

Paul Parker

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He's a wonderful advocate: tenacious, brave and prepared to roll his sleeves up. You feel very confident in his services.

- Chambers & Partners

Paul Parker is a specialist in professional liability claims involving accountants, financial services professionals, lawyers, insurance brokers and construction professionals.

He advises on professional regulatory matters and has substantial experience of appearing before disciplinary tribunals and in the higher courts on appeal. He does a variety of general commercial and chancery commercial work, with particular emphasis on insurance law.

Paul relishes the challenge of advocacy and is known for his tenacity, working hard to attain the trial barrister's ideal: complete mastery of a brief, control of the evidence and the ear of the court. He revels in difficult cases where there are obstinate witnesses or dogmatic experts to be cracked.

In a climate in which mediation has become the dispute resolution method of first choice, Paul has developed a considerable level of experience, guiding lay and professional clients through the mediation process, drafting mediation position papers, devising negotiation strategies and handling mediation advocacy.

"Excellent at pleadings", "very diligent, very thorough and offers detailed forensic analysis. He is very good at intricate legal arguments" (Chambers & Partners) and "consistently well thought of," Paul Parker is recognised as a leading recommended junior in the fields of professional negligence and professional discipline. Legal Week has reported Paul to be "fantastic with clients and you get excellent advocacy every time". And "great fun to work with" as well! The Legal 500 has time and again over recent years listed him amongst its highly regarded juniors and Paul has also been selected for inclusion in the Legal Business publication Legal Experts in the field of professional indemnity litigation every year since 2001.

Privacy Policy

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

Areas of Expertise

Professional Liability

"Extremely knowledgeable and experienced." – *Legal 500, 2020*

"He is very experienced and is good on his feet. When he gets into court, he's brilliant." – *Chambers & Partners, 2020*

“He is good on his feet and very thorough.” – *Legal 500, 2019*

“Highly experienced senior junior whose practice in professional liability encompasses claims against virtually all non-medical professions.” – *Chambers & Partners, 2019*

Accountants, Auditors & Actuaries

Paul is regularly instructed in claims against accountants and financial services consultants, covering topics as diverse as taxation matters, enterprise zones, audit responsibilities, business and incorporation advice, and life assurance and pensions mis-selling. He has a good understanding of audit and familiarity with IFRS, ISA etc. Current and recent cases include:

- acting for claimants against auditors who failed to detect substantial defalcations by a rogue director
- advising in a claim against accountants in connection with their design and implementation of EBT and other offshore trust vehicles
- representing accountants in the defence of claim by international celebrity regarding business incorporation advice
- pre-action and non-party disclosure by accountants in
 - a potential action concerning share sale and tax advice: *Moresfield Ltd v. Banners & KPMG* [2003] EWHC 1602 (Ch)
 - high net worth ancillary relief proceedings
- advising an international charity with regard to tax advice from a leading accountancy firm
- appeal from refusal to grant pre-action disclosure in a potential action concerning overseas business acquisition, due diligence and advice: *Medisys plc v. Arthur Andersen* [2002] Lloyd’s Rep PN 323
- acting in claim against accountants for negligent corporate re-organisation and tax planning advice
- substantial auditors’ liability claim arising out of credit note fraud perpetuated on client company (principal issues: standard of care relating to audit planning and risk assessment; performance of audit)
- representing a leading accountancy firm in defence of a £60 million-plus claim by a FTSE 100 company with regard to tax planning
- acting for accountants in an action concerning the administration of members’ and proprietary clubs.

Cases

- **Moresfield Ltd v. Banners & KPMG**
A potential action concerning share sale and tax advice
- **Medisys plc v. Arthur Andersen**
Appeal from refusal to grant pre-action disclosure in a potential action concerning overseas business acquisition, due diligence and advice

Construction Professionals

- acting for the defendant quantity surveyors in *Dhamija v. McBains Cooper* [2010] EWHC 2396 (TCC), a leading case deciding that the scope of the quantity surveyor’s duty to make interim valuations does not extend to having to bring defective works to the contract administrator’s attention
- advising in connection with potential claims against the professional team in connection with the design and construction of a vocational ballet school
- acting for the employer in substantial claim against engineers regarding the foundation design of major London hotel
- defending engineers in connection with the foundation and floor slab design of warehouse complex in the North East
- *Cheal v. Hale Allen* (1997) 59 Con LR 156: use of expert evidence in an engineers’ negligence action
- *Wilson v. Le Fevre Wood & Royle* [1996] PNLR 107: date of knowledge (Limitation Act 1980 s.14A) in an architects’ liability action
- led by Anthony Thornton QC (now HHJ Thornton QC) in a long geotechnical engineers’ negligence action in 1994

