

Miles Harris

Call: 2003

+442078222000 m.harris@4newsquare.com

Clerk: Dennis Peck

d.peck@4newsquare.com

+442078222040 +447912405149



He's utterly charming, with very efficient and polished drafting, and he is strategically far-sighted.

- Chambers & Partners

Miles Harris conducts a wide range of commercial litigation specialising in professional liability, insurance, property damage and disciplinary work.

He is praised in Chambers & Partners for being "articulate and considered in his work" (2021), "very client-friendly, very practical, and great at driving a case forward...makes complex issues look very easy" (2020) and providing "strategic advice and procedural support... you want him in your corner for a tricky application hearing" (2019), being "exceptionally bright and very commercial... he's calm and excellent on his feet" (2018), "...utterly charming...and...strategically far-sighted...He gives brilliant advice...just a joy to work with" (2017). "Consistently delivers high-quality work, goes the extra mile and is very approachable." "He is very, very polished – he really goes through all the papers and he thinks outside the box" (2016).

The Legal 500 has said "All that he does is measured wise and calm" (2020) and described him as "a cool advocate under fire and a wonderful team player" (2021), "very bright" (2019), "extremely likeable" (2017), "extremely bright but user-friendly, commercial, hardworking and reliable" (2016). "He provides silky smooth drafting skills and a very calm and measured approach – an absolute joy to work with" (2017).

Miles strives to provide his clients with effective advocacy and advisory services that combine diligence, efficiency, knowledge of the law, approachability and commercial sense.

Miles acts in a wide range of cases within his areas of expertise, led and unled. He has spent much of the last year advising on insurance issues arising from the COVID-19 pandemic and acted in the FCA Test Case at both first instance and before the Supreme Court. He has also been published and lectured widely, especially in matters related to the civil liability of lawyers and insurance. Miles is also an established and experienced accredited mediator, accepting instructions in a range of civil disputes.

Miles is a member of the PNBA's Adjudication Panel and can accept appointments as an adjudicator under the PNBA Adjudication Scheme.

Publications and Seminars

Miles has written a number of articles on issues of importance in professional liability and insurance law and has been published in the Journal of Professional Negligence, the New Law Journal, Insurance Law Monthly and the Sweet & Maxwell Civil Procedure Rule Reports and by the Practical Law Company. He is the author of the Practical Law Company's practice note on the duty of fair presentation owed by business insureds under the Insurance Act 2015.



Privacy Policy

Click here for a [Privacy Policy](#) for Miles Harris.

Areas of Expertise

Professional Liability

“articulate and considered in his work...so commercial and gets straight to the point” – *Chambers & Partners, 2021*

“a cool advocate under fire and a wonderful team player. Always goes the extra mile for clients” – *Legal 500, 2021*

“All that he does is measured, wise and calm.” – *Legal 500, 2020*

“He is very client-friendly, very practical and great at driving a case forward.” “He is a really skilled advocate who gets to the core of cases quickly, is very commercial and focused, and makes complex issues look very easy.” – *Chambers & Partners, 2020*

“He successfully provided strategic advice and procedural support.” “He is good in writing and I like him for his advocacy most of all. You want him in your corner for a tricky application hearing....” – *Chambers & Partners, 2019*

“Absolutely user friendly and very bright.” – *Legal 500, 2019*

Miles has been recommended by the Chambers and Legal 500 in the field of professional negligence for many years.

He has wide experience of all issues relating to professional liability. He has represented both claimants and defendants in matters involving solicitors, barristers, licensed conveyancers, surveyors, managing agents, insurance brokers, financial advisers, tax consultants, accountants, auditors, architects and veterinary surgeons.

Miles has experience of claims involving all aspects of a professional’s potential liability, including allegations of breach of duty, retainer and trust, breach of fiduciary duty, deceit, dishonest assistance, fraudulent conspiracy and breaches of relevant regulatory provisions, such as the Financial Services and Markets Act 2000.

