

Patrick Lawrence QC

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A towering courtroom presence ... superb in heavyweight cases, known for razor-sharp mind and ability to take a witness apart
- Chambers & Partners

Former Chambers & Partners Professional Negligence QC of the year, Patrick has appeared in many leading cases at appellate level.

If you believe the Directories: *“a wonderful advocate”, “extremely bright and very personable – a formidable opponent”* [Chambers]. *“He is fantastic on his feet and I have the utmost confidence in him.”* *“One of, if not THE best for professional negligence claims. He is calm, tactical and holds his nerve.”* [Chambers] *“A Rolls-Royce silk ... able and approachable in equal measure, one of the most in demand professional indemnity barristers ... a towering courtroom presence .. superb in complex heavyweight cases, known for razor-sharp mind and ability to take a witness apart.”* [Chambers] *“very charismatic and good with clients; he is able and approachable in equal measure”* [Chambers]. *“He is a brilliant lawyer with a real appreciation of the ‘human’ side of cases”, “a superb advocate, who always manages to engage the court and present arguments in a compelling fashion”, “highly persuasive” and “can make complicated arguments understandable”* [Legal 500]. *“He has a fantastic manner and outstanding judgement”, “Inspires great confidence and tackles problem with the minimum of stress”* [Legal 500].

He practises principally in the commercial and company law sectors. This work fits well with his expertise in auditors’ negligence and his involvement in claims against pensions advisers, tax advisers, and other financial services professionals. He is numerate (as barristers go). He is retained in cases where effective cross-examination is considered critical. Many of his cases involve allegations of impropriety in the commercial world, and he is prepared to read closely large amounts of material in order to find out what really went on, and then – if necessary – to go to court to prove it. He has acted in many leading cases involving the development of equitable rules concerning fiduciary obligations in a commercial context, and the interplay between trust, contract, and fraud.

There is an obvious connection between his professional liability work and disciplinary proceedings involving professionals, and he has acted for complainants and respondents in relation to conduct issues concerning solicitors, barristers, accountants and surveyors. He has conducted a number of substantial hearings involving allegations of misconduct against auditors on behalf of the bodies responsible for investigating complaints against auditors in cases raising issues of public interest.

Patrick operates also in the field of public law, specialising in A1P1 cases. He appeared in the Supreme Court in *UKIP v Electoral Commission*, and in Court of Appeal in the leading A1P1 solar panel claims against DECC; *Breyer v DECC*.

He is a co-author of the chapter on solicitors’ negligence in the Lloyds looseleaf on Professional Negligence.

Privacy Policy



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Areas of Expertise

Professional Liability

“Hugely intelligent and eloquent both in written and oral advocacy” – *Legal 500, 2020*

“His presentation style is fantastic and he’s very good at holding a room, while delivering the key message of his advice.”
“He is extremely experienced and truly specialises in professional negligence. He can distil a case of a million papers down to size.” – *Chambers & Partners, 2020*

“He is fantastic on his feet and I have the utmost confidence in him.” **“One of, if not THE best for professional negligence claims. He is calm, tactical and holds his nerve.”** – *Chambers & Partners, 2019*

“He is particularly impressive in the court room; completely unflappable.” – *Legal 500, 2019*

Former Chambers & Partners Professional Negligence QC of the year (and nominated for a second time in 2017), Patrick has appeared in many leading cases at appellate level. He defended expert witness immunity in the Supreme Court in *Jones v Kaney*.

Accountants, Auditors & Actuaries

Patrick has extensive experience in high value audit negligence cases. Between 2016 and 2020 he acted in a \$200m claim arising out of the collapse of an insurance conglomerate in the Eastern Caribbean. He is currently acting in a claim concerning self-interest conflict and the suppression of evidence of fraud in connection with the auditing of a bullion dealer in Dubai. He has conducted a number of lengthy contested cases (among them Resort Hotels, Wiggins and Mayflower) the FRC or its predecessors. He acted in audit cases arising out of the largest ever fraud on the AIM, Langbar International PLC, and arising out of the Farepak collapse (the Christmas hampers case). He has extensive knowledge of auditing and accounting standards. He has addressed a wide range of audit issues: eg. fraud, and audit response to evidence of fraud; premature or excessive recognition of revenue; allegedly inappropriate capitalisation of expenditure; quality of audit evidence; the going concern basis; the justification for the issuing of qualified and adverse audit opinions; and so on.

