

Paul Fisher

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Paul was incredibly diligent and easy to work with – a keen sense of detail coupled with a firm technical and legal understanding
- Legal 500

Paul also has a thriving public law practice. His work is advocacy-heavy, complemented by the fact that he serves as Counsel on the Attorney General's Civil Panel (C Panel). In this capacity he frequently acts for and advises various government bodies, including the Foreign, Commonwealth and Development Office, Home Office, Ministry of Justice, Environment Agency and the Department for Communities and Local Government. This includes judicial review and applications for interim relief in cases relating to alleged unlawful detention, human trafficking and unlawful deportation as well as the lawfulness of sanctions regimes.

Paul is no stranger to disputes with an international angle. Outside of the UK, he has particular expertise in projects within the Middle East and the CIS/Central Asia. He is a busy junior advocate with plenty of experience acting as sole counsel and with silks. Notable recent cases include:

1. A series of hearings before the High Court in which Paul successfully obtained freezing orders in respect of commercial debts arising from the largest private prosecution in British legal history (*Mirchandani -and- (1) Gheewala (2) Augusta Ventures Ltd [2020] EWHC 1742 (QB)*);
2. A number of cladding cases in which Paul acts for claimants and defendants in actions arising out of investigations instigated following the tragic Grenfell Tower fire in June 2017. This includes a case arising out of the significant Media City UK development in Salford, in which Paul acts for one of the defendants (led by Sian Mirchandani QC);
3. Proceedings before the Qatar Civil and Commercial Court for enforcement of performance/advance payment bonds (*Obayashi Qatar LLC v Qatar First Bank LLC (Public) [2020] QIC (F) 5*) and in a trial concerned with a debt owed for the supply and installation of ATMs in Doha for a major Qatari bank (*Protech Solutions LLC v Qatar Islamic Bank QPSC [2020] QIF (F) 14*).

Paul frequently writes for publications throughout England and the Middle East on matters pertaining to his main areas of practice. He provides seminars and talks tailored to the needs of individual firms and has given lectures abroad on advocacy and the English legal system. Paul also has Russian language skills and has experience of legal issues surrounding significant infrastructure projects arising out of the CIS.

For more details about Paul's work in respect of each of his practice areas, please refer to the relevant headings below.

Privacy Policy

Click here for a [Privacy Policy](#) for Paul Fisher.

Areas of Expertise

Commercial

Paul has significant experience of general commercial actions, having acted for both claimants and defendants. His work is informed by his breadth of experience in commercial professional negligence actions against auditors and IFA's, his work in international dispute resolution, his experience of disputes arising from the energy sector and frequent involvement in joint venture disputes.

His experience includes:

- Acting in a series of hearings before the High Court in which Paul successfully obtained freezing orders for a litigation funder in respect of commercial debts arising from the largest private prosecution in British legal history (*Mirchandani -and- (1) Gheewala (2) Augusta Ventures Ltd* [2020] EWHC 1742 (QB))
- Successfully acting in proceedings before the Qatar Civil and Commercial Court for enforcement of performance/advance payment bonds (*Obayashi Qatar LLC v Qatar First Bank LLC (Public)* [2020] QIC (F) 5) and in a trial concerned with a debt owed for the installation of ATMs in Doha for a major Qatari bank (*Protech Solutions LLC v Qatar Islamic Bank QPSC* [2020] QIF (F) 14)
- Instructed as part of a counsel team in respect of the highly-publicised *Cattles v PWC* litigation – an auditors negligence claim purportedly worth £1.6 billion;
- Advising on the application of the Consumer Credit Act to standard form trade and credit hire agreements;
- Advising in joint venture disputes, including the operation and scope of joint venture agreements;
- Advising and acting in a major dispute arising from the construction of a gas processing plant in the middle east;
- Advising and acting in a dispute concerned with the scope and operation of a settlement agreement in the gas and oil sector in the middle east;
- Acting for a well-known alcohol brand in respect of disputes arising under retail trade and sponsorship agreements;
- Advising in FRC proceedings brought against the Directors of a major UK building society;
- Acting for a London-based school of etiquette in defence of a claim brought on behalf of the wives of a group of Nigerian Governors.
- Experience of acting in *Henderson v Henderson* / res judicata strike out and summary judgment applications following accepted final decisions by FOS.

