

## Richard Liddell QC

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*Has very good technical knowledge and is extremely effective at client service. He takes a rigorous approach to his work.*

- Chambers & Partners

### **Richard Liddell QC's practice primarily covers four areas: commercial disputes (including insurance coverage and international arbitration), professional liability claims, construction and engineering litigation and sports law.**

Many of his cases have an international dimension and he is frequently instructed in commercial and construction disputes in the Middle East before the DIFC Courts (where he has rights of audience) and in arbitration claims.

Rick is currently instructed to advise on various coverage issues arising from the COVID-19 outbreak.

In addition to acting as an advocate and adviser, Rick is also regularly appointed as Arbitrator.

Rick took silk in 2020 and is recommended as a leading practitioner in the legal Directories for Professional Negligence, Construction and Sports law. Quotes from the Directories include:

*"A superb advocate"; "A team player and is excellent on his feet"; "Intelligent and meticulous"; "Very bright"; "Charismatic"; "Very personable"; "Good under pressure"; "He is very well liked by clients, works hard and has a very amicable manner"; "Extremely user-friendly and proactive"; "Solicitors note his collaborative approach and the ease with which he integrates into a team. His expertise spans the entire range of professional indemnity work"; "He manages difficult clients well"; "Very good on dispute strategy and tactics" and "Good at cutting through the noise to get at the points that matter." [Professional Negligence]*

*A "very good advocate"; "A very able courtroom performer and shrewd tactician"; "has the ability to pick up and analyse complex technical information"; "demonstrates particular strength in cases concerning architects, specialist consultants and civil and structural engineers. He regularly acts as sole counsel in adjudications and arbitration and has appeared as junior counsel in the Court of Appeal and Supreme Court. He is becoming steadily more involved in disputes occurring in the Middle East and East Asia". [Construction]*

*"He's a talented performer in the courtroom"; "Extremely talented in this field, having acted across a number of sports. A powerful advocate and a joy to work with"; "He is highly skilled, knows his brief and is not aggressive, but is certainly highly effective"; "Proving himself to be a rising star at the Bar for horseracing cases." "A very competent barrister with a broad sports practice." [Sport]*

He prides himself on being an incisive and responsive barrister and a user-friendly team player. He places particular emphasis on having a command of the detail but without getting bogged down in trivia and being able to provide the best practical and



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commercial solution to legal problems.

He has wide advocacy experience and appears before the Commercial Court, Chancery Division, TCC and appellate courts as well as in sports disciplinary tribunals, including the Court of Arbitration for Sport (CAS). Rick relishes his role as an advocate.

Rick also has a very strong arbitration practice and is currently involved in a number of high-value ICC and LCIA Arbitrations with seats in Dubai, Paris, London and Abu Dhabi Global Market (ADGM). The subject matter of his arbitration practice ranges from construction disputes to insurance coverage disputes to sports law and he is experienced in acting in arbitration claims where the governing law is not English law.

Rick has been involved in numerous other high-profile cases, including *Aspect v Higgins* (Supreme Court), *Mengiste v Endowment Fund* (CA), *Elvanite v AMEC* (TCC), *Linklaters Business Services v How Engineering Services Ltd & Ors* (TCC), *The Innovator Litigation* (substantial multi-party Commercial Court litigation), *Amec Group Ltd v Assicurazioni Generali S.p.A.* (multi-million pound construction insurance litigation), *Mandrake v Countrywide* (Chancery Division and CA), *The TAG litigation* and the *Hillside Girl Inquiry* (Horsereading corruption hearing).

Rick is also recognised and regarded for offering expertise in the fields of sports law and sports disciplinary law. He is regularly instructed by World Rugby and has acted for numerous other international and domestic governing bodies, including the IAAF, England Netball and England Lacrosse. His cases include acting for an Olympic Gold Medalist in a selection appeal to British Rowing, the National Governing Body for Rowing; successful high profile doping appeals on behalf of the International Association of Athletics Federations at CAS; acting for a Spanish football club in a CAS appeal; advising a professional footballer on a doping appeal to the FA; advising rugby players in doping appeals and disciplinary cases; and acting in FA Rule K Arbitrations.

Rick also regularly sits as an arbitrator and was recently a member of an English Football League Arbitration Panel (together with Sir David Foskett and Andrew Smith) which determined an appeal brought by a League Two Football Club against a decision of a Disciplinary Commission. He is also frequently appointed as a sole arbitrator in FA Rule K Arbitrations.

### **Privacy Policy**

Click here for a **Privacy Policy** for Richard Liddell.

### **Transparency Statement**

Click here for the **Transparency Statement** for Richard Liddell.