He has also provided training to firms on solicitors’ and surveyors’ liability generally and written and spoken on specific issues of importance in professional liability including limitation, privilege, the assessment of quantum in lenders’ claims, the SRA Solicitors’ Code of Conduct and coverage issues.

Miles is a member of the PNBA’s Adjudication Panel and can accept appointments as an adjudicator under the PNBA Adjudication Scheme.

Accountants, Auditors & Actuaries

Miles acts both for and against accountants, auditors and tax advisers. On a number of occasions this has involved acting in multi-party, group-style litigation by investors against accountants and tax advisers involved in advising upon and/or promoting tax avoidance schemes, in particular relating to film finance. In this litigation, Miles has assisted clients in meeting allegations of negligence, breach of contract, misrepresentation, breach of trust, joint venture liability and liability under FSMA 2000. Most prominent was Miles’s involvement on behalf of Castle Tax consultants in connection with a film finance scheme operated from Jersey.

Other examples of his experience in this area include acting for/advising:

- Auditors defending a claim by investors and depositors in connection with the collapse of a bank in a foreign jurisdiction.



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- Claimant charity alleging negligence by auditors permitted continued thefts by its chief-executive.
- A claimant alleging negligent valuation of a business by an accountant.
- Accountants in connection with alleged failure to provide competent financial advice.

An accountant resisting an attempt to compel answers to questions arising from an expert determination.

Financial Services Professionals

Miles is regularly instructed in claims involving financial services professionals including allegations such as failure to recommend appropriate investments and life insurance and breaches of the conduct of business rules under the Financial Services and Markets Act 2000.

By way of example, Miles has in recent times:

- Acted on behalf of Castle Tax consultancy, one of a number of defendants to a multi million pound claim brought by film finance investors, alleging negligence and breaches of FSMA 2000 in connection with a tax avoidance investment operated out of Jersey. The case also entailed allegations of breach of trust, misrepresentation and breach of contract.
- Acted for SIPP administrator in connection with claims of breach of FSMA 2000 and negligence by investors relating to the suitability of underlying investment contained within the SIPP vehicle.
- Acted in numerous cases for Claimants and Defendants in cases involving allegations concerning failure to recommend appropriate investments.
- Acted for Defendant IFA in relation to a claim alleging failure to investigate the Claimant's domicile for inheritance tax purposes when establishing off-shore trusts.

Insurance Brokers & Agents

Miles has extensive experience of claims involving insurance brokers, frequently acting in high value claims against leading counsel.

Chambers comments that he *"is celebrated for his knowledge of insurance-related negligence claims"* (2015).

Miles work in this area has included:

- Acting for defendant in alleged failure to advise as to underinsurance provisions and sums insured in connection with business interruption insurance.
- Acting for defendant in alleged failure to advise as to obligation to provide disclosure leading to major, uninsured personal injury liability.
- Acting for defendant in defence of alleged failure to advise on scope of obligation to give disclosure pre-inception.
- Advising a claimant in relation to a failure by a broker to recommend loss of rent cover in connection with commercial property insurance against flood risks.
- Acting for the defendant broker in action alleging failure to bring to the claimant's attention an endorsement relevant to cover against fire.
- Acting for a broker defending a claim by solicitors alleging failure to place cover in reasonable time and seeking compensation for higher premium.
- Advising a broker on claim alleging negligent failure to recommend sufficiently wide cover against electricity disruption.
- Acting in numerous claims alleging failure to place cover at all or to place it in time, leading to loss without any insurance cover.

Lawyers

Miles has extensive experience of claims against lawyers, from the Court of Appeal, to the High Court to working in the professional liability department of a city firm of solicitors, to a secondment in the claims handling section of a major professional liability insurer.



Miles has often undertaken wasted costs work, again for both solicitors and barristers. He also has extensive experience of coverage issues arising from claims against solicitors and the operation of the Minimum Terms and Conditions.

