

George Spalton

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A rising star with sound commercial acumen and a strong intellect, he's thorough, communicative and a determinedly tough negotiator.

- Chambers & Partners

George Spalton specialises in commercial litigation and arbitration.

He is one of the most experienced commercial juniors at the Bar and is rated in Chambers and Partners / Legal 500 in the following seven areas (as well as being listed as a 'Future Leader' by Who's Who):

1. International Commercial Arbitration (nominated as Junior of the Year in 2016),
2. Commercial Litigation,
3. Offshore,
4. Professional Liability,
5. Professional Disciplinary and Regulatory work,
6. Insurance and Reinsurance; and,
7. Sports law.

George has particular experience of high-value and high-profile international and cross-border work and has been involved in cases in a number of jurisdictions in recent years including BVI (called in 2015), Cayman Islands, Trinidad, Dubai, Oman, Hong Kong and Singapore. He also accepts appointments as arbitrator and has acted as sole arbitrator and co-arbitrator in LCIA, ICC and ICAC arbitrations.

Consistent with George's range of experience, in the last 2 years he has acted in a number of important reported cases, led and unled, including 8 hearings in the Court of Appeal and Privy Council:

- *Catlin Syndicate Limited & Others v Amec Foster Wheeler USA Corp* [2020] EWHC 2530 (Comm) - anti-suit injunction; decision of Jacobs J

- *Elite Property Holdings Limited; Decolace Properties Limited v BDO LLP* [2020] EWHC 1937 (Comm) (successful strike out of claim against BDO including on basis of abuse of process)
- *Stephenson Harwood LLP v (1) Medien Patentverwaltung AG; (2) Michael Kagan (as administrator)* [2020] EWHC 1889 (Ch) - jurisdiction appeal in stakeholder action.
- *Towergate Financial (Group) Limited v Hopkinson* [2020] EWHC 984 (Comm) - trial concerning SPA in Commercial Court.
- *HPH UK Ltd & Another v Ruhan & Stevens* [2020] EWHC 233 (Comm) (security for costs in the Commercial Court).
- *Al-Hasawi & NFFI Ltd v Nottingham Forest Football Club Limited* [2019] EWCA Civ 2242 (appeal on construction of clause in an SPA).
- *A v B* [2019] (decision of Jacobs J in Commercial Court) - Successfully obtaining anti-suit injunction restraining proceedings in Tel Aviv in favour of LCIA arbitration.
- *Al-Hasawi & NFFI Ltd v Nottingham Forest Football Club Limited* [2019] EWHC 1287 (Ch) (acting for Nottingham Forest at trial in dispute arising out of an SPA).
- *Euro Pools Plc v Royal & Sun Alliance Insurance Plc* [2019] EWCA Civ 808 (Court of Appeal: notification of claims in PI insurance policy).
- *Law Society v Ete & Others* [2019] EWHC 864 (Ch) (urgent application for delivery up under Solicitors Act 1974 on behalf of Law Society).
- *Palliser v Fate Ltd & Ors* [2019] EWHC 43 (QB)
- *Towergate Financial (Group) Ltd v Hopkinson & Others* [2018] (Court of Appeal: concerning construction of an SPA).
- *Livingston Properties; Nimati & others v JSC MCC Eurochem BVI HCMAP 2016/0042-0046* (BVI Court of Appeal - Jurisdiction Challenge).
- *Dreymoor Fertilisers Overseas Pte Ltd v Eurochem Trading GMBH & JSS MCC EuroChem* [2018] EWHC 2267 - anti-suit and anti-enforcement injunction in Commercial Court (section 44 of the Arbitration Act 1996).
- *Dreymoor Fertilisers Overseas Pte Ltd v Eurochem Trading GMBH* [2018] EWHC 909 (Comm) - jurisdiction challenges under ss. 32 and 67 Arbitration Act 1996.
- *Euro Pools Plc (In Administration) v Royal and Sun Alliance Insurance Plc* [2018] EWHC 46 (Comm), an insurance dispute in the Commercial Court.
- *Premier Motorauctions Ltd (In Liquidation) v PricewaterhouseCoopers LLP* [2017] EWCA Civ 1872
- *Dalecroft Ltd v Certain Lloyds Underwriters* [2017] EWHC 1263 (Comm), an insurance coverage dispute.
- *TJH and Sons Consultancy Limited v CPP Group Plc* [2017] EWCA Civ 46; construction of consultancy agreement.
- *Adamovsky and Stockman Interhold SA v Andriy Malitskiy and Igor Filipenko* [2017] BVI HC MAP 2014/0031 and 2014/0022 – unfair prejudice petition in BVI.
- *Wright v Lewis Silkin* [2016] EWCA Civ 1308, claim against solicitors arising out of Indian Premier League cricket contract.