## **Areas of Expertise**

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### **Commercial Dispute Resolution**

Rick's commercial dispute resolution experience includes freezing injunctions and pre-action disclosure applications.

He undertakes a wide range of commercial work, including general commercial litigation, sale of goods, product liability, partnership disputes and commercial contract claims.

Recent and ongoing cases include:

- Advising on a notification provision in a share purchase agreement.
- Acting for an Insurer (resident in the UAE) in a multi-million dollar trade credit coverage dispute before the DIFC Courts.
- Acted for one of the IFAs (Part 20 Defendant) in *The Innovator Litigation*.
- Acted for The Attorney General to the Prince of Wales in a multi-million pound claim that arose out of the explosion at the Buncefield oil depot.
- Represented the manufacturer and supplier of chain links in a claim for damages brought against it by a specialist manufacturer of mooring systems (used in fish farms) in respect of substantial losses suffered as a result of the fractures of

chain links.

- Represented a partnership P (specialising in licensing sports programming and products to third party broadcasters and DVD distributors) in a commercial contract dispute relating to the distribution of a DVD series previewing the 2006 FIFA World Cup.
- Acted as junior counsel (led by Sue Carr QC) for a specialist provider of veterinary services for the commercial poultry industry in a sale of goods and professional liability claim concerning the supply of a vaccine.
- Defending a share warranty claim.
- Represented a large auction house in a claim involving the conversion of a number of drawings of L S Lowry.
- The multi-party litigation that ensued following the collapse of The Accident Group.

He was awarded a first in International Commercial Litigation whilst at Cambridge University and is particularly interested in the finance of international trade and has experience of claims involving conflict of laws.

Rick is a member of the Commercial Bar Association (COMBAR).

## International Arbitration

Rick has wide experience and expertise in acting as advocate and adviser in domestic and international arbitrations, including:

- LCIA, ICC and ADGM Arbitrations
- Reinsurance and insurance arbitrations
- Construction and engineering arbitrations
- Commercial arbitrations
- Sports arbitrations

His experience includes cases seated in London, Paris, Qatar, Switzerland, the UAE (Dubai and the Abu Dhabi Global Market), as well as the application of foreign laws including those of UAE and Islamic Sharia, Ukraine, Russia and Monegasque.

He also accepts appointments as an arbitrator and has sat as sole arbitrator and as part of a panel.

His cases include:

- Acted for the respondent in complex, high-value ICC arbitration proceedings seated in Dubai concerning the allocation and valuation of businesses and assets in multiple jurisdictions, including the UAE and India. Sole advocate in three day hearing in Dubai.
- Acting for the respondent in a substantial construction arbitration (ICC), which is seated in Paris and where the governing law is Eastern European.
- Acting for an Insurance Company in high-value LCIA arbitration proceedings seated in the Abu Dhabi Global Market (ADGM) concerning property damage cover with UAE as the governing law.
- Acting for a Qatari company in a substantial ICC construction arbitration seated in London concerning a fire at a factory.
- Advised a US company in LCIA arbitration proceedings in respect of a substantial telecommunications dispute.
- Acted for an airline in a LCIA arbitration relating to aircraft leasing.
- Acted in several international reinsurance arbitrations of high value.
- Acting for insurers in defending a claim for a declaration that the avoidance of the contract of insurance was wrongful. The claim arose out of a Trade Contract relating to the construction of a prestigious office in Kent.
- Various arbitrations relating to professional indemnity coverage disputes led by Justin Fenwick QC.
- Representing Chartered Surveyors in claims brought under the Chartered Institute of Arbitrators 'Surveyors Arbitration' Scheme.
- Acting for the International Association of Athletics Federations (IAAF) in a number of appeals to the Court of Arbitration for Sport (CAS) in Switzerland.
- Acting for World Rugby in an appeal to CAS
- Acting for a professional footballer in a FA Rule K Arbitration against his former intermediary (agent)
- Acting for a professional football club in a FA Rule K Arbitration
- Acting for a football club in a FA Rule K Arbitration brought by a former manager and assistant manager



## Insurance & Reinsurance

A large amount of Rick's work has an insurance element. As an incident of his construction and professional liability work, Rick frequently advises on policy interpretation and coverage issues. He has also been retained in several international reinsurance arbitrations of high value.