He recently acted (led by Jamie Smith QC) for one of the solicitor defendants to the high profile unlawful means conspiracy claim by Accident Exchange: *Accident Exchange & Anr v McLean & Ors* [2018] 4 WLR 26 (disclosure application) and [2018] EWHC 1533 (Comm) (security for costs). Miles was also sole counsel for solicitors defending a well-publicised claim in negligence brought by Victor Nealon, whose conviction for attempted rape was quashed after he had served 17 years in prison.

The following is a selection of Miles' other work in this field:

- Acting as sole counsel and a junior for both claimant and defendant in relation to a vast number of claims arising out of negligence by solicitors in non-contentious commercial, probate and real property work, including but not limited to conveyancing, often acting for lenders.
- Extensive experience of claims involving allegations of undue influence and the application of *Royal Bank of Scotland v Etridge*. Over the course of his career, Miles has acted for a whole range of parties involved in such actions: allegedly unduly influenced guarantors/property owners, lenders seeking to enforce their security, solicitors accused of negligence and mortgage intermediaries. On a number of occasions Miles has also acted as a mediator in cases involving such issues.
- Acting for German insolvency practice bringing claim for negligence against its Guernsey Advocates arising from their conduct of proceedings brought in the name of an insolvent German company.
- Acting for Claimant in multimillion pound claim for breach of fiduciary duty and negligence against 'magic circle' firm. Resolved on satisfactory terms.
- Acting as sole and junior counsel on both sides in connection with claims alleging negligent handling of litigation, including acting for as sole counsel for defendant solicitors in a High Court action also brought against leading counsel and alleging negligence in connection with commercial fraud litigation.
- *Russell v Cornwell* [2014] EWHC 1509 (QB): successfully defeated claim against firm of solicitors on grounds of limitation. Claimant, represented by leading counsel, unsuccessfully argued that the approach in *Law Society v Sephton*
- *Olden v Bishop & Light* (2014, HHJ Vosper QC and [2016] EWCA Civ 201), successfully defended solicitors in two related actions. Claimant alleged negligence, breach of fiduciary duty and breach of statutory duty and sought both damages and an account of profits. Argued successfully that one the claims should be dismissed on grounds of *ex turpi causa*.
- Acting for the claimant in High Court negligence action against both solicitors and a barrister in connection with their handling of ancillary relief proceedings.
- *The TAG Litigation*: high-profile case examining solicitors' responsibility toward ATE insurers in the wake of the collapse of 'The Accident Group' claims management scheme, led by Graeme McPherson QC, but also appearing as sole advocate on behalf of the panel firm.
- Acting for defendant solicitor accused of involvement in a fraudulent conspiracy to defraud the claimant of his beneficial interest in a high value portfolio of properties. Led by David Halpern QC.
- *R (on the application of AB) v X Crown Court* [2009] PNLR 30: Represented the barrister applicant in the Administrative Court who successfully quashed a trial judge's refusal to recuse himself from hearing a wasted costs application on the grounds of apparent bias. Led by Sue Carr QC. Miles has also represented solicitors and barristers in substantive wasted costs proceedings.

Miles has also lectured and written in this field and both devised and provided a training programme on the law in relation to solicitors' liability on behalf of a firm specialising in claims against solicitors.

Surveyors & Valuers

Miles has acted in numerous claims against surveyors and valuer. He has not only acted for both lenders and solicitors in connection with particular claims, but has also provided lenders with high level advice on generic issues to assist them with recovery strategy. Miles has been involved in claims raising all the major issues thrown up by lenders' claims including contributory negligence, fraud, coverage, syndication, securitisation and the applicability of the SAAMCo 'cap'.

Examples of Miles' work:

- Acting in the successful defence of £12.5m claim in deceit and unlawful means conspiracy relating to an investment in a

hotel site (*Libyan Investment Authority & Ors v Warwick Street (KS) LLP & Ors* [2018] EWHC 2877 (Ch)).