Professional Liability

Paul has a wealth of experience when it comes to professional liability claims, having advised and acted in claims involving auditors, accountants, surveyors, solicitors, barristers, engineers and construction professionals. He has acted for both Claimants and Defendants.

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- Acting in a claim against a law firm arising from the failure to register a rectification claim in respect of a significant hotel development in Durham (led by Daniel Saoul QC) (*Closegate (Durham No. 2) Limited v Womble Bond Dickinson (UK) LLP*)
 - Extensive experience of actions against insurance brokers;
 - Extensive experience of acting in valuers' negligence cases;
 - Claims against solicitors for allegedly negligent advice relating to Part 36 of the CPR and *Gibbons v Manchester CC*;
 - Claims against solicitors for the allegedly negligent conveyance of land;
 - Advising in respect of solicitors negligence actions concerning money laundering obligations and breach of warranty of

authority.

- Acting in respect of negligence actions against solicitors concerning the application of *White v Jones*-type actions.
- Claims against solicitors for their alleged negligence and/or breach of contract in the drafting of a Tomlin Order;
- Claims against surveyors for negligent valuations and regarding the application of the SAAMCO Cap;
- Claims against Barristers for the negligent provision of advice;
- Claims against accountants in respect of tax minimizing schemes that fail to produce the advertised tax advantageous outcomes.

Banking and Financial Services

Financial services disputes have formed a large part of Paul's work to date. He has undertaken work with the Financial Conduct Authority and has extensive experience of disputes arising from the sale of complex financial products:

- Advising and acting in negligence actions brought against IFAs;
- Advising in respect of FRC disciplinary proceedings brought against the directors of a major UK building society;
- Experience of a section 166 Skilled Person Review pursuant to the Financial Services and Markets Act 2000 relating to the mis-sale of Interest Rate Hedging Products by major high street banks.
- Advising and acting in *Henderson v Henderson*/ res judicata-type strike out applications arising out of accepted final decisions by FOS.

Construction

“An excellent construction lawyer, with first class legal skills and the ability to work as part of a team.” – *Legal 500, 2022*

“Paul was incredibly diligent and easy to work with – a keen sense of detail coupled with a firm technical and legal understanding.” – *Legal 500, 2021*

Paul has extensive experience of construction-related litigation and arbitration. His experience includes disputes arising from major infrastructural projects in the UK and the Middle East encompassing complex claims for prolongation costs, extensions of time, variation and unlawful termination. Paul is recognised as a Leading Construction Junior by Legal 500.

He has experience of advising and acting in disputes relating to all the major contract suites, including JCT, FIDIC and NEC. He also has experience of the civil codes of Qatar, the UAE and Bahrain in the context of construction disputes and working throughout the Persian Gulf and the Sultanate of Oman.

- Proceedings before the Qatar Civil and Commercial Court for enforcement of performance/advance payment bonds (*Obayashi Qatar LLC v Qatar First Bank LLC (Public)* [2020] QIC (F) 5);
- A number of cladding cases in which Paul acts for claimants and defendants in actions arising out of investigations instigated following the tragic Grenfell Tower fire in June 2017. This includes a case arising out of the significant Media City UK development in Salford, in which Paul acts for one of the defendants (led by Sian Mirchandani QC);
- A £50 million LCIA arbitration brought against insurers for damage under a Contractors' All Risk Policy (led by Roger Stewart QC);
- A claim purportedly worth in excess of \$US20 million relating to the construction of an immersed tunnel in Scandinavia;
- An action brought in the TCC by two universities for the provision of allegedly negligent advice on EU and national procurement rules (led by Patrick Lawrence QC);
- A trial in the Technology and Construction Court concerning the installation of an industrial ventilation system at a battery sub-station in Leighton Buzzard. Paul successfully defended a sub-contractor from a counterclaim alleging breach of duties in failing to ensure that the system provided conditioning within a certain temperature range;
- An ICC Arbitration relating to works undertaken at an airbase in the Middle East;
- An ICC Arbitration with an Omani seat concerning a major airport in the Middle East.
- An ICC arbitration with a Qatari seat relating to a major airport in the Middle East.