He has extensive experience of insurance disputes involving the construction of policies, the avoidance of cover and other policy issues generally (including aggregation clauses) and is also regularly instructed by insurers in subrogated recovery actions. He has been involved in a number of cases (for both insureds and insurers) where substantial business interruption losses have been claimed. He has recently co-authored an article on event cancellation insurance, which considers various coverage issues arising from the Coronavirus/COVID-19 outbreak: <https://www.4newsquare.com/publications/sporting-event-cancellation-insurance-will-it-play-ball-or-be-kicked-into-touch/>

Recent and ongoing cases include:

- Advising on coverage issues in relation to event cancellation insurance arising from the COVID-19 outbreak.
- Acting for an Insurer (resident in the UAE) in a multi-million dollar trade credit coverage dispute before the DIFC Courts.
- Acted for Assicurazioni Generali S.p.A (Insurers) in a multi-million pound insurance dispute. Rick was junior counsel to Roger Stewart QC. The insurers had refused to indemnify the claimant contractors under a professional indemnity policy in respect of a counterclaim brought against the claimant by the defendant sub-contractor. The issues included breach of notification condition precedent, inadequate scope of notification and reliance on a policy exclusion and on dual insurance.
- Advising professional indemnity underwriters whether a Chartered Surveyor was entitled to an indemnity under his policy of professional indemnity insurance.
- Advising on a policy coverage dispute between a firm of auctioneers and valuers and their professional indemnity insurers.
- Advising an insured whether or not they were entitled to an indemnity from its insurers in respect of its loss of profits arising out of a fire at a factory.
- Advised a very large US company on a number of insurance issues arising out of a fire at a factory. Rick was junior to Roger Stewart QC.

Rick's interest in the field of insurance is not just confined to the cases in which he is instructed. Rick regularly gives talks and seminars to solicitors and insurers including seminars on *HLB Kidsons v Lloyds* and *Aspen Insurance v Pectel* and talks on "Design and Construct Insurance" and "Limits on Liability in Professional Indemnity Policies".

He also assisted Lord Justice Rix in his preparation for The Peter Taylor Memorial Lecture: "Should *Sprung* lose its spring?" The Court of Appeal in *Sprung v Royal Insurance (UK) Ltd* [1999] 1 Lloyd's Rep IR 111 had decided that there can be no claim for consequential loss by an insured for breach of a contract of insurance. Rick first had to consider the decision in *Sprung* when he was instructed on behalf of Countrywide Assured Group PLC. In the case of *Mandrake v Countrywide* [2005] EWCA Civ 840 (Rick was junior counsel to Michael Soole QC), the Court of Appeal held that it was bound by the present state of the law (*Sprung*) but Rix LJ stated that it seemed to him that the '*controversial issues raised...may well interest their Lordships' House*'.

## Construction & Engineering

**"He is very able, extremely thorough with great attention to detail, and a pleasure to deal with."** – *Legal 500, 2021*

**"Extremely talented."** – *Chambers & Partners, 2021*

**"A very able courtroom performer and shrewd tactician."** – *Legal 500, 2020*

**"Very smart and conscientious." "Bright, highly committed and extremely personable – a pleasure to work with."** – *Chambers Global, 2020*

A **"very good advocate"; 'quality junior' who "has the ability to pick up and analyse complex technical information"; "A very consistent performer at a high level". "Talented junior with a notably broad practice, who demonstrates particular**



**strength in cases concerning architects, specialist consultants and civil and structural engineers. He regularly acts as sole counsel in adjudications and arbitration and has appeared as junior counsel in the Court of Appeal and Supreme Court. He is becoming steadily more involved in disputes occurring in the Middle East and East Asia". – Chambers & Partners, 2019.**

A large part of Rick's practice involves construction and engineering disputes. Listed as a leading junior in Construction in the legal directories, he has extensive experience of advising and acting for employers, contractors and sub-contractors in a range of disputes, typically involving complex technical evidence. He also has wide experience of dealing with claims against or involving various different construction professionals including architects, engineers, M&E consultants and quantity surveyors.

He regularly appears in the Technology and Construction Court (TCC).

Rick also has experience of construction arbitrations (ICC and LCIA), adjudications, construction professional indemnity issues and contribution disputes.

Rick also has experience of dealing with construction disputes in the Middle East and in Eastern Europe and has a strong international practice.

Examples of his cases include:

- Acting for the respondent employer in a substantial construction arbitration (ICC), which is seated in Paris and where the governing law is Eastern European
- Acting for a civil engineer in a substantial multi-party claim in the TCC
- Acting for a Design and Build Contractor (led by Roger Stewart QC) in a high-profile TCC claim against a firm of architects
- Acting for the owner of a factory in ICC proceedings arising from a major fire
- Acted acting for the main contractor in a substantial multi-party dispute brought by the Co-operative Group arising from the construction of a warehouse in Rugby. [*Co-operative Group v Birse Developments Ltd.*] Led by Fiona Sinclair QC.
- Acted for the successful respondent in the Supreme Court in *Aspect Contracts v Higgins Construction plc*, a landmark case in which the Court addressed for the first time the interactions between construction adjudication, limitation, negative declaration and unjust enrichment. Led by Fiona Sinclair QC.
- Advised and acted for an Employer in adjudication proceedings brought by its Contractor in relation to the construction of a clause in their contract. Led by Roger Stewart QC.
- Acted for the successful defendant planning consultants in a two week TCC trial in front of Coulson J. Led by Anneliese Day QC. [*Elvanite v AMEC (2013) EWHC 1191*]. This case develops the growing body of case law surrounding planning consultants. The case also raises interesting issues concerning exclusion clauses (including UCTA), limitation of liability, estoppel, waiver, extensions of time and the correct measure of loss.
- Acting for a building services company providing electrical services in a claim relating to the supply of Busbar trunking systems.
- Acting for one of the largest development teams in the UK in respect of an action pursued by home owners arising from flooding to their property said to be caused by the development of a neighbouring housing estate.
- Acting for a company providing a range of civil, building and mechanical engineering services across the rail network in relation to a claim brought by home owners arising from flooding to their properties said to be caused by relining works to a culvert running through a railway embankment.
- Acted for Gratte Brothers Limited, electrical sub-contractors, in a multi-party and multi-million pound dispute arising from damage caused to a landmark London office building (Bankside 2) caused by a diesel oil spill. Led by Graham Eklund QC.
- Acted for a roofing contractor in a three week TCC trial arising from a major fire at a factory. Led by Graham Eklund QC.
- Acted for a Claimant (Managing Agent of the Property) in a TCC claim arising from various escapes of water from pipework in a residential development in London.
- Acted for the mechanical and electrical sub-contractor in a multi-million pound TCC trial (4 weeks) concerning corroded chilled pipework at Linklaters' offices in London. Junior counsel to David Turner QC.
- Acted for Assicurazioni Generali S.p.A (Insurers) in a multi-million pound construction insurance dispute arising from damage to the surface of a motorway. Rick was junior counsel to Roger Stewart QC.
- Acted for insurers in defending a claim for a declaration that the avoidance of the contract of insurance was wrongful. The claim arose out of a Trade Contract relating to the construction of a prestigious office in Kent. Led by Roger Stewart QC.



## Memberships

Rick is a member of the Adjudication Society.

## Professional Liability

**“He is incredibly diligent, approachable and user friendly.”** – *Legal 500, 2021*

**“We received amazing feedback for him from our clients.”** – *Chambers & Partners, 2021*

**“He is a team player and is excellent on his feet.”** – *Legal 500, 2020*

**“He presents very well to clients, is able to speak with authority, and comes across as somebody who is credible and knowledgeable.” “He is very good technically, very commercially aware and understands the client’s interests and the need to try to resolve matters in a cost-efficient way.”** – *Chambers & Partners, 2020*

**“Has a very impressive work ethic and is extremely user-friendly and proactive.”** – *Chambers & Partners, 2016.*

**“A superb advocate”** – *Legal 500, 2015.*

Rick specialises in all fields of professional liability, with particular emphasis upon accountants and auditors, construction professionals, lawyers, and insurance brokers.

Listed as a leading junior in Professional Liability in both Chambers & Partners and Legal 500, he prides himself on being an incisive and responsive barrister and a user-friendly team player. He is meticulous and places particular emphasis on being able to provide the best practical and commercial solution to legal problems. He has wide advocacy experience and relishes his role as an advocate.

Rick is also regularly instructed to appear at mediations and round table conferences. He approaches all aspects of the mediation process (including drafting position papers and the advocacy element) with a clear understanding of its purpose and difference from adversarial litigation.

Rick’s interest in this field is not just confined to the cases in which he is instructed. Rick also gives talks and seminars on the subject and is a member of the Professional Negligence Bar Association.

## Accountants, Auditors & Actuaries

Rick regularly acts both for and against accountants, auditors and tax advisers in litigation and disciplinary proceedings. He is familiar with the audit process and applicable accounting and auditing standards. He is also frequently instructed in claims (against IFAS, solicitors, accountants and tax advisers), which require detailed knowledge and understanding of various tax regimes (both in the UK and abroad).