Patrick has acted in a number of claims against accountants that have gone to trial and to appeal. The cases have concerned tax advice; investment advice; general financial advice to private individuals and family; and a wide range of advice to corporate clients. A representative case is *Little v George Little Sebire* which involved defective advice on Corporation Tax and related tax avoidance issues. He appeared in *Haines Watts v Thornhill*, a multi party case arising out of a container leasing tax avoidance scheme involving solicitors, accountants and tax counsel. He acted in the fall-out from the failed *Cabvision* litigation, which itself concerned another over-ambitious tax avoidance scheme. He is currently engaged in a number of cases involving allegedly defective advice on off-shore tax avoidance structures.

Financial Services Professionals

His familiarity with claims against accountants fits well with claims arising out of bad investment advice. He is currently instructed on claims concerning the mis-selling of endowment mortgages; the marketing of ‘zeros’; the negligent management of a portfolio of equities (excessive weighting in technology and internet stocks); and many claims related to the aggressive marketing of supposedly tax-efficient schemes which have gone disastrously wrong.

Insurance Brokers & Agents

He has acted in many claims against insurance brokers. Not many have reached court, but that may partly be because such claims tend to be rather difficult to defend on liability issues. He appeared in *Jones v Environcom* [2011] EWCA 1152. *Kirk v Aviva and*



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others settled shortly before trial in 2017; a fire case involving claims against insurers and brokers, and allegations of breaches of fiduciary duty arising out of undisclosed close commercial connections between broker and insurer.

Lawyers

Patrick has very extensive experience of all forms of litigation arising out of claims against lawyers. In the 1990s he was frequently instructed by the Solicitors Indemnity Fund in cases involving errors made (allegedly) in a very wide range of areas of legal practice. He was instructed in the managed litigation involving claims brought by the Bristol & West Building Society, which went to a 12-week trial before Chadwick J. He was subsequently instructed in further managed litigation and mediation concerning claims brought by other lenders. His involvement in the protracted duel between lenders and those who insure solicitors has left him with an understanding not only of most forms of mortgage fraud and incompetent conveyancing, but also of the increasing significance of equitable and proprietary claims in the context of professional liability and of the delicate handling required in cases containing allegations of impropriety. He acted for the defendant solicitors in *Lexi v Pannone*, a claim arising out of the £100m fraud perpetrated by the managing director of the claimant company which raises *Stone & Rolls* illegality issues; for the defendant solicitors in the case brought by Earl Spencer in relation to the conduct of divorce proceedings; and for the claimant in proceedings against the lawyers who acted in the unsuccessful *Cabvision* litigation. He successfully defended the *Petrocapital* claim, which concerned advice on convertible loan notes against the background of a boiler room scam. He acted in the managed claims concerning Right to Buy. He is currently acting in high value claims involving the conduct of big money divorce proceedings, and in multi-party pensions negligence litigation arising out of the *Gleeds* decision.

Patrick co-authors the section on solicitors' negligence in the *Lloyds Looseleaf on Professional Negligence*

Cases

- Ward Hadaway v DB UK Bank Limited
- Petrocapital Resources PLC v Morrison & Foerster
- Lexi Holdings v Pannone & Partners
- (1) William James Luke (2) Kingsley Smith & Co (A Firm) v (1) Wansbroughs (A Firm) (2) Caroline Addy
- Bowie v. Southorns
- Martin William Cave v. Robinson Jarvis & Rolf (A Firm)
- Parry v. Edwards Geldard
- Mortgage Corporation Ltd v. Lewis Silkin & Anor : Same v. Marsha Shaire & Others
- Maes Finance Ltd v. Sharp & Partners
- Bristol & West plc v. Bhadresa



