

Siân Mirchandani QC

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Silk: 2019

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An excellent advocate – tenacious and extremely detailed, identifying potential problems and arguments even before they arise

- Legal 500

Siân Mirchandani QC has established a broad commercial practice encompassing construction/engineering, professional liability claims, insurance and disciplinary claims in court proceedings, arbitrations and adjudications.

Siân has a particular interest in disputes involving construction, IT, technical and scientific elements and this has led to a strong construction/engineering practice and wide ranging experience in regulatory and experimental product testing claims.

Prior to her successful first application for silk in 2018, Siân was recognised as a Leading Junior by the directories for Construction, Professional Negligence and Disciplinary.

In Legal 500, 2019 Siân is described by her clients as *“an excellent advocate – tenacious and extremely detailed, identifying potential problems and arguments even before they arise”* and *“tremendously bright, has a tenacious eye for detail, and brings a new level of strategic thinking to the table”*.

In Chambers & Partners, 2019, Siân has been commended for her approach to her cases: *“She is very competent and thorough and hits the right points in the right places”*, *“extremely responsive wherever she is and whatever the time zone. She has a very reassuring demeanour that instils confidence all round”*, *“proactive, helpful”* and *“someone who prepares the case very well”*.

Who's Who Legal, 2019 says: *“Siân Mirchandani QC is recognised for her superb professional negligence practice.”*

Winner of Chambers & Partners 'Professional Negligence Junior of the Year' 2015. Previous directory comments from clients have included *“My default senior junior”* *“She can cut through the complex very quickly”* and *She’s very strong on complex matters.”* and *“She really gets into the detail and owns a case”*. Clients have described Siân as having *“a sharp mind and excellent attention to detail”*, and reported that *“she is excellent – very pleasant to deal with and extremely robust and effective for her clients.”* and *“a very effective, hard-working practitioner with an eye for detail and the ability to present a highly persuasive argument”* and *“The great thing about her is that on every occasion her advice is strong, firm and consistent, which allows us to get an excellent settlement.”* and *“Very bright, robust, dedicated and thorough”*.

Siân has wide and considerable experience of professional liability claims, including claims against accountants and auditors, architects, building inspectors, engineers, financial services professionals, insolvency practitioners, insurance brokers and agents, lawyers (solicitors and barristers), surveyors and valuers, receivers, land management agents, farm management agents, estate agents, clinicians and veterinary surgeons. Siân is a TECBAR accredited adjudicator.

Siân also has considerable experience of professional disciplinary tribunals (particularly architects and building inspectors),



arbitrations, adjudications and mediations. Having qualified from Cambridge University as a veterinary surgeon in 1992, Siân worked in academic and general practice as a veterinary surgeon before coming to the Bar and joining Chambers in 1998.

Privacy Policy

[Click here for a Privacy Policy](#) for Siân Mirchandani.

Areas of Expertise

Professional Liability

“Provides easy to understand advice in a timely fashion.” – *Legal 500, 2020*

“She has always impressed and will thrive in silk.” “She knows the case inside out and backwards, and works incredibly hard.” – *Chambers & Partners, 2020*

“She is extremely intelligent and quick to grasp the points in a case, providing both legal and commercial advice. She is extremely approachable and is able to deal with difficult instructing clients with calmness and professionalism. Working with her is a pleasure.” – *Chambers & Partners, 2020*

“She is tremendously bright, has a tenacious eye for detail, and brings a new level of strategic thinking to the table.” – *Legal 500, 2019*

“She is very competent and thorough and hits the right points in the right places.” “Extremely responsive wherever she is and whatever the time zone. She has a very reassuring demeanour that instils confidence all round.” – *Chambers & Partners, 2019*

“Siân Mirchandani QC is recognised for her superb professional negligence practice.” – *Who’s Who Legal, 2019*

Siân has considerable experience of claims involving professionals of all types. With her professional and scientific background, Siân relishes cases which involve scientific aspects or technical issues, and this has led to a strong practice in the Technology & Construction Court with instructions from a wide range of construction professionals including: architects, structural engineers, civil engineers, building surveyors, approved inspectors and project managers.

