

OUR PEOPLE

## Carola Binney

CALL 2019



✉ [c.binney@4newsquare.com](mailto:c.binney@4newsquare.com)

☎ +442078222066

**Carola accepts instructions in all of Chambers' main practice areas, with a particular focus on civil fraud, commercial litigation and arbitration, sports law and professional liability.**

She recently acted on behalf of the successful claimants in the 19-week trial of *Suppipat & Ors v Narongdej & Ors* [2023] EWHC 1988 (Comm), a \$2 billion fraud claim and one of The Lawyer's Top 20 Cases of 2022 (led by Justin Fenwick KC and George Spalton KC). She regularly appears in both the High Court and the County Court, whether as sole Counsel or as part of a larger team. Examples of her current and recent instructions can be found under the relevant practice area headings below.

Before coming to the Bar, Carola read History at Magdalen College, Oxford, graduating with a First (4<sup>th</sup> highest in year) and winning several university and college prizes. While at Oxford, Carola won the University's Ronnie Payne Prize for Student Journalism; she has been published in several national newspapers and magazines, and during pupillage won first prize in *The Times Law Awards*.

## Privacy Policy

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## Expertise

### Civil fraud

Carola is developing considerable experience of acting in high-value and complex litigation involving allegations of conspiracy,

deceit, secret commissions and dishonest assistance. Her recent experience includes:

- *Suppipat & Ors v Narongdej & Ors* [2023] EWHC 1988 (Comm): acted on behalf of the successful claimants in a 19-week, \$2 billion fraud trial with a significant foreign law dimension, led by Justin Fenwick KC and George Spalton KC. The case was one of *The Lawyer's* Top 20 Cases of 2022.
- *HPII (In Liquidation) & Others v Ruhan & Stevens* [2022] EWHC 383 (Comm): led by George Spalton KC in a three-week, £100 million Commercial Court trial before Foxton J, involving allegations of fraudulent breach of directors' duties, equitable compensation and dishonest assistance, as well as complex limitation arguments.
- Instructed to advise on governing law and jurisdictional issues in relation to a claim for deceit concerning South African oil extraction rights, led by Matthew Bradley KC.
- *Burns v Burns & Ors*: instructed to appear (as sole counsel) at a High Court consequential hearing ordered following a successful pension fraud claim in the Chancery Division.
- Assisted, during pupillage, with responding to a £40 million worldwide freezing order (and various associated orders) made against the defendant to proceedings for breach of fiduciary duty and deceit.

## Commercial Dispute Resolution

Carola is developing a broad commercial practice and has experience of complex and high-profile multi-party litigation. Several of her recent instructions have had multi-jurisdictional aspects. She is comfortable dealing with complex quantum issues and has experience of specialist proceedings, including claims under the Arbitration Act. Her recent instructions include:

- Currently acting for investors bringing claims under s. 90A of the Financial Services and Markets Act for the publication of misleading information by two public companies (led by Andrew Onslow KC and Shail Patel).
- *Suppipat & Ors v Narongdej & Ors* [2023] EWHC 1988 (Comm): acted on behalf of the successful claimants in a 19-week, \$2 billion fraud trial with a significant foreign law dimension, led by Justin Fenwick KC and George Spalton KC. The case was one of *The Lawyer's* Top 20 Cases of 2022.
- *HPII (In Liquidation) & Others v Ruhan & Stevens* [2022] EWHC 383 (Comm): led by George Spalton KC in a three-week, £100 million Commercial Court trial before Foxton J, involving allegations of fraudulent breach of directors' duties, equitable compensation and dishonest assistance, as well as complex limitation arguments.
- Instructed, as sole counsel, in respect of a successful High Court application to enforce an arbitration award worth over £180,000.
- Instructed on behalf of the claimant payment services provider in respect of its claim for restitution of sums paid in reliance on an incorrect FX rate (led by Ben Smiley).
- Instructed in a s.68 Arbitration Act challenge to an award in a dispute worth c. £10 million, involving allegations of apparent bias on the part of the tribunal.
- Instructed, as sole counsel, by a PLC in respect of a successful strike out hearing of a product liability claim.
- Instructed, as sole counsel, in respect of enforcement proceedings (including an examination order) arising from a successful breach of contract claim.
- Assisted, during pupillage, in a \$150 million international investment arbitration dispute concerning the alleged expropriation of several construction sites in Saudi Arabia.

