

## Simon Teasdale

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**Simon Teasdale has a specialist costs law practice, which sits alongside a broader commercial practice including professional liability and international arbitration work. In addition to being led by Silks in chambers, he regularly appears as sole counsel at hearings and trials in the High Court, Senior Courts Costs Office, and County Court.**

Simon is also a co-author of the 4<sup>th</sup> edition of *Toulson & Phipps on Confidentiality*, in which his writing has had a particular focus on legal professional privilege, issues of confidentiality which may arise in the conduct of litigation, and the relationship between lawyers and their clients.

For examples of his recent experience and ongoing work, please see the individual practice areas below.

### Privacy Policy

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## Areas of Expertise

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### Costs

Simon's practice focuses heavily on costs litigation, and he is developing a particular specialism in solicitor-client disputes.

Examples of his recent instructions include:

- Being led by Nicholas Bacon QC for the successful solicitors in *Mr H TV Limited v Archerfield Partners LLP* [2019] 10 WLUK 499, detailed assessment proceedings brought by a former client. A three-day preliminary issue trial in the SCCO was held in May 2019 on the question of whether £3.6m of costs had been 'approved' for the purposes of CPR 46.9(3)(a) and (b).
- Being led by Nicholas Bacon QC in a claim brought in the Commercial Court by a major city firm against former clients. Simon acted for two defendant trustees that were alleged to be liable for unpaid fees and interest totalling more than £6m. The litigation involved issues of wrongful termination of retainer, quantum, and holding hearings in private.
- Being led by Roger Mallalieu QC on behalf a client bringing multi-million-pound assessment proceedings against a city firm, including a challenge to the enforceability of the firm's CFA.
- Being led by Robert Marven QC in an application for security for costs within a Solicitor Act assessment.
- Being led by Nicholas Bacon QC in high-value solicitor-client proceedings, centred on the enforceability of the firm's CFA and the availability of severance, quantum meruit and/or the retention of sums paid to date.
- Advising in relation to solicitors' liens, delivery up of clients' files, charging orders pursuant to section 73 of the Solicitors Act 1974, and disclosure obligations in detailed assessments.

- Acting as sole counsel (and led) for major city firms seeking to bring claims against former clients for the payment of fees. Simon has substantial experience in advising on the status of statute bills, the pleading of claims for recovery of fees, and acting in litigation between solicitors and their former clients (both in the High Court and County Court).
- Routinely acting as sole counsel in all forms of inter partes hearings, from interim applications to detailed assessments, both in the SCCO and County Court.
- Successfully defending a Part 35 Expert against an application for the third-party costs order.
- Advising and appearing in applications regarding points of principle in the application of Protocol costs, Part 45 and Part 36.
- Advising a magic circle firm on its standard terms and conditions for billing, led by Nicholas Bacon QC.
- Advising in relation to the prospects of improving on the results of inter partes provisional assessments, and advocacy at oral review hearings.
- Drafting Points of Dispute/Replies to Points of Dispute in a high-value detailed assessments.
- Dealing routinely with cost budgeting at CCMCs and the summary assessment of inter partes costs (whether or not instructed in the litigation more widely).
- Advising on the application of QOCS to 'mixed' claims, following the decision in *Siddiqui v University of Oxford* [2018] EWHC 536 (QB).
- Acting in claims by policyholders and solicitors against legal expenses insurers.
- Acting on behalf of a barrister who had been made subject to a wasted costs order within the bankruptcy proceedings of a former client.

## Commercial Dispute Resolution

Simon is regularly instructed to act in commercial disputes of all sizes, both as sole counsel and as a junior. Recently, his work in this area has included:

- Acting for two defendant trustees in a multi-million-pound contractual dispute in the Commercial Court, led by Nicholas Bacon QC. The litigation involved heavily-contested interim applications, matters heard in private, and the management of related proceedings in another court.
- Acting as junior counsel on a high-value conspiracy claim involving multiple parties across several jurisdictions, including the Isle of Man and USA. Simon's involvement ranged from assisting with the drafting of documents to preparation for hearings and advising on interim applications. Simon gained experience of co-ordinating with other legal teams engaged in related proceedings overseas.
- Acting as part of a counsel team led by Justin Fenwick QC challenging an arbitration award relating to the ownership of a Russian company under section 67 of the Arbitration Act 1996.
- Acting as part of a counsel team tasked with investigating a potential claim by a Channel Island investment fund against former auditors.
- Acting in a range of claims for misrepresentation, breach of contract, and unjust enrichment between commercial parties of all sizes, both led and as sole counsel. In particular, Simon has acted in a number of misrepresentation claims relating to projected benefits from Government renewable energy schemes.
- Assisting in a high-value international arbitration, where the key issue was the interpretation of pricing clauses in a commercial contract.
- Appearing regularly as sole counsel at hearings in the High Court and County Court across a range of commercial disputes. Simon has substantial experience of strike out applications, hearings to determine preliminary issues, trials, and dealing with allegations of dishonesty.