Cases

- **Dhamija v. McBains Cooper**
Acting for the defendant quantity surveyors in a leading case deciding that the scope of the quantity surveyor's duty to make interim valuations does not extend to having to bring defective works to the contract administrator's attention
- **Cheal v. Hale Allen**
Use of expert evidence in an engineers' negligence action
- **Wilson v. Le Fevre Wood & Royle**
Date of knowledge (Limitation Act 1980 s.14A) in an architects' liability action

Financial Services Professionals

Paul is regularly instructed in claims involving financial services consultants. He has particular experience of home income plans and similar, as well as life assurance and pensions mis-selling. He is familiar with regulatory matters under the FSMA 2000 (and its predecessors). Current and recent cases include:

- advising insurance intermediaries as to statutory regulation/approval
- advising investors caught up in a viatical scheme fraud
- involvement in cases relating to pensions mis-selling
- challenge to the vires of a pensions review award made by the Personal Investment Authority Ombudsman: *R. v. P.I.A Ombudsman Bureau Ltd., ex parte Davies Walters & Associates Ltd.* [2001] EWHC Admin 1159
- brief involvement in the Equitable Life litigation prior to its settlement.

Cases

- **R. v. P.I.A Ombudsman Bureau Ltd., ex parte Davies Walters & Associates Ltd**
Challenge to the vires of a pensions review award made by the Personal Investment Authority Ombudsman

Insurance Brokers & Agents

Paul has also been involved in substantial cases concerning:

- business interruption insurance, including issues of underinsurance and average
- cover notes and interim insurances in a Lloyds context

and his recent advisory work has focused particularly on the scope of the broker's duty to advise and to elicit material information at inception and upon renewals.

Cases

- **Yechiel v Kerry London Ltd**
Paul acted for the brokers, successfully establishing on the evidence and in cross-examination that the insured had failed to give notice to the brokers of certain requirements as to cover.

Lawyers

Paul has an extensive lawyers' liability practice including claims relating to commercial disputes, finance and investments, property transactions, and lost and mishandled litigation cases arising out of a wide range of original disputes including landlord and tenant, commercial, planning, contentious chancery, corporate and personal insolvency, matrimonial and childcare, and personal injury. He has considerable expertise in wasted costs applications.



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Paul has over the years appeared in and advised in lawyers' liability cases in every division of the High Court including

- acting for software owners in a claim against their former solicitors for the failure of substantial patent litigation
- advising a P & I club in connection with potential claims arising out of a charterparty arbitration
- representing a Cypriot charterer in dispute with English shipping firm

- defending barristers in claims arising out of insurance disputes, conflicts of laws and developing areas of medical science
- representing solicitors in claims by beneficiaries and personal representatives concerning the administration of estates
- acting for a barrister in defence of a claim alleging negligent deployment of evidence at a criminal trial
- representing solicitors alleged to have mishandled defamation proceedings
- acting and advising in numerous claims involving suretyship transactions of the type exemplified by *Barclays Bank plc v O'Brien* and/or *Royal Bank of Scotland plc v Etridge (No.2)*

He has also been instructed to appear in Scotland as an expert witness in English barrister's negligence law.

Reported cases:

Cases

- **Cannon v Hart Brown**
Acting for solicitors successfully defending an allegation that they had been instructed to renegotiate the terms of an overage clause in a contract for the purchase of a property for redevelopment
- **Guy v Pannone LLP**
Representing solicitors caught up in the Lexi Holdings fraud in a successful summary judgment appeal
- **Angel Solicitors v Jenkins O'Dowd & Barth**
Solicitors' undertakings in conveyancing transactions
- **Ross Solmon & Co v Jenkins O'Dowd & Barth**
Solicitors' undertakings in conveyancing transactions
- **L. Morgan & Co v Jenkins O'Dowd & Barth**
Solicitors' undertakings in conveyancing transactions
- **First Property Finance Ltd v Martin & Haigh**
Solicitors' undertakings in conveyancing transactions
- **Paul Parker**