- Advising in an ICC arbitration in respect of a major energy plant in the Middle East.
- Advising on contractual termination within the construction context pursuant to the Qatari Civil Code;
- Assisting with a claim concerning fit out works to residential units in the City of London;
- Assisting in respect of a claim against multiple parties arising from property damage sustained due to poor quality foundational work and/or design and/or geotechnical advice;
- Assisting in respect of a claim for costs and delay arising from a major transport and infrastructural project in England;
- Assisting in respect of a claim for costs and delay arising from a compensation event pursuant to the NEC3 Standard Form contract relating to a transport and infrastructural project in England;
- Advising in a subcontractor claim relating to a hospital in Doha, State of Qatar;
- Frequently advising on the operating and scope of joint venture agreements in the construction context.

Paul frequently writes on points of legal interest for construction lawyers and professionals for publications in the UK and in the Middle East.

International Arbitration

Paul has a developing international arbitration practice with experience of ICC, DIAC and QICCA institutional rules.

He spent a year working for one of the leading law firms in the Middle East dealing primarily with arbitrations arising throughout the region, which took him to Lebanon, Oman, the UAE and Qatar. During that time he gained acute experience of the civil codes of the region.

His experience includes:

- A £50 million LCIA arbitration brought against insurers for damage under a Contractors' All Risk Policy (led by Roger Stewart QC)
- An ICC Arbitration with a London seat concerning a \$US 90 million dispute arising from the construction of a major processing plant in the Middle East;
- A claim purportedly worth in excess of \$US20 million relating to the construction of an immersed tunnel in Scandinavia;
- A DIAC arbitration worth over \$US 20 million relating to a processing facility in Iraq;
- An ICC Arbitration relating to works undertaken at a major US airbase in the Middle East;
- Two ICC Arbitrations relating to the construction of two international airports in the Persian Gulf;
- A number of subcontractor and supplier disputes before the Qatar International Centre for Conciliation and Arbitration (QICCA);
- Frequently advising on the application of staged/multi-tiered disputes clauses within the context of international arbitration.

Public Law

Paul has been appointed to the Attorney General's Panel of Counsel (C Panel) with effect from 1 March 2019. In this capacity he frequently acts for and advises various government bodies, including the Home Office, Ministry of Justice, Environment Agency and the Department for Communities and Local Government.

He has extensive experience of public law cases, having acted for and against public entities as sole counsel and in a led capacity. Paul frequently appears before the Administrative Court and Upper Tribunal. Recent cases have included acting:

- For the Secretary of State in *Mendes v Secretary of State for the Home Department* [2019] EWHC 2233 (concerning the lawfulness of the Certification regime pursuant to Regulation 33 of the EEA Regulations);
- As sole counsel for an intervener before the Divisional Court in the case of *MRH v The County Court sitting at Manchester* [2015] EWHC 1795 (Admin), which involved the judicial review of a county court judgment making a finding of fraud and dishonesty in respect of third parties;
- On behalf of the Secretary of State in interim relief hearings and JR proceedings concerned with the continued detention of individuals pending deportation;
- In JR proceedings concerned with 'reasonable grounds trafficking' decisions pursuant to the UK's National Referral Mechanism;



NEW SQUARE

- As sole counsel in interim relief hearings relating to the deportation of foreign nationals;
- As part of a counsel teams in respect of the review of claims brought against various government entities, including the Ministry of Defence (Noise Induced Hearing Loss claims) and the Lord Chancellor (for the decision to remove certain categories of prison law case from the scope of legal aid).

In his commercial practice, Paul is frequently engaged due to his understanding of the interaction between private obligations and public law. For example, he has been instructed in an action brought by two universities for the provision of allegedly negligent advice on EU public procurement rules (led by Patrick Lawrence QC)

Paul frequently writes on topics of constitutional interest. Originally from Cardiff, Paul has written extensively on the development of a Welsh jurisdiction and the devolution settlement. He was a part-time lecturer in constitutional law at St. Catherine's College, University of Oxford and has written for publications such as the Washington Post, Independent and Kyiv Post on questions of constitutional law throughout Europe.

His international practice means that he has also been called upon to advise on the application of umbrella clauses in investor-state disputes.

Insurance

Paul has extensive experience of acting for insurers and reinsurers in coverage disputes, with a particular knowledge of disputes arising within the professional indemnity context.

His experience includes:

- A £50 million LCIA arbitration brought against insurers for damage under a Contractors' All Risk Policy (led by Roger Stewart QC)
- Frequently acting for PI insurers and advising on the terms and operation of PI policies within the context of professional liability claims;
- Advising and acting for legal expense and ATE insurers.
- Advising and acting for insurers declining cover on grounds that proper and timely notification has not been rendered by the insured.
- Advising on the application of principles of aggregation to insurance claims.
- Actions against insured parties for unpaid premiums.

