Recent work includes

- a claim against insurers and insurance brokers raising issues of policy interpretation, dual insurance and rectification.
- a subrogated claim brought against a security company following a theft of clothing stock from a warehouse facility.
- a claim for damages for repudiatory breach of contract arising from insurers' refusal to indemnify following a series of thefts. Concerned the insurers rights to avoid the policy and the distinction between different policy years.

## **Property Damage**

Benjamin has experience of property damage claims, particularly in the context of insurance.

He has dealt with claims arising from flood, fire, and subsidence (including tree root removal). Recent matters include:

- Acting for a claimant seeking damages for subsidence and cracking caused by the structural engineer's failure to consider and advise on tree root removal and appropriate mitigation.
- Acting for a commercial tenant in a claim for damage and business interruption brought against a neighbouring tenant for extensive water damage caused to their property and stock.
- Business

## **Cases**

- **Acting for a homeowner in a claim**

Against a local council highways agency and a major construction company relating to a flood caused by negligent drainage repairs.

- **Acting for a commercial tenant in a claim**

For damage and business interruption brought against a neighbouring tenant for extensive water damage caused to their property and stock.



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- Defending a company  
Which ran a light steam railway alleged to have damaged a steam engine.

## Product Liability

Benjamin acted for a leading international manufacturer of engineered metal components, in a claim against a manufacturer of plant which exploded in their premises causing extensive damage. He acted for a distributor of dehumidifier units alleged to have caused fire damage in a claim under the Consumer Protection Act 1987. He has recently acted and advised in claims concerning biodigestive heaters (under the renewable heat incentive scheme) and defective boilers.

## Disciplinary

Benjamin accepts instructions in relation to Regulatory and Disciplinary matters. His experience of these – in particular, solicitors' disciplinary matters – has mostly arisen in the context of claims against professionals, but he is developing a practice in Regulatory and Disciplinary work as well. He has recently given talks and written articles on the role of dishonesty and lack of integrity following the decisions in *Ivey* and *Wingate*.

## Qualifications & Memberships

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Before coming to the Bar, Benjamin ran his own travel company, led tours and lectured on art history in Italy and around Europe.

Benjamin holds a BA in Art History with First Class Honours from Peterhouse, Cambridge. He received a distinction on the GDL at City University, winning the Maitland Advocacy Prize, and a distinction on the BCL at St Catherine's College, Oxford, winning the prize for Advanced Property and Trusts. Benjamin was called to the Bar by Lincoln's Inn where he was awarded Hardwicke, Lord Bowen and Lord Denning Scholarships.

Benjamin is a member of IBA, COMBAR, TECBAR, SCL and PNBA.

## Insights

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### New Developments in Cost Budgeting

7 October 2020

Another year, another set of changes to the cost budgeting regime. The focus is on varying the budget – not only have the rules changed, there is a new precedent form to get to grips with, Precedent T.

### From the Arkin 'cap' to the Arkin 'approach': Davey v Money & Ors [2019] EWHC 997 (Ch)

23 April 2019

Benjamin Fowler considers the High Court's decision on the Arkin cap in the case of *Davey v Money & Anor*, in which Mr Justice Snowden held that the Court of Appeal's decision in *Arkin* to limit commercial funders' liability to the extent of the money they had provided was one approach to achieving a just result, but it was not a rule to be applied in all cases.

### Richard Slade & Co v Boodia: Court of Appeal rules in favour of solicitors' practice on billing

28 November 2018

Benjamin Fowler of 4 New Square considers the Court of Appeal's decision in *Slade v Boodia*, reaffirming solicitors' ability to issue interim statute bills for profit costs only.

### Red line crossed? The Withdrawal Agreement's arbitration clause

22 November 2018

Benjamin Fowler discusses the nature of the dispute resolution scheme within the draft Withdrawal Agreement and how it will square with the CJEU's post-Achmea position on the autonomy of EU Law.