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- Halifax Mortgage Services Ltd v. S & S
- Parry v. Edwards Geldard
- Bristol & West Building Society (Plaintiff) v. Fancy & Jackson (a firm) (Defendants) : Same (Plaintiff) v. Defendants in 1995 B 2165; 1995 B 2401; 1995 B 2468; 1995 B 2858; 1995 B 3197; 1996 B 0784
- Bristol & West Building Society v. May, May & Merrimans (a firm) & between The Bristol & West Building Society & 13 Other Parties
- Shah v Forsters

Pension Advisors

Patrick has been instructed in many cases involving allegations of negligence against those who advise pension schemes. They have concerned (among other things) failed post-*Barber* equalisations; variations to schemes which have been ineffective as a result of a lack of attention to the provisions governing amendment; issues as to the identity of those to whom the advisers owe duties; black hole damages points; damages issues arising in relation to entry of scheme into PPF. He has acted in a number of cases arising out of the entry (or attempted entry) of a scheme into the PPF, and has defended claims brought by the PPF in its own right. In 2017-2019 he acted in major multi-party litigation arising out of the decision of Newey J. in *Gleeds Retirement Benefits Scheme* [2015] Ch 212. Amending deeds were improperly executed over a period of almost 20 years. Part 8 proceedings intended to validate the deeds and make the amendments effective were largely unsuccessful. The matter was settled on appeal, on terms leaving the employer facing additional liabilities of many millions of pounds. The employer began proceedings against the negligent pension advisers, who responded by alleging that the Part 8 proceedings had been conducted negligently. The outcome was very complex litigation in which issues arose as to (among other things):? the legal principles to be applied where one defendant argued that the subsequent negligence of an adviser 'broke the chain of causation'; the legal principles to be applied where a claim for damages was founded on a liability established by a compromise; title to sue (as between pension trustees and the employer); the operation of s. 14B of the Limitation Act 1980; the quantification of the claim in respect of unintended liabilities ('best estimate' basis; buy-out basis; or something else?); the quantification of claims in respect of expenditure on legal costs; and the important procedural question whether negligent advisers should be joined to Part 8 proceedings designed to remedy the consequences of their negligence.

Surveyors & Lawyers

Much of Patrick's work in the 1990s related to allegedly over-optimistic valuations. He appeared in *Platform Home Loans*, the leading authority on the interaction in claims against valuers of the *Saamco* principle and contributory negligence on the part of claimant lenders. In 2009 he acted for the claimant in *McKay v Savills* – a claim arising out of dishonest collusion between buyer and property professionals.

Since the market collapse in 2008-09 he has been retained in a large number of high value claims against valuers, and is very familiar with the issues that arise where claims arise out of aggressive lending practices of 2000-2008. In 2010 he appeared for the successful defendant in *K/S Lincoln v CBRE* [2010] EWHC 1156, a claim concerning the valuation of a £40m portfolio of hotels. The case stands as the most up-to-date authority on the "margin of error defence". Since then, Patrick has been looking to develop the reach of that defence in cases involving residual valuations of commercial developments, where a small and permissible variation in relation to one component of the valuation can lead to the final valuation figure being 'out' by a very significant margin. He has also been considering the issues that arise where an employee of the claimant lender may have acted improperly in relation to the making of the loan in question, and has been exploring the ways in which evidence of an individual's impropriety may provide a valuer with a complete defence. In 2015-19 he acted in claims involving a £1.2bn commercial portfolio valuation; a €300m portfolio of commercial properties in Benelux/Germany; a £250m commercial valuation in the Midlands; a £150m hotel



portfolio valuation; among others.

He acted in *Titan (Europe) 2006-3 plc v Colliers* [2015] EWCA Civ 1083; the first valuer's claim to raise issues as to title to sue in the context of securitisation. The Court of Appeal overturned the decision of Blair J (reported at [2014] EWHC 3106, (Comm)), that the defendant valuer had negligently overvalued a large commercial property in Germany, for the purpose of inclusion in a portfolio of loans to be securitised by Credit Suisse. For a more detailed note on this case, written by the instructed counsel, please [click here](#).

Cases

- TITAN EUROPE 2006-3 PLC v COLLIERS INTERNATIONAL UK PLC (In Liquidation) (2015)
- K/S Lincoln v CBRE
- Mortgage Express v Countrywide Surveyors

Qualifications & Memberships

Christ Church, Oxford, 1st class degree in P.P.E