Paul has also written extensively on insurance and re-insurance related topics.

Costs

Paul has extensive experience of costs disputes, including:

- Advising on the scope and operation of Conditional Fee Agreements;
- Advising and acting in cases engaging the 2013 Jackson Reforms, including the introduction of costs budgeting;
- Advising on the application of the principle of neutrality for interveners in judicial review proceedings.
- A costs hearing before a Circuit Judge arising out of facts from *MRH v The County Court sitting at Manchester [2015] EWHC 1795 (Admin)*;
- Advising and acting in detailed assessments before costs officers;
- Advising and acting in a case that concerned the recovery of professional fees by a firm acting as a litigant-in-person (application of the 'Chorley Principle');
- Advising and acting in a detailed assessment before the Registrar of the Qatar International Court;
- Advising on the scope and operation of ATE policies

Paul has written on costs issues such as the pre-Jackson principles surrounding ATE recovery ('After the event: a premium on justice – Hawksford Trustees Jersey Ltd v Stella Global UK Ltd [2012] EWCA Civ 987 C.J.Q. 2013, 32(1), 27-32) and the utilisation of the indemnity basis as a means to support pro bono legal advice and representation (No such thing as a free lunch?)



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N.L.J. 2012, 162(7527), 1068)

Sports Law

Paul has a growing practice in sports law. He advised a Premier League club in a claim brought by a former player for an allegedly negligent injury misdiagnosis by the team physiotherapist. Paul also frequently acts on a pro bono basis for sportsmen and women who find themselves subject to suspensions and bans under the WADA Code. He has experience of acting for rugby and hockey players appealing adverse decisions by UKAD before the National Anti-Doping Panel.

Qualifications & Memberships

Memberships

COMBAR, PNBA, TECBAR

Education

Paul read law at St. Catherine's College, Oxford where he obtained a first class degree and was awarded a David Blank Scholarship. At the same institution Paul achieved a distinction on the BCL studying with the benefit of a graduate scholarship. Throughout this time Paul received various university prizes including for his performance in Competition, Labour and EU Constitutional law. Having studied the BPTC at Cardiff University (graded Outstanding) Paul was called to the Bar at Middle Temple where he is an Astbury Scholar and a Lechmere Essay Prize winner. In 2012 he was awarded the Access to Justice Foundation Student Essay Prize. Paul has served as a part-time Lecturer at St. Catherine's College, University of Oxford teaching the law of contract and constitutional law. Paul also has an MA in Russian studies from the School of Slavonic and East European Studies at University College London (Distinction).

Insights

Wheeldon Brothers Waste Limited v Millennium Insurance Company Limited [2018] EWHC 834 (TCC): the construction of a condition precedent relating to storage of combustible materials

30 April 2018

When a fire caused damage at a waste processing plant owned by the Claimant, Wheeldon Brothers Waste Limited ("Wheeldon"), the Defendant insurer, Millennium Insurance Company Limited ("Millenium"), declined an indemnity on the grounds that, among other things, Wheeldon had been in breach of conditions precedent to liability. Judgment in favour of Wheeldon's claim for declaratory relief, and indemnity and/or damages (liability only) was given by Jonathan Acton Davis QC sitting as Deputy High Court Judge. The case serves as another reminder of the principles applicable to contractual construction and the operation of conditions precedent to liability in insurance contracts. The Court's decision is considered by Paul Fisher of 4 New Square.

Ambitions for Astana

7 March 2018

Paul Fisher writes for Practical Law in the first of a series of articles on dispute resolution in the new Astana International Financial Centre and its Court. [Click to read the article.](#)

Soviet Union's Approach to Arbitration and its Enduring Influence Upon Arbitration, Russian Law Journal, 2017 5(4):129-150

4 November 2017

Milton Furnitures Limited v Brit Insurance Limited [2015] EWCA Civ 671



7 July 2017

Building Qatar: International Diplomacy and the Contractual Bargain

7 July 2017

Liability insurance: governing law and jurisdiction

1 September 2016

Atlasnavios – Navegacao, LDA v Navigators Insurance Company Ltd & Ors [2016] EWCA Civ 808

1 August 2016