

Carl Troman

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Gives good robust advice, sticks to his guns, and is very thorough and very helpful.

- Chambers & Partners

Carl Troman is a commercial litigator, with particular expertise and experience in disputes involving insurance, professional liability, classic and super cars (including motorsports), property damage and costs. He is also a formally accredited mediator and acts as an arbitrator.

Carl is recommended as a leading junior in the fields of both insurance and professional negligence by Chambers & Partners having been described in the following terms:

"Super-intelligent with great interpersonal skills."

"He provides excellent advice and is always thinking of innovative ways to get the best possible result for the client."

"Very user-friendly and good on tactics."

"A really good choice for complex insurance litigation."

"Approachable, friendly and incredibly helpful on complex cases. His advice is very clear and he is great with clients."

"He's very bright and I like the style of his advice, which is detailed but not overly so. He is good at getting to the nub of a case and he has a very good understanding of the commercial factors in play and what is driving the decisions of insurers."

"He's extremely approachable, easy to deal with and has a good rapport with solicitors and clients."

"He has an impressive knowledge of the law, and applies it with impressive efficiency to tactical decisions. He also just seems to know how judges will deal with things, such that you never feel like anything that happens is a surprise."

"He is very approachable and very user-friendly."

"An excellent senior junior."

"Very good technically."

"At trial, he is well mannered and entirely unflappable. His performance is exemplary."

"Go-to junior for professional indemnity."

"User-friendly and intelligent."

"He has an intelligent, measured approach and a calm manner that clients find reassuring."

"Gives clear reasoning and exudes charm and confidence."

"Gives good robust advice, sticks to his guns, and is very thorough and very helpful."

"He's extremely approachable and a very charming individual who has a good touch with clients."

"Tremendous experience dealing with property-related professional negligence matters."

"He is very good at drafting and very good on his feet."

"A popular choice with clients and good in difficult situations. He's good at putting people at ease and getting the best out of them."

Carl is also ranked in the Legal 500 and has been described as follows:

"Outstanding."

"He exudes a confidence and charm, which puts clients at ease."

"An accomplished advocate."

"He is approachable and provides advice in a sensible way"

Carl provides a service of the very highest quality and practical commercial solutions to even the most difficult or intractable of problems. He is always customer focused, user-friendly and responsive with a keen grasp of all relevant detail.

Carl read law before finishing sixth on the Bar Vocational Course at the Inns of Court School of Law winning the Stephen Seabrooke Memorial Prize, the Everard Ver Heyden Foundation Prize and the Buchanan Prize as well as being awarded the Wolfson Scholarship by Lincoln's Inn. Before joining chambers in 2003 Carl taught law to undergraduates at the University of Reading.

Privacy Policy

Click here for a **Privacy Policy** for Carl Troman.

Areas of Expertise

Professional Liability

A prominent part of Carl's practice sees him advise and act in claims for and against a wide range of professionals, including solicitors, accountants, barristers, surveyors and valuers, insurance brokers, architects, engineers and financial advisers.

As well as the specific types of case identified below, Carl is regularly instructed in cases involving:

- The scope of the duties of a professional. For example Carl was instructed in the Court of Appeal in the case of *Lyons v Fox Williams* [2018] EWCA Civ 2347.
- Complex issues of limitation. For example, Carl acted for the successful firm of solicitors and their insurers in the case of *Green v Eadie* [2012] Ch 363 concerning the accrual of causes of action arising from a voidable contract.
- Procedural and technical matters. For example, Carl acted for the successful firm of solicitors and their insurers in the case

of *Planetree Nominees Ltd v Howard Kennedy LLP* [2016] EWHC 2302 (Ch) concerning the validity of service of a claim form.

Lawyers

Carl has extensive expertise in dealing with claims against solicitors and barristers across a broad range of areas from conveyancing to family law, from crime to corporate transactions and lost litigation. Examples are as follows:

1. Numerous claims against solicitors and barristers in relation to failed litigation of all types:
 - a. For example:
 - i. Commercial litigation.
 - ii. Claims against other professionals.
 - iii. Real and intellectual property disputes.
 - iv. Personal injury claims.
 - v. Matrimonial proceedings.
 - vi. Contested probate.
 - vii. Actions against the police.
 - viii. Unfair prejudice petitions.
 - b. A wide range of issues arise including:
 - i. Missed limitation periods.
 - ii. Inadequate advice on merits, procedure, strategy and costs risks.
 - iii. Failures to comply with unless orders.
 - iv. Failures to make applications.
 - v. Failures to comply with ATE and BTE policies.
 - vi. Omissions to adduce factual and expert evidence.
 - vii. Delay.
 - viii. Failures to follow instructions.
 - ix. Failures to obtain instructions.
 - x. Acting contrary to instructions.
 - xi. Reliance upon counsel.
2. Numerous claims against solicitors and licenced conveyancers in relation to commercial and residential conveyancing involving issues such as:
 - a. Identity fraud.
 - b. Breach of trust.
 - c. Breach of fiduciary duty.
 - d. Breach of warranty of authority.
 - e. Undue influence and *Etridge* principles.
 - f. The drafting and interpretation of leases.
 - g. Landlord and tenant disputes.
 - h. Planning permission.
 - i. Building regulations approval.
 - j. Structural defects.
 - k. Rights of way and other easements.
 - l. Boundary disputes.
 - m. Defective searches.
 - n. Ransom strips.
 - o. Title defects.
 - p. Overage clauses.
3. Numerous claims, often of very high value, against solicitors arising out of corporate transactions relating to matters such as:
 - a. The drafting of sale, loan and guarantee documentation.
 - b. Warranties.
 - c. Financial assistance.
 - d. Share transfers.
 - e. Bankruptcy and insolvency.