In 2012 George was named as one of ten 'Stars of the Bar' in a survey by Legal Week, having previously been named in the 2010 version as a 'Highly Commended' Junior.

George has been appointed to European Users' Council of the LCIA for a three year term from 2019 and has been appointed to the Executive Committee of COMBAR (the Commercial Bar Association) for 2020/2021, having previously been elected to the committee from 2013 to 2016 and having acted as Chair of Junior COMBAR from 2011 to 2013. He was on the Executive Committee of the PNBA from 2016-2018.

In May 2015 George was called to the Bar of the Eastern Caribbean Supreme Court (British Virgin Islands).

Privacy Policy

Click here for a **Privacy Policy** for George Spalton.

Transparency Statement

Click here for the **Transparency Statement** for George Spalton.

Areas of Expertise

Professional liability

“George is very commercially aware and properly explores the needs of the client. He is calm under pressure and has a significant intellect which, combined with charm, makes him a formidable opponent. A pleasure to work with.” “George is incredibly bright and very commercial.” – *Chambers & Partners, 2021*

“George is a thoroughly modern barrister, easy to engage with and sensible. He is very strong on strategy and good on his feet. Clients engage with him. All in all, a safe pair of hands.” – *Legal 500, 2021*

George has extensive experience of professional liability claims, both in terms of claims involving different professions and in respect of the value and type of claims. He is recommended by both Legal 500 and Chambers and Partners as a leading junior. Amongst other things he is said to be **“very bright, thorough and commercial in his approach. He is very good with clients”, “superb on paper and on his feet”, “a top notch advocate”, “a real up-and-coming star” with a “real intellect” and a “very calm manner with clients”.**

George has particular experience of acting for and against accountants and auditors, financial services professionals, insurance brokers & agents, actuaries, barrister, solicitors and surveyors. He also has good experience of disciplinary claims and tribunals.

Examples of reported decisions include:

- *Elite Property Holdings Limited; Decolace Properties Limited v BDO LLP* [2020] EWHC 1937 (Comm) (successful strike out of claim against BDO including on basis of abuse of process)
- *Premier Motorauctions Ltd (In Liquidation) v PricewaterhouseCoopers LLP* [2017] EWCA Civ 1872
- *Towergate Financial (Group) Ltd v Clark & Others* [2017] (Comm)
- *Harlequin Property (SVG) Ltd v Wilkins Kennedy (A Firm)* [2015] EWHC 1122 (TCC)
- *Wright v Lewis Silkin* [2016] EWCA Civ 1308
- *Planetree Nominees Ltd v Howard Kennedy LLP* [2016] EWHC 2302 (Ch)
- *Stokors S.A. & Others v I G Markets Ltd; v Craigcrook Management Services Ltd* [2013] EWHC 631 (Comm)
- *Webb v (1) JMQC (2) Dakers Green Brett* [2010] EWHC 93 (Ch); (2010) NPC 12
- *Reader v Molesworths Bright Clegg* [2007] EWCA Civ 169; [2007] 1 WLR 1082

George is an Editor of “Jackson & Powell on Professional Liability” and from 2013 to 2016 was one of the four co-editors of Sweet & Maxwell’s “Encyclopedia of Financial Services Law”.



His professional liability experience includes offshore work (largely focused on claims involving accountants, auditors and actuaries) – in Cayman, BVI and Trinidad & Tobago.

In 2015 George was called to the Bar of the Eastern Caribbean Supreme Court (BVI).

Accountants, Auditors & Actuaries

George has particular experience of claims against accountants and actuaries (recently acting for KPMG, PwC and BDO). He is the editor of the chapter on actuaries in Jackson & Powell and his work in this area is supported by accountancy courses which he took as part of his LLM in New York.

George also has significant experience of tax related claims (whether investment schemes, such as the Ingenious litigation or claims against individual tax advisers). In this regard, he was one of the panel of barristers retained by the Chartered Institute of Taxation for several years.

Examples of recent or current instructions include:

- *Elite Property Holdings Limited; Decolace Properties Limited v BDO LLP* [2020] EWHC 1937 (Comm) (successful strike out of claim against BDO including on basis of abuse of process)
- *Premier Motoractions Ltd (In Liquidation) v PricewaterhouseCoopers LLP* [2017] EWCA Civ 1872
- *Harlequin Property (SVG) Ltd & Harlequin Hotels and Resorts Ltd v Wilkins Kennedy* [2016] 3188 EWHC (TCC)
- Acting for a top firm in proceedings in Hong Kong
- Acting for major city council in claim arising out of negligent audit.
- Acting for liquidators of insolvent hedge fund in offshore proceedings.
- Acting against a top firm in relation to negligent advice on a share transaction.
- Acting for Central Bank of Caribbean Country and liquidators of insolvent multi-national insurance company against top firm relating to alleged failure to warn about a significant fraud.