- **Rind v Theodore Goddard**
Acting for the solicitors arguing duty of care and limitation points on a summary judgment application concerned with a failed IHT avoidance scheme
- **Vaughan v. Emmott Harrison**
Limitation
- **Adrian Alan Ltd v. Fuglers**
Damages awarded where it transpired that an ex-employee had misrepresented himself as a practising solicitor
- **Green v Hancocks**
Action for lost opportunity to make £43 million out of residential property development in the Midlands; issues relating to reliance on counsel, effect of legal advice given before more recent change in the law, and the viability of claims for misfeasance



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in public office

- **Alpha Credit Bank AE v. Stephenson Harwood**
Lender's action against solicitors, scope of duty, contributory negligence. Paul acted for the successful bank.
- **Re a firm of solicitors**
Breach of confidence; Chinese walls; firm prevented from acting for party in litigation. Represented the successful applicant.
- **Paul Parker**
Successfully defending the salaried partner in this case about whether salaried partners are liable for the firm's breaches
- **Majdabadi v Trustees of London Clinic**
- **Marsh v Sofaer**

Surveyors & Valuers

Paul's experience covers a broad spectrum of residential and, in particular, commercial valuation claims. His recent and ongoing work includes

- acting for a bank in a £17 million claim against a well-known international firm of chartered surveyors in respect of the investment valuation of a shopping centre in Essex
- defending a £1.1 million claim against valuers in respect of a going concern valuation of a commercial fishery in the Midlands
- defending a £2.8 million claim made by a bank for losses incurred following a valuation of a nightclub, bar and restaurant complex along the south coast

Other cases in which he has acted have included:

- defending a well-known international firm of chartered surveyors in a claim concerning the valuation of substantial commercial property portfolio arising out of a corporate takeover
- acting in a substantial residential valuer's negligence action tried over four weeks in the QBD
- representing a building surveyor in a substantial claim brought by a well-known firm of City solicitors regarding the design and construction of their office accommodation
- claims against lenders exercising their power of sale as mortgagees in possession

Qualifications & Memberships

Paul is a former editor of the *PNBA Professional Negligence Law Review* and has edited and written chapters on solicitors, appeals and IT professionals for *Jackson & Powell: Professional Liability Precedents* (Sweet & Maxwell, looseleaf).

He is a member of COMBAR, LCLCBA, the ChBA and the PNBA (having served on its executive committee for many years). He is an ex-chairman of governors at a school in Oxfordshire, and is the current vice-chairman of an Oxford charitable trust.

Education

M.A. (Cantab.)

Languages

Serbian and French.

Insights

The liability of a litigation friend for costs: Glover v Barker in the Court of Appeal

6 October 2020

On 21 August 2020 the Court of Appeal handed down judgment in *Glover v Barker* [2020] EWCA Civ 1112, overturning the decision of Morgan J. in *Barker v Confiànce Ltd* [2019] EWHC 1401 (Ch) and giving comprehensive guidance as to the circumstances in which a defendant's litigation friend might be liable for the costs of a successful claimant.

The new Accounts Rules – what can you do?

28 October 2019

On 25 November 2019 the SRA Accounts Rules 2011 will cease to have effect, and will be replaced by new accounts rules. In one quarter-stroke of the draftsman's pen, 52 rules covering 50 pages of single-spaced typescript on pages of A4 will be replaced by 13 rules on 10 pages. The SRA has trumpeted loudly that the rules have been simplified and that they provide greater flexibility. Have they? Do they?

SRA v James: When “I was driven to it” is no defence

13 November 2018

Today a likely fatal blow to well-being in the workplace was struck by the Administrative Court (Flaux LJ, Jeremy Baker J) in *SRA v James and others* [2018] EWHC 3058 (Admin). It is well-known that if a solicitor is guilty of dishonesty in and about the work he or she does, they will be struck off unless they can show “exceptional circumstances”. For a while it was thought that extreme and intolerable work pressure giving rise to mental health issues, in turn giving rise to an act or acts of dishonesty, might suffice.

What does it mean to be lacking in integrity?

14 March 2018

Paul Parker of 4 New Square explores the dishonesty/integrity debate as the Court of Appeal has now uttered its last words on the topic, which has kept regulatory and disciplinary lawyers busy for well over a decade.

Jackson & Powell: Professional Liability Precedents

28 September 2010

Paul edited and wrote chapters on solicitors, appeals and IT professionals in this publication.

PNBA Professional Negligence Law Review

1 November 2005

Paul is the former editor of this newsletter.