Examples of his extensive experience in this area include:

- Successfully acted for a famous singer/songwriter in a claim against his former accountants and tax advisers for failures to (a) lodge exemption forms on behalf of the claimant with a result he had to pay significantly more Irish Income Tax than would otherwise have been the case and (b) prepare the claimant’s Irish and UK Tax Returns;
- Currently acting for various individuals in substantial claims against accountants (among others) arising from advice relating to collective investment schemes;
- Acted for a well-known footballer in a potential claim against his former accountants arising from an ‘investment’ in a film finance scheme;
- Currently acting for a very famous cricketer in a claim against his former accountants arising from advice given/not given in connection with an image rights’ company;
- Currently acting for a firm of chartered accountants who are being sued by the owner of a leisure industry business for

(allegedly) failing to act competently in connection with its VAT overpayment claims to HMRC arising from various European decisions dealing with fiscal neutrality and gaming machines;

- Successfully acted for various individuals and trustees in a claim against their former accountants and tax advisers relating to capital gains tax payable following the sale of another company;
- Acted for a firm of accountants in a Part 20 claim brought by a firm of solicitors relating to tax payable by the Claimant following the sale of a company;
- Acted for a firm of accountants in a claim arising out of advice concerning capital allowances due to the Claimants from their position as owners of a nursing home;
- Junior counsel to Roger Stewart QC in an action by the trustees in bankruptcy of a firm of solicitors against its former practice accountants;
- Acting for and against wealth management companies, IFAs, tax advisers (lawyers) in a number of claims arising from negligent advice concerning SIPPs, unsuitable investments and the UK tax implications relating to the reconstruction of a French company.

Rick was also engaged in litigation involving tax schemes (Information & Communication) technology: *The Innovator Litigation*.

Rick has also acted for and against the then Accountancy Investigation & Discipline Board (AADB) and the FRC (as Junior Counsel to Ben Hubble QC) in a number of high-profile matters:

- Prosecuted a major firm of accountants relating to the audits of a UK FTSE 250 Company;
- Prosecuted the European Financial Controller of a UK FTSE 250 Company;
- Defended FRC disciplinary proceedings against Paul Newsham (auditor) arising from the audit of various long term construction contracts.

## Construction Professionals

Rick regularly acts in claims against construction professionals: most frequently architects and engineers, but also M&E consultants and project managers.

By way of example of Rick's experience in this field:

- He was junior counsel in a £20 million dispute against project managers and computer consultants jointly advising on the construction of an automated distribution warehouse (*Universal Music v E.C. Harris*).
- He is currently acting for a number of architects in design and build contracts.
- He has acted for Claimants in claims against the designers and installers of water systems in residential developments.

## Financial Services Professionals

Rick has experience of claims involving financial services professionals and/or which require a consideration of the financial services statutory regime.

Examples of his recent work include:

- Acting on behalf of an independent financial advisor (Part 20 Defendant) in *The Innovator Litigation*.
- Acting for a financial advisor in a claim relating to pension mis-selling.

## Insurance Brokers & Agents

Rick is frequently instructed in claims involving insurance brokers and agents. He regularly acts in multiparty actions where both insurers and insurance intermediaries are parties.

Examples of Rick's recent work include:

- Junior counsel to Roger Stewart QC in a multi-million pound claim against a firm of insurance brokers in relation to their

failure to effect suitable and valid insurance for the Claimant construction company.

- Acting for brokers defending a substantial claim for damages. The claimant's property was severely damaged by fire and Insurers subsequently declined cover. The claimant alleged that, but for the negligent advice given by the brokers, insurers would have provided cover.
- Defending brokers against a claim for alleged negligence in failing to obtain suitable terms or to advise the insured of them in relation to commercial property insurance.
- Acted for brokers sued by a former professional rugby player.

## Lawyers

Rick has extensive experience of acting for both claimants and defendants in claims against lawyers – both solicitors and barristers. His experience includes wasted costs litigation and claims relating to Share Purchase Agreements, commercial disputes, property transactions and mortgage fraud.

He also has very considerable experience of claims arising from lost and mishandled litigation. Rick's experience in his first few years of practice of defending clinical negligence and personal injury claims (including being regularly instructed by the Metropolitan Police) has proved invaluable in dealing with professional liability claims arising out of an original dispute in the clinical negligence and personal injury fields.

His cases include:

- Acting for a firm of accountants in a Part 20 claim brought by a firm of solicitors relating to tax payable by the Claimant following the sale of a company.
- Acted for Bar Mutual and two QCs in a case described by the Lawyer as "...one of the biggest professional negligence battles of [2013]" [Haskew v Pannone & Ors]
- Junior Counsel for Rylatt Chubb following the decision of Peter Smith J to make a wasted costs order against it. Appeared in the Court of Appeal (led by Graeme McPherson QC) who held that (a) the wasted costs order would need to be set aside on the grounds that the judge should have recused himself from hearing the wasted costs application and (b) any restored stage 1 application would need to be considered by a different judge. [Rylatt Chubb v Endowment Fund for the Rehabilitation of Tigray and others [2013] EWCA Civ 1003]
- Successfully representing a barrister and the BMIF in a High Court strike out application against the claimant.
- Acting for a well-known firm of solicitors in a multi-million pound claim relating to the alleged negligent drafting of a Share Purchase Agreement.
- *The TAG Litigation* [2006] EWHC 939 (Comm): high-profile case examining the solicitors' responsibility towards ATE insurers in the wake of the collapse of 'The Accident Group' claims management scheme.
- *Sweet v Blight Skinnard Solicitors*: acted for the firm of solicitors in a 2-day trial in a claim arising from their failure to inform the claimant purchasers prior to purchase that the lane required to access their land was privately owned and that they did not have any right to use the land.
- Acted for a large supermarket chain in a substantial claim against a firm of solicitors arising from the purchase of a plot of land. Junior counsel to Roger Stewart QC.
- Various mortgage fraud cases.
- Advising on various issues relating to lenders' claims against solicitors.
- Junior counsel to Justin Fenwick QC in defending claims brought against a firm of solicitors relating to alleged undersettlements of claims for Vibration White Finger against British Coal.
- Junior Counsel to Simon Monty QC in a 2 week solicitors' negligence trial: *Woodfine Leeds Smith (A Firm) v Richard Russell* [2007] EWHC 603 (QB).

## Surveyors & Valuers

Rick has extensive experience in respect of claims against valuers and surveyors, both those brought by lenders and those brought by property owners.

Rick also acted for *Christie & Co* (valuers) in a five day trial in the first known decision (according to Simpson on Professional Negligence) in which a party has recovered damages against an independent expert appointed jointly by the parties to carry out a



valuation of a freehold licensed premises pursuant to an option in a lease.

He is currently acting for valuers in a claim brought by a short term finance company relating to the alleged overvaluation of an equestrian property in Newmarket.

He has wide advocacy experience and relishes his role as an advocate. Amongst other things, he has experience of and expertise in cross-examining expert witnesses, including valuers.

His experience includes:

- Acting for valuers in numerous lenders' claims.
- Junior Counsel to John Powell QC in a claim against an estate agent for alleged breach of fiduciary duty.
- Structural surveying cases – both residential and commercial.
- Junior counsel to Paul Sutherland in a claim arising from a pre-purchase inspection of a helicopter.
- Defending disciplinary complaints brought against surveyors.

## **Veterinary Surgeons**

Rick has experience of defending claims brought against veterinary surgeons. His recent cases include:

- Defending a specialist provider of veterinary services for the commercial poultry industry in a multi-million pound claim arising from the sale and supply of a vaccine. Junior Counsel to Sue Carr QC.
- Acting for a veterinary surgeon in a claim arising from the death of a famous event horse.
- Acting for a veterinary surgeon in a claim arising from the treatment of sand cracks.

Rick has also given talks on the liability of veterinary surgeons generally and more specifically in the context of pre-purchase examinations and the increasing number of claims relating to the buying and selling of horses.

## **Disciplinary**

Rick has wide experience of disciplinary work and this part of his practice is split between Professional Disciplinary Work and Sports Disciplinary Work.

In relation to the former, he has a strong track record in the financial disciplinary arena and his cases include being retained by the then Accountancy Investigation & Discipline Board (AADB). He acted for the AADB (as Junior Counsel to Ben Hubble QC) in:

- Prosecuting a major firm of accountants relating to the audits of a UK FTSE 250 Company
- Prosecuting the European Financial Controller of a UK FTSE 250 Company

He has also acted for Respondents and is currently retained by an accountant to defend allegations of Misconduct brought by the Financial Reporting Council (led by Ben Hubble QC).

Rick is also currently acting for a chartered accountant and member of the ICAEW in proceedings before the ICAEW's Disciplinary Committee relating to various audits.

In addition to prosecuting and defending accountants, Rick also has experience of defending disciplinary complaints brought against surveyors. He has been instructed to defend complaints brought against a Chartered Surveyor under the Royal Institute of Chartered Surveyors Arbitration Scheme (administered by the Chartered Institute of Chartered Surveyors).

On the sports law front, he is regularly instructed by the British Horseracing Authority to appear at Inquiries, disciplinary hearings and appeal hearings involving cases of corruption and financial impropriety and allegations of bringing racing into disrepute and other improper conduct. He has also acted for jockeys and trainers in disciplinary matters instructed by the National Trainers Federation. He has also acted in doping cases both for the prosecuting body (the International Association of Athletics Federations) and the athlete (a professional football player).



Rick has been described in the legal directories as “highly skilled, knows his brief and is not aggressive, but is highly effective”, “proving himself to be a rising star at the Bar for horseracing cases” and “good at cutting through the noise to get at the points that matter.”