In addition, George has acted in a number of warranty claims arising out of SPAs which tie in with his accountancy related experience and also disciplinary proceedings involving ATT, ACCA and ICAEW and in high profile proceedings brought by the FRC (defending firm of accountants and actuaries).

Financial Services Professionals

George has significant experience of professional liability claims in the financial context. That experience is based both on his accountants/actuaries related work and also work for and against IFAs.

Having worked as co-editor of Sweet & Maxwell's 5 volume 'Encyclopedia of Financial Services Law' he has a very good understanding of the relevant statutory framework.

He has successfully represented an individual said to have given negligent advice in relation to CFDs (contracts for difference) at a five week commercial court trial: (*Stokors v IG Markets & Craigcrook* [2013] EWHC 631 (Comm)).

Insurance Brokers & Agents

George's experience of insurance broker related work has ranged from claims defending coverholders (e.g. *Markerstudy v Synergy*) to claims against brokers for advice on cover, e.g. *Crowson v HSBC Insurance Brokers Ltd* [2010] Lloyd's Rep. I.R. 441.

His experience of insurance work more generally provides helpful experience for this area of work (see e.g. *Dalecroft Ltd v Certain Lloyds Underwriters* [2017] EWHC 1263 (Comm) and *Euro Pools Plc (In Administration) v Royal and Sun Alliance Insurance Plc* [2018] EWHC 46 (Comm)).



Lawyers

George has been involved in a substantial number of claims against solicitors and barristers where the underlying subject matter relates to both civil and criminal matters.

He has appeared in a number of significant cases, with three cases in the Court of Appeal on issues relating to lawyers' liability:

- *Wright v Lewis Silkin* [2016] EWCA Civ 1308 (led by Justin Fenwick QC);
- *David Frost v Wake Smith & Tofields (A Firm)* [2013] EWCA Civ 1960 and
- *Reader v Molesworths Bright Clegg* [2007] EWCA Civ 169; [2007] 1 WLR 1082 (led by Bernard Livesey QC).

His work for firms of solicitors has led him to acting for (and against) magic circle law firms, top tier US firms and a range of smaller firms across diverse practise areas.

George has also acted in a number of cases involving barristers, across a range of areas of expertise (such as company law, criminal law and employment law).

George also has extensive experience of costs related matters on behalf of lawyers, such as wasted costs applications, security for costs in the context of ATE and non-party costs orders (for example he acted for the solicitors in *Weddall v Barchester Healthcare Limited*; *Germany v Flatman* [2011] EWHC 2945 (QB), a decision of Mr Justice Eady concerning non-party cost orders against a firm of solicitors under section 51 of the Senior Courts Act 1981).

Surveyors & Valuers

George has extensive experience of claims against valuers involving both residential and commercial property. He has been instructed both by banks seeking to recover losses caused by negligent valuations and also by valuers defending such claims. He also has been involved in a number of mortgage fraud cases.

Qualifications & Memberships

MA Oxon; LL.M Columbia University (New York); Called 2004.

Memberships: COMBAR, LCIA, ChBA, PNBA, TECBAR.

Before commencing practice George read history at Oriel College, Oxford where he was a scholar and won the John Shannon prize for Modern History. After converting to law, George obtained a Masters in Law (LL.M) from Columbia University, New York where he was a Stone Scholar.

Insights

Enka v. Chubb in the Supreme Court: Which Law is it Anyway?

14 October 2020

Where the law governing a contract containing an arbitration agreement differs from the law of the nominated "seat" of the arbitration, which law – absent any express choice – governs the arbitration agreement itself? That was the question that the Supreme Court had to grapple with in *Enka Insaat Ve Sanayi AS v. OOO Insurance Company Chubb* [2020] UKSC 38, in which judgment was handed down on 9 October 2020. George Spalton and Ian McDonald of 4 New Square consider the decision.

Editor of the 7th and 8th Editions of Jackson & Powell on Professional Liability

1 February 2017

Previously Co-Editor of the Encyclopedia of Financial Services Law (Sweet & Maxwell)



NEW SQUARE

1 May 2016

"Ethical Obligations of Lawyers Acting as Legal Representatives in Arbitrations" (Lexis Nexis)

1 May 2015

"Core Procedural Standards in International Arbitration" (Lexis Nexis)

1 May 2015

"ENE Kos v Petreleo Brasileiro SA (The Kos) [2012] UKSC 17" (Case Note) Insurance Law Monthly

1 August 2012

"The Business of Sport after the Bribery Act 2010" (S.L.A&P)

1 October 2011

"The Cross-Border Mediation (EU Directive) Regulations 2011: Confidentiality, Limitation Periods and Enforcement of Settlement Agreements" – IBA (with Jeremy Stuart-Smith QC)

1 September 2011