Simon is a co-author of the 4<sup>th</sup> edition of *Toulson & Phipps on Confidentiality*, in which his writing has had a particular focus on legal professional privilege, issues of confidentiality which may arise in the conduct of litigation, and the relationship between lawyers and their clients. Simon has experience of hearings held in private pursuant to CPR 39.2(3), and orders restricting public access to the court file.

Simon is a member of COMBAR and the Young International Arbitration Group.

## International Arbitration

During pupillage and, more recently, during tenancy, Simon has assisted more senior members of Chambers acting in international arbitrations – including in relation to costs issues arising following an award. In particular, Simon has experience of FIDIC Dispute Adjudication Board proceedings, and disputes involving large-scale infrastructure projects.

Other examples of recent instructions include:

- Being led by George Spalton in LCIA arbitration proceedings relating to the development of high-value commercial property in Russia.
- Acting as part of a counsel team led by Justin Fenwick QC in a s 67 Arbitration Act 1996 challenge to an arbitration award regarding the ownership of a Russian company.

Simon attended the Worshipful Company of Arbitrators' 2017 Arbitration Weekend, where he was awarded the prizes for Best Advocate as chosen by the arbitrators and Best Advocate as chosen by the delegates.

Simon is a member of the Young International Arbitration Group.

## Professional Liability

Simon is regularly instructed to settle pleadings, advise on, and appear in claims against professionals across a range of industries, though with a particular focus on solicitors and valuers.

Examples of Simon's work in this area include:

- Being led by Ben Hubble QC in the Court of Appeal proceedings in *Rihan v Ernst & Young Global Limited (and others)*.
- Acting as sole counsel in numerous cases, both in the High Court and County Court, in which solicitors are alleged to have conducted litigation or commercial or conveyancing transactions negligently. In particular, Simon has extensive experience in dealing with issues which arise in relation to the loss of a chance, and assisted Sir Antony Edwards-Stuart in the preparation of the PNBA's Peter Taylor Memorial Address on that subject in 2017.
- Assisting as part of a counsel team in advising on a high-value claim in negligence and deceit, brought by a mortgage company against a number of law firms and valuers in relation to over 70 properties.
- Drafting a Defence and providing advice in a claim against a firm of solicitors by an ATE insurer involving limitation issues similar to those which arose in *Axa Insurance Limited v Akhtar & Darby Sols & Ors* [2009] EWCA Civ 1166.
- Defending solicitors and mortgage brokers against allegations of dishonesty.
- Acting in professional negligence claims against architects and construction professionals alleged to have provided inadequate services in relation to both commercial and residential properties. This has given Simon particular experience of the effective instruction of experts.

Simon also has a growing specialism in actions by solicitors to recover unpaid fees from their former clients, which often prompt allegations of professional negligence or wrongful termination in response. Similarly, Simon also has experience of detailed assessments of solicitors' bills brought by former clients, which also engage related issues.

Simon is a co-author of the 4<sup>th</sup> edition of *Toulson & Phipps on Confidentiality*, in which has edited the chapters that relate to the relationship between lawyers and their clients, medical advisers and their patients, and employers and their employees.

Simon is a member of PNBA, and has assisted in the preparation of talks on recent cases of importance in the Professional Liability sphere, as well as the future of claims against lawyers following the decision in *Montgomery v Lanarkshire Health Board* [2015] UKSC 11.

## Qualifications & Memberships

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Simon read Law at New College, Oxford, graduating in 2014 with first class honours. He went on to complete the Bar Professional Training Course, for which he was graded Outstanding. Simon was called to the Bar in 2015 by Lincoln's Inn, having been awarded



a Lord Denning Scholarship, Hardwicke Scholarship, and Buchanan Prize.

Prior to commencing pupillage, Simon also worked as a Legal Editor at FromCounsel, a specialist online company law service, where he gained a broad experience of corporate law. In particular, Simon's work involved detailed research into the law of agency, parent and subsidiary company relationships, and the changes introduced by the Small Business, Enterprise and Employment Act 2015. This knowledge and understanding continues to be useful wherever company law issues arise within his practice.

During pupillage, Simon attended the Worshipful Company of Arbitrators' 2017 Arbitration Weekend, where he was awarded the prizes for Best Advocate as chosen by the arbitrators and Best Advocate as chosen by the delegates.

**Education:** BA, Oxford (First Class Honours); BPTC, City (Outstanding).

**Memberships:** COMBAR, TECBAR, SCL, YIAG and PNBA.

## Insights

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### **'The Death Clause' – can basic charges be recovered under a Conditional Fee Agreement in the event of a client's death?**

29 October 2019

On Thursday 24 October 2019, Mr Justice Pushpinder Saini handed down his judgment in *Higgins & Co Lawyers Ltd v Evans* [2019] EWHC 2809 (QB), an appeal from a decision of Master McCloud sitting in the SCCO. Roger Mallalieu appeared for the successful Appellant. Simon Teasdale explains the facts, the court's rulings and the implications of the decision.