Carola is a member of COMBAR.

## Sports Law

Carola is developing a busy sports practice. She has experience of advising and representing individual athletes with respect to disciplinary and contractual matters and has acted as junior counsel in several high-profile disputes.

She has experience of proceedings before a range of sports tribunals, including the Court of Arbitration for Sport, FA and ICC disciplinary panels and FA Rule K arbitral proceedings. Her recent experience includes:

- Acting for a major international sports governing body in respect of high-profile proceedings before the Court of Arbitration for Sport (led by Kendrah Potts).
- Advising a national cricket governing body in respect of an offer made to a member of its men's national cricket team to play for a First Class English club (as sole counsel).

- Advising a footballer at a European Premier League-equivalent club on his contractual termination rights (led by George Spalton KC).
- Advising a prominent track athlete in respect of an investigation by UK Anti-Doping (with Pippa Manby).
- Representing an international cricketer in ICC disciplinary proceedings (as sole counsel).
- Representing a junior footballer charged with using racially abusive language before a FA Disciplinary Panel (as sole counsel).
- Acting in a FA Rule K arbitration on behalf of the claimant football intermediary (led by Kendrah Potts).
- Advising the British Wrestling Association on its selection policies.

Carola is a member of the British Association for Sports Law.

## Professional Liability

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Carola frequently acts for and against a wide range of professionals. Her recent experience includes:

- Instructed on behalf of a litigation funder in a claim brought against the firm of solicitors responsible for the conduct of the funded litigation (led by Helen Evans KC).
- Instructed, as sole counsel, on behalf of a mortgage lender in a £1m claim arising from the negligent valuation of a property.
- Instructed in a successful appeal against a first instance decision finding a lender's mortgage valuer liable to the borrower in respect of an error made in the valuation report. On appeal, the judge found that the precise error made was outside the scope of the valuer's duty of care.
- Instructed on behalf of a firm of letting agents in respect of a successful application to strike out a claim for negligence and breach of contract against it.
- Instructed in the defence of a claim against a firm of solicitors accused of negligently failing to advise on the tax implications of a conveyancing transaction.
- Instructed in a claim arising out of the provision of allegedly negligent bookkeeping services.
- Instructed in a complex solicitors' negligence case centring on the defendant firm's alleged failure to properly conduct the underlying litigation on the claimant's behalf.
- Instructed in a claim against a developer alleged to have taken insufficient care in respect of plumbing works, causing property damage.

Carola is a member of the Professional Negligence Bar Association.

## Company & Insolvency

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As a pupil, Carola assisted with a range of Company law matters, including Directors' Disqualification proceedings on behalf of both the Secretary of State and the impugned director. She is currently instructed, with Tom Shepherd, on behalf of the majority shareholders in a financial services firm, in their defence of an unfair prejudice petition.

## Qualifications

**Memberships:** COMBAR, PNBA, BASL

**Education:** BA, Modern History, Magdalen College, Oxford (First Class, 4<sup>th</sup> in year); GDL, Oxford Brookes University (Distinction, 1<sup>st</sup> in year); BPTC, BPP University (Very Competent); LLM, Peterhouse, Cambridge (First Class)

**Scholarships & Awards:** First Prize in The Times Law Awards 2021; Lord Denning Scholarship, Lord Bowen Scholarship, Hardwicke Entrance Award (Lincoln's Inn); Cambridge Trust Scholarship (University of Cambridge); De Montmorency Prize in Law (Peterhouse, Cambridge); Oxford University Press Prize (Oxford Brookes University); Gibbs Book Prize, Ronnie Payne Prize for Student Journalism (University of Oxford); Academic Scholarship, Atkinson Prize, Angus Macintyre Prize, College Scholarship

(Magdalen College, Oxford)

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## Memberships

Carola is a member of COMBAR, PNBA and BASL.

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