Siân has become known for adopting a commercial and problem solving approach which has led to instructions from employers, contractors and sub-contractors, and this ‘pure construction’ work complements her continuing construction professionals’ practice.

Siân has particularly developed a practice involving claims arising from design and construction of farm or agricultural buildings, where the combination of her veterinary background and her experience in construction claims as well as professional liability claims has given her clients a considerable advantage.

In recent years Siân has been involved in defending a number of high value claims against major firms of valuers in cases involving commercial properties packaged as ‘tax efficient’ investments in Germany, Denmark and the UK via securitisation transactions. These cases involved valuations using yields and estimates of rental income for hotels (*K/S Lincoln et al v CBRE Richard Ellis*); factory outlet centres (*Capita Alternative Fund Services & Matrix Securities v Drivers Jonas*); a large multi-use warehouse and department store in Germany (*Titan Europe 2006-3 Plc v Colliers International UK Plc*); a group of commercial buildings in London (*Whitetower 2006-3 Plc v Colliers International UK Plc*); a group of four substantial office buildings near the Tower of London (*LRC Holdings v BNP Paribas*).

Siân is regularly instructed on behalf of barristers and solicitors being sued by former clients who value her thorough and quick forensic analysis, followed by clear strategies to bring the claims to an early resolution. Recently Siân has pursued successful applications to strike out secondary litigation on the grounds of collateral attack on a prior court’s decision (*Ahmed v Clive D Wood*;



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Allsop v A Barrister). Siân is currently defending the conveyancing solicitors who acted on a development of a nursing home, where clients 'bought' an interest in individual care suites; and is also defending the conveyancing solicitors who acted for purchasers of 'off plan' holiday homes in Cape Verde. Both cases involve groups of claimants bringing tens of claims.

Siân has wide ranging experience of acting on claims for and against accounting professionals for failure to advise on appropriate tax strategies. One recent case involves the accountant's failure to advise a commercial waste business to apply for Research & Development allowances against tax.

Apart from the main fields of professional liability, Siân has also been involved with claims concerning agricultural land agents' negligence and estate agent's negligence.

Siân particularly enjoys cases in all areas of her practice which involve working alongside solicitors, and other professionals, as part of an interchangeable team, dealing with vast amounts of documentation, e-disclosure, or claims involving large numbers of sub-claims and group actions.

Siân has experience of using electronic databases and e-documents, rather than conventional paper documents, and has been involved in an e-disclosure exercise in a major construction claim arising from a housing estate.

Lawyers

Siân has acted in a very wide variety of lawyers' negligence claims, including lost litigation and other 'loss of a chance' and 'package of rights' claims (acting for and against both solicitors and barristers) including:

- Defending solicitor appointed as arbitrator from challenges under sections 24, 33 and 68 Arbitration Act 1996 & allegations of partiality.
- *Ahmad v Wood* [2018] PNLR 28 –striking out certain allegations for abusive collateral attack, which resulted in the claim value being dramatically reduced
- *Right to Buy* 'case managed' litigation – a large scale case managed litigation involving thousands of firms of solicitors. Siân acted for one of the Major Defendants, facing thousands of claims arising from their role as conveyancing solicitors acting for council tenants exercising their 'Right to Buy'. The litigation ended in discontinuance by the Claimants at the start of trial.
- *AIB Group (UK) Limited v Mark Redler & Co Solicitors* [2014] UKSC 58 – Supreme Court decision which confirmed that causation of loss must still be proved in a claim for equitable compensation for breach of trust, and the recoverable loss is confined to the loss actually caused by the breach of trust.
- *Arthur J.S. Hall v. Simons* [2002] 1 AC 615 – House of Lords' decision which considered the question of when an attack on a previous court's decision was an impermissible 'collateral attack'. This led to the abrogation of barristers' immunity from suit, a victory for Siân's clients (the defendant solicitors), who following this decision are now able to pursue a contribution from the barristers they had instructed.