- f. Tax computation and planning.
- g. Corporate governance.
4. Various fraud claims against solicitors by their own professional indemnity insurers for recoupment of money paid out by those insurers to third parties making claims against the solicitors.
5. Numerous disputes growing out of will, probate and trust transactions, including claims based upon *White v Jones* [1995] 2 AC 207.
6. Numerous claims (including allegations of dishonesty) against many solicitors (and surveyors) arising out of mortgage fraud.
7. Claims against solicitors in respect of criminal convictions.
8. Complex litigation involving many firms of solicitors stemming from the collapse of the Composite Legal Expenses after-the-event insurance scheme and a number of other claims arising out the collapse of litigation funding insurance schemes, including The Accident Group. Carl has acted for both professionals and insurers.
9. *Lopes v Howard Kennedy*, a substantial claim in the Commercial Court against a firm of solicitors and a barrister stemming from the demise of significant commercial litigation.
10. Numerous wasted costs applications in a wide range of courts.

Carl also has experience acting and advising in relation to the financial and professional conduct of lawyers including matters such as the operation of the solicitors' accounts rules and the exercise of liens.

Accountants

In relation to claims against accountants, Carl has substantial experience of high value claims in the Commercial Court and other courts growing out of the provision of auditing services and taxation advice to both companies and individuals. For example he:

1. Is instructed in multi-million pound litigation involving accountants and solicitors arising out of a share sale agreement.
2. Is instructed in a multi-million pound claim against accountants in respect of cross-border tax advice.
3. Was instructed for the defendant accountants in a case where a former partner in the firm was accused of colluding with a dishonest employee in the company audited by the firm.
4. Has extensive experience of claims based upon the failure of complex tax schemes including film finance schemes.
5. Is instructed in a claim against accountants where they gave erroneous advice regarding the withdrawal of funds from a company with the result that unnecessary tax was paid.
6. Is instructed by insurers in relation to coverage under a D&O policy where the company (and investors) have suffered multi-million pound losses arising out of the way the business was operated which, arguably, two of the big four should have spotted when advising the company.
7. Has been instructed by another of the big four in relation to a potential claim arising out of insolvency proceedings in foreign jurisdictions in which one of their former clients was involved.

Construction and Other Professionals

Carl has extensive experience of a wide range of claims against surveyors, especially in relation to overvaluation allegations whether by mortgage lenders or others concerning both residential and commercial property. Carl regularly acts for both claimants and defendants and is often instructed in large claims involving dozens or scores of linked property valuations which can also give rise to professional indemnity insurance issues. Carl was instructed in *Barclays Private Clients International Limited v Savills Finance Limited* which was such a case.

Carl is regularly instructed in claims against engineers of various different specialisms including structural and geo-technical engineers and has acted in a number of substantial claims following the discovery of extensive problems on large estates and other construction projects.

Carl has experience of a number of claims against architects, especially involving the provision of design and construction supervision services.

Carl often acts in claims against financial services professionals for claimants and defendants and is regularly instructed in claims involving allegations of mis-selling, failures to advise and failures to recommend and review suitable investment portfolios. Carl was recently instructed in relation to a multi-million pound dispute against nationally known wealth managers arising out of advice



concerning a short term investment in a film. The case focused upon allegations of misrepresentation against the wealth managers and included a claim over by the wealth managers against solicitors involved in the transaction. Other claims in which Carl has been retained have arisen out of mortgages, pension schemes and onshore and offshore tax schemes. Carl has particular expertise and experience in the law of limitation relating to claims against financial services professionals.

Carl is frequently retained in claims against insurance brokers concerning matters such advice upon limits of indemnity, exclusion clauses, average and the extent of business interruption cover. This aspect of Carl's practice often overlaps with his insurance coverage work.

Carl has recently been instructed in a number of cases involving claims against expert witnesses, including a single joint expert, following the decision of the Supreme Court in *Jones v Kaney* [2011] 2 AC 398 removing their immunity.

Qualifications & Memberships

LL.B. (First Class) Dip. PLS

Insights

COVID-19 DISPUTE RESOLUTION – Applying the Principle of Frustration to Cancellations Caused by the Virus

2 April 2020

What happens where a contracting party no longer wishes to perform their obligations because of COVID-19? This is likely to be a major source of disputes in the near future as contracts become uneconomic or difficult to perform because of the virus and the unprecedented disruption it is causing. What are the rights of the parties where an event has been cancelled because of COVID-19 but one of the parties has paid a deposit and the other has spent money preparing for it? A look back to the principle of frustration, first developed in the 19th century but out of fashion for a long time, provides the litigator with a vital tool when advising and assisting their client. Here are some key points...

Four Fundamentals of Limitation Periods in Contract and Tort Claims

25 October 2018

Four key points for the limitation period for contract and tort claims. Limitation is fiendishly complex – these are some fundamentals for an 'all-or-nothing' defence affecting every claim.

Service Can Be A Right Hassle

24 October 2018

A short note on a recent Supreme Court case concerning the circumstances in which a Court will order alternative service under CPR 6.15

Ten Top Tips for Service of Proceedings

24 October 2018

Service of proceedings continues to be a fertile ground for disputes. Meritorious and valuable claims can fail on a technicality given how hard it is to obtain a retrospective extension of time for service of a claim form. Here are ten top tips for avoiding the pitfalls and ascertaining whether your opponent has fallen into one.