## Costs

Rick is developing an expertise in the specialist field of costs. His experience includes:

- Resisting and obtaining costs capping orders.
- Successfully contesting a very senior Counsel’s CFA uplift in a personal injury claim.
- Junior counsel to Justin Fenwick QC in litigation concerning the alleged under-settlement (by a firm of solicitors) of a number of claimants’ vibration white finger claims; a number of issues (generic and otherwise) in respect of costs required to be considered.
- Advising on appropriate costs orders in the Regulatory field (for the British Horseracing Authority).
- Appearing for both claimants and defendants in respect of applications for conditional (costs) orders and security for costs.
- Lecturing firms of solicitors on the ramifications of the Part 36 costs regime and potential pitfalls for the unwary.

## Sports Law

**“A welcome addition to the front Bench – a brilliant sports law lawyer with exceptional professional regulatory skills as part of his all-round talent. A vast array of sports-related experience and expertise. Tactical nous. Excellent manner with clients.”** – *Legal 500, 2021*

**“He has a great understanding of the world of sports disputes and he is able to draw on a host of past experience to help guide a case.”** – *Chambers & Partners, 2021*

**“Excellent at assessing the best strategic options.”** – *Legal 500, 2020*

**“Extremely talented in this field, having acted across a number of sports. A powerful advocate and a joy to work with.”** – *Chambers & Partners, 2020*

Listed as a leading junior in Sports Law by Chambers & Partners and Legal 500, Rick has a strong sports practice and is highly regarded for offering expertise in the field of sports law and sports disciplinary law.

Drawing on his experience, expertise and advocacy skills fostered in commercial litigation and professional disciplinary matters, Rick is to be found regularly appearing in sports disciplinary tribunals and investigative inquiries (for both the regulatory authority and participants) and is frequently instructed in high-profile matters in the sporting arena.

Rick is particularly pleased to be able to combine his legal work with his love of sport (both watching and playing). He also enjoys collecting sports memorabilia and is an avid supporter of Sunderland AFC!

His cases include:

- Rick is regularly instructed by the British Horseracing Authority (BHA) to advise and to appear at Enquiries, disciplinary hearings and appeal hearings. His varied and wide-ranging cases include:
  - cases of corruption and financial impropriety;
  - allegations of bringing horseracing into disrepute and other improper conduct;
  - prohibited substance cases;
  - non-triers;
  - interference disputes;
  - ownership disputes;
- Advising the International Rugby Board (the world governing and law-making body for the game of Rugby Union) on a number of matters including the proposed introduction of a new Policy and an accompanying amendment to one of its Regulations.

- High-profile cases in which Rick represented the BHA include:
  - *BHA v Jeff Pearce, Geoff Huffer, Jerry O'Dwyer & others*: Disciplinary enquiry concerning (i) the running of SABRE LIGHT (ii) the identity of the horse's owner (iii) suspicious betting. Rick was led by Graeme McPherson QC.
  - *BHA v Neil Leach & others*: Disciplinary enquiry concerning (i) the provision of Inside Information by the travelling Head Lad of Nicky Richards (licensed trainer) to a Betfair punter (ii) the fraudulent practice of placing lay bets (on Betfair) against a number of horses using Inside Information.
  - *BHA v Phelans*: Disciplinary enquiry concerning (lay) bets placed by the Phelans on a horse, which they owned, to lose.
  - Appeared before both the Disciplinary Panel and the Appeal Board in the MOSSMANN GORGE Inquiry – the Inquiry centred on the conduct of David Flood (trainer) and Hugh Taylor (assistant). The gelding had been found to have been given an intravenous injection on racecourse premises contrary to the Rules of Racing. The Panel's decision (upheld on appeal) was that Mr Flood (with the assistance of Mr Taylor) had administered an injection of Bute, a prohibited substance, on the day of the race.
  - Junior Counsel to Graeme McPherson QC before the Disciplinary Panel in Seamus Heffernan's appeal against a 14-day ban for deliberately impeding LIBBRETIST (ridden by Frankie Dettori) in the Queen Elizabeth II Stakes at Ascot.
- Instructed by the National Trainers Federation to represent one of its members, Alan Berry (trainer) who was at the centre of a high-profile Jockey Club corruption investigation concerning the running of HILLSIDE GIRL. In light of the evidence that emerged at the Inquiry, the corruption charges against Mr Berry (that included conspiracy and connivance) were withdrawn.
- Instructed by a jockey in respect of a proposed appeal against a decision by the BHA's Chief Medical Officer that he is not fit to ride on medical grounds.
- Recently asked to represent a BMX rider in an appeal to British Cycling (the governing body of cycling sport in the UK) concerning a ban imposed for abuse of an official.
- Sports related commercial contract disputes: he acted in a High Court commercial contract dispute concerning the distribution of 2006 FIFA World Cup DVDs. Rick was instructed by Bird & Bird Solicitors.
- Instructed in professional liability and insurance cases with a sports element. His cases include:
  - acting for insurance brokers that were being sued by a former professional rugby union player;
  - advising on insurance issues relating to a dispute involving a (UK sport) National Governing Body.