Siân's wide ranging experience of lawyers' negligence claims includes:

Pursuing strike out of claims by former clients against barrister acting in an unfair dismissal and discrimination claim
Pursuing strike out of claims by former clients against solicitors acting on their ancillary relief claims alongside their divorce
Acting for the claimant Government agency against lawyers advising and conducting disciplinary matters against teachers
Multi-claimant litigation arising out of a failed development scheme in Cape Verde (re. Sambala) – defending the conveyancing solicitors from claims by purchasers of holiday homes 'off plan'
Multi-claimant litigation arising out of a failed development scheme for a care home with assisted living apartments in Northamptonshire – defending the conveyancing solicitors.
Incorrect advice on planning permission requirements
Claims arising out of mismanagement of adjudication proceedings.
Loss of litigation / under settlement



Scope of solicitor's duty to client when more than one professional advisor.
Collateral attacks on existing judgments
Wasted costs applications

Sian's recent cases are profiled below.

Cases

- **AIB Group (UK) plc v Mark Redler & Co**
Siân acted on behalf of the defendant solicitor at all levels. The case upheld that causation of loss must still be proved in a claim for equitable compensation for breach of trust, and the recoverable loss is confined to the loss actually caused by the breach of trust.
- **Defending a firm of solicitors**
Defending a firm of solicitors for allegedly negligent advice on renewal of a mixed residential/commercial lease.
- **Defending various solicitors**
Defending various solicitors instructed on a wide or limited basis for alleged negligence in ancillary relief settlements and consent orders following divorce.
- **Lenders' claims against solicitors**
Lenders' claims against solicitors for failing to report irregularities on mortgage funded property purchases
- **Various claims involving alleged conveyancing errors**
Various claims involving alleged conveyancing errors
- **Various claims against solicitors and barristers**
Various claims against solicitors and barristers acting and advising on matrimonial/ancillary relief matters including issues over pension sharing, company valuations, inadequate disclosure; contact disputes; consent order terms, agreements and Court's approval
- **Claim against a large commercial firm**
Claim against a large commercial firm for alleged errors in drafting of settlement agreement
- **A claim concerning negligent advice**

A claim concerning negligent advice to administrative receivers on sale of assets

- **Siân Mirchandani QC**
Acting for a barrister sued following unsuccessful claim in ET. Pursued strike out for collateral attack on Tribunal Decision.

Accountants, Auditors & Actuaries

Accountants, auditors & actuaries

Siân has wide ranging experience of acting for and against accountants, auditors and tax advisers (particularly high net worth individuals' tax deferral and avoidance schemes involving film finance, or other bespoke investment products).

Siân has acted for and against accountants including the following cases:



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- Acting for accountants alleged to have negligently prepared accounts for a dissolving partnership
- Acting against accountants alleged to have failed to advise correctly about 'research & development' tax relief for a waste management company
- In a lost litigation case against accountants for negligent advice on payment of VAT for EU cross border business activities, resulting in company insolvency
- Acting against accountants who advised a 'Lloyds name' negligently about tax mitigation
- Acting on the disclosure exercise for the *Chase Manhattan Bank v HIH Insurance*. The various pieces of this litigation, which centred on particular 'film slates' came to involve teams from

Cases

- **Acting for accountants**
Currently acting for accountants alleged to have negligently prepared accounts in the context of a farming partnership dissolution.
- **Acting on a high value 'lost litigation'**
Currently acting on a high value 'lost litigation' case involving underlying accountants' negligent advice for payment of VAT for cross borders' business activities leading to company insolvency.
- **Professional disciplinary proceedings**
Professional disciplinary proceedings arising out of allegedly negligent advice on tax planning
- **Acting for various accountants**
Acting for various accountants on negligent tax advice allegations.
- **Acting on behalf of a former Lloyds' name**
Acting on behalf of a former Lloyds' name in a claim against accountants for negligent tax mitigation advice
- **Chase Manhattan Bank v HIH Insurance**
The various pieces of this litigation, which centred on particular 'film slates' came to involve teams from many of London's largest firms of solicitors, and included an enormous disclosure exercise.