- Acted as sole counsel for a claimant lender in multi-million pound claim against a surveyor for fraudulent provision of an inaccurate valuation of an industrial estate.
- Advised in connection with claim for over €50m arising from allegedly negligent valuation of commercial retail premises in another European jurisdiction.
- Acting for claimant alleging fraud by the defendant valuer causing losses in excess of £3.5m.
- Acted for a defendant valuer in claim arising from allegedly inaccurate valuation of buy-to-let portfolio and its potential rental yield.
- Advised a lender on its standing to bring claims against professionals as assignee of a portfolio of mortgage loans and related quantum issues.
- Acted and advised in numerous structural surveying cases, e.g. failures to detect visible defects, to follow the ‘train of enquiry’ and to indicate the need for further expert investigation.
- Acted for a valuation company being sued for conversion in connection with the liquidation of a company whose assets it valued.

Qualifications & Memberships

Miles is a member of the Professional Negligence Bar Association, the British Insurance Law Association, COMBAR and the Bar Pro Bono Unit.

MA, Trinity College, Cambridge University; Dip. Law, City University; David Karmel and William Shaw Awards from Gray’s Inn

Insights

Insurance Blog Post: The Test for Inducement in Contracts Prior to the Insurance Act 2015: Zurich Insurance PLC v Niramax Group Limited [2021] EWCA Civ 590

4 May 2021

In *Zurich Insurance PLC v Niramax Group Limited*, dealing with a contract pre-dating the Insurance Act 2015, the Court of Appeal held that to establish inducement in cases of non-disclosure it was necessary for the insurer to show that the non-disclosure was an efficient cause of the underwriter writing the insurance on less onerous terms than would have been the case had the disclosure been made. It is not sufficient merely to establish that the less onerous terms would not have been imposed ‘but for’ the non-disclosure. The case highlights an issue as to whether the same result would be reached under the Insurance Act 2015. The Appellant was represented by Graham Eklund QC and Carl Troman and the Respondent by Ben Elkington QC and Ben Smiley, all of 4 New Square. The decision is considered by Miles Harris of 4 New Square. [Click here to read the article in full.](#)

Insurance Blog Post: Indemnification on the Reinstatement Basis: Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited [2020] EWCA Civ 308

16 March 2020

In *Endurance Corporate Capital Limited v Sartex Quilts & Textiles Limited* [2020] EWCA Civ 308, the Court of Appeal unanimously held that an insured is generally entitled to be indemnified in respect of property damage on the reinstatement basis, regardless of what it intends to do with the property following the insured event. It also ruled on the principles relevant to deductions from payments on the basis of betterment. Ben Elkington QC of 4 New Square acted for the successful claimant insured. The Court’s decision is considered by Miles Harris of 4 New Square.

Introduction to the SRA’s 2019 Standards and Regulations

14 October 2019

A summary look at the main changes brought in by the SRA’s new November 2019 Standards and Regulations and their potential impact on practitioners.

Review of 2018 Insurance Law

24 May 2019

Informa have published *Insurance law in 2018: a year in review*, written by Alison Padfield QC and Miles Harris. The review



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highlights some of the more important and interesting developments in insurance law in 2018, and is available to i-law insurance law package subscribers here.

Review of 2017 Insurance Law for Informa

12 April 2018

The article considers some of the more important and interesting developments in insurance law, both case law and legislation, in 2017. In addition to high profile developments such as the decisions of the Supreme Court in *AIG v Woodman* and *Gard Marine*, the review focuses on particular aspects of a number of cases which may be less well known, and which contain one or more points of real interest or practical use to those involved in the daily application of insurance law.

4 New Square members elected to the PNBA Executive Committee

19 December 2016

Insurance: the precontractual duty of fair presentation under the Insurance Act 2015

6 September 2016