Rick is a member of the British Association for Sport and Law.

## Property Damage

Rick has a strong commercial, insurance, product liability and professional negligence pedigree, which has enabled him to build a strong reputation for dealing with property damage claims; and he has extensive experience of acting in multi-party and high-profile claims arising out of damage to property, particularly caused by fire, explosions, water penetration and subsidence. Rick is regularly instructed to act on behalf of Claimants and Defendants in such claims.

Rick also has a very busy construction practice, which lends itself perfectly to those property damage claims against construction professionals. He is recommended as a leading junior in the legal Directories for Construction and is described as "*a quality junior who has the ability to pick up and analyse complex technical information*"; and "*a very consistent performer at a high level*" and "*a superb advocate*".

He relishes his role as an advocate and frequently appears in the TCC. In addition to his court work, he has experience of acting in adjudications and arbitrations.

Examples of Rick's recent and ongoing instructions include the following:

- Acting for the freeholder of a warehouse (occupied by Boots), which was badly damaged by fire, in a claim against various parties including an electrical sub-contractor.
- Acted on behalf of a company providing security services in a claim relating to a fire at an industrial site where numerous wooden pallets were stored and destroyed.

- Acting on behalf of a contractor who designed and installed a kitchen air extraction system at a restaurant. The claim arises from a significant fire at the restaurant and neighbouring properties.
- Acted for a company and its insurers in a claim arising from an explosion at a chemical plant.
- Acted for a Design & Build Contractor in respect of two claims arising from work carried out at the St Pancras Hotel, London. The first claim related to a fire. The second claim related to a flood and losses said to have arisen from a major power cut.
- Acting for a Design & Build Contractor regarding the partial collapse of a commercial building.
- Defended a roofing contractor in a claim for damages arising from a fire, which caused extensive damage to the Claimant's factory.
- Acted for the Part 20 Defendant in two related claims arising from a fire at the Malmaison Hotel in Oxford.
- Acted for Network Rail and another company in a claim brought by numerous home owners arising from flooding to their properties and possessions said to have been caused by relining works to a culvert running through a railway embankment.
- Acted for electrical sub-contractors in defending a multi-party TCC claim relating to a diesel oil spill in a large building in London.
- Acted for a developer in a claim for damages arising from flood damage to the Claimants' property caused by the defective design and/or installation of drains in the adjacent development site.
- Acted in a claim arising from an explosion in an ammunition factory.
- Acted for the Attorney General for the Prince of Wales in the Buncefield litigation

## Qualifications & Memberships

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He is a member of COMBAR, PNBA, the Chancery Bar Association and the British Association for Sport and Law. He is also a member of the IBA and IPBA.

**Education** – M.A. (Cantab.) LL.M. (Cantab.)

## Insights

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### **Sporting Event Cancellation Insurance: Will it play ball or be kicked into touch?**

25 March 2020

Many events, including music, theatre, conferences and exhibitions have been cancelled or postponed in the wake of COVID-19 and more will follow.

### **Shareholder Disputes in Sport**

24 July 2019

As the law of unfair prejudice in the conduct of companies' affairs has developed, sports clubs (particularly football and rugby clubs) have proved to be fertile sources of disputes between shareholders. In this article, we examine unfair prejudice petitions which have concerned the sports sector to look at the effects of those decisions and at what we can learn not just about the sorts of shareholder disputes which arise in sports clubs but also what we can learn from those decisions and apply to shareholder disputes in other contexts.

### **Sport and anti-doping – the year in review 2018/19**

16 May 2019

Richard Liddell and William Harman of 4 New Square wrote an anti-doping update for Law In Sport on 16th May 2019. Its primary focus is UK anti-doping, decisions in the Court of Arbitration for Sport (CAS) and developments relating to the major international anti-doping bodies.

### **Orascom TMT Investments S.À.R.L v. Veon Ltd [2018] EWHC 985 (Comm)**

14 May 2018

The Commercial Court has recently criticised the practice that is commonly adopted for presenting challenges under sections 67 & 68 of the Arbitration Act 1996. Ben Elkington QC and Rick Liddell review the decision:



## **GDPR and Sport: make sure that you're on the ball!**

11 May 2018

Richard Liddell, Kendrah Potts and William Harman look at some of the principal enforcement risks facing sporting bodies under the new regime described by the ICO as a “game-changer” and consider how the GDPR might feed into existing facets of sports dispute resolution.