Financial Services Professionals

Sian has experience of claims against independent financial advisers, including:

- Recently acted for defendant financial advisers in a secure capital bond mis-selling claim.
- Claims involving tax avoidance schemes involving film finance
- Pension mis-selling claims.
- Investment mis-selling and client mis-classification claims
- Insurance mis-selling claims.
- Acting on an appointed representatives' claim brought under the Commercial Agents(Council Directive) Regulations 1993 against the represented insurers.

Sian's recent experience includes acting on a claim concerning alleged misadvice on a tax avoidance scheme involving film finance.

Insurance Brokers & Agents

Sian has acted for a number of the prominent insurance broking practices. She has also represented clients against their former insurance brokers in claims concerning selling unsuitable products, failing to advise of necessary products, failure by broker and/or client to give material disclosure to insurer; claims concerning a chain of brokers: introducing, producing, placing brokers, and their respective liabilities to insured and insurer. Sian is often instructed in multi-party disputes where both insurers and brokers are defendants.



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Sian's experience in this area includes the following cases.

Cases

- **Acting for a ship owner against insurance broker**
Acting for a ship owner against insurance broker for misplacement of risk via an introducing broker and failure to advise of a premium warranty clause.
- **Acting in a trial concerning an insurance broker**
Acting in a trial concerning the insurance broker's role as agent for passing on information relating to a claim and advising client as to whether an "event" within the policy had occurred.
- **Advising a leading insurance brokerage**
Advising a leading insurance brokerage on a potential claim arising from a dispute over premium refund on a hotels' package commercial combined insurance policy.
- **A claim involving insurers' avoidance**
A claim involving insurers' avoidance due to breach of 'deep fat frying' warranty where breach was due to nature of construction of the building housing the restaurant business.
- **A dispute amongst brokers**
A dispute amongst brokers in the broking chain over obligations to review incorrect policy documentation for a property portfolio.

Surveyors & Valuers

Sian is regularly instructed to act on behalf of surveyors and valuers, and has recently been defending a number of claims brought by lenders, as well as pursuing valuers when acting for lenders and solicitors in claims arising out of mortgage transactions.

Sian has a full range of experience of:

- Claims brought by lenders
- Claims concerning overvaluation of properties including farms and commercial valuations based on rental income and yield.
- Structural survey claims, e.g. failure to detect defects; failure to detect and advise on additional parts; failure to advise of need for additional specialist surveys; failure to advise property based on red shale foundations; property development overvaluations.
- Claims involving new build properties involving NHBC and other 'structural' guarantee policies of insurance

Sian has been instructed in a large number of high value claims against valuers, and is familiar with the valuation methodologies in commercial property valuation for investment purposes and lending practices involved in securitisation transactions and portfolio lending. Sian was instructed in high value claim brought by a securitisation vehicle 'SPV' concerning the valuation of a commercial property in Germany and has recently been instructed in another high value claim concerning the valuation of a portfolio of London commercial properties valued at c. £1.5b.

She is a leading junior for this area of work having been instructed in the main cases which are now cited in this area that are outlined below.

Cases

- **Titan (Europe) 2006-3 plc v Colliers**
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 instructed counsel, please [click here](#).



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- **Capita Alternative Fund Services & Matrix Securities v Drivers Jonas**
A claim concerning valuation of a factory outlet centre in Kent.
- **K/S Lincoln; K/S Chesterfield; K/S Wellingborough v CB Richard Ellis Hotels Ltd**
Coulson J, in the successful defence of claims concerning hotel valuations brought by Danish property owning vehicles.

Construction Professionals

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Veterinary Surgeons

Experience of acting on claims against veterinary surgeons, and in defending such claims and in disciplinary matters. Particular experience of claims concerning food production animals; milk production and milk losses; equine loss or amenity value claims; loss of opportunity (prize money in racing, show jumping).

Qualifications & Memberships

Siân is a member of the Professional Negligence Bar Association, the Society of Construction Law, COMBAR, TECBAR, the Chancery Bar Association and the London Common Law & Commercial Bar Association. She is a Committee Member of the Technology and Construction Court Bar Association (TECBAR).



Education

M.A. Vet M.B. (Cantab.) Dip. Law (City)

Insights

Surveyors and Valuers chapter of Professional Negligence and Liability

1 September 2018