

OUR PEOPLE

## Clare Dixon KC

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“Great to work with; responsive, engaged and very intelligent with an excellent grasp of the detail”



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Clare Dixon KC practises in professional liability, insurance, disciplinary proceedings and commercial litigation. She believes in taking a tough but commercial approach to litigation and relishes advocacy in all its forms.

Clare has acted in four matters which have gone to the Supreme Court: three in insurance and one in professional liability. This reflects the high value, high stakes, litigation which is at the heart of her practice. In the regulatory and disciplinary context, she has particular experience in actions against solicitors and barristers and has dealt with a range of allegations including financial and sexual misconduct.

She was the winner of the ‘Professional Negligence Junior of the Year’ (2019) award and shortlisted for the ‘Insurance Junior of the Year’ (2020) award by Chambers & Partners UK. She is ranked in the legal directories for Professional Negligence, Insurance and Professional Disciplinary and Regulatory Law with recent comments in the directories including:

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“When you instruct Clare Dixon, she is instantly part of the team and provides direction. When you instruct her you know that you are in safe and very capable hands” (*Chambers & Partners 2024*)

“Not only is Clare Dixon gifted with a seriously sharp intellect, but she is commercially astute and provides pragmatic, robust advice” (*Chambers & Partners 2024*)

“She is a skilled, persuasive and thorough advocate. She leaves no stone unturned” (*Legal 500, 2024*)

“She’s one of the brightest barristers I’ve ever come across. She’s very good at handling personalities within the team.” (*Chambers & Partners, 2023*)

“Clare is an absolute standout individual in this field.” (*Legal 500, 2023*)

“She is fantastic – the first name we contact for anything difficult or complicated.” “Incredibly good. She’s very practical, pragmatic and commercial. She’s good on her feet and prepared to be robust when she needs to. Clare is a delight to work with.” (*Chambers & Partners, 2022*)

“She is quick to get to the real issues of the dispute, provides concise advice, and is very good with clients when difficult advice

needs to be delivered.” (Legal 500, 2022)

## Other information

Clare supports [FreeBar](#), a forum focused on LGBT+ people and their allies working at and for the Bar.

## Privacy Policy

Click here for a [Privacy Policy](#) for Clare Dixon KC.

## Expertise

### Commercial Dispute Resolution

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Clare’s practice includes a broad spread of commercial work. She has acted in a wide variety of contractual disputes including claims arising under the sale of goods legislation and for breach of warranty following the sale of a business. She also has experience of obtaining urgent injunctive relief.

Featured Commercial Litigation cases include:

- Acting (leading Nick Zweck of Hogarth Chambers and William Birch) for the University of Portsmouth in its defence of a claim for breach of contract involving allegations of dishonesty. The claim was for about £100million but, following a lengthy High Court trial, the Judge found that there was no dishonesty and that, even if there was, the contract limited the University’s liability to £1million (*Innovate Pharmaceuticals Limited v University of Portsmouth Higher Education Corp* [2024] EWHC 35).
- Acting for the vendors of a manufacturing business in a breach of warranty claim said to be worth several million pounds.
- Advising and acting in a claim against a Company Secretary which claim was said to be worth about £17million.
- Successfully obtaining an interim injunction for a medical reporting organisation to stop the downgrading of its status which change would have caused irreparable harm to the company.
- Acting for a software company in a dispute over the construction and application of a sale purchase agreement involving the sale of a website and associated assets.
- Acting for a financial services compliance company in a contractual dispute with a bank to whom it had provided services.
- A substantial dispute between a local authority and its services outsourcing provider (led by David Turner KC). The case involved the interpretation of multiple interrelated contracts and contractual documents, and their application to a variety of local authority procurement needs (eg highways and residential care homes).
- A claim in fraud by a professional indemnity insurer and a leading firm of solicitors against their former employee: *Travelers Insurance Co Ltd & Denton Wilde Sapte v Advani* [2012] EWHC 623. The case was concerned with whether the former employee had acted fraudulently and/or outside the scope of her employment so as to entitle the claimants to recover costs which they had expended in defending both the former employee and her then employer in a previous action. Clare was led by Justin Fenwick QC for the trial of the action but then acted alone on the subsequent freezing injunction applications.
- Clare was instructed by Holman, Fenwick & Willan in a 12 week trial in the Commercial Court: *Abu Dhabi Investment*

*Company v Clarkson* [2007] EWHC 1267 (Comm). The Claimants had invested in a joint venture container shipping line which was to be operated from Abu Dhabi: Abu Dhabi Container Lines (“ADCL”). ADCL purchased 10 container vessels to run on its line at a cost of about USD\$400million. ADCL failed within months of its inception. Proceedings were brought against the ship brokers who had advised the Claimants, the joint venture partner who it was found had fraudulently misrepresented the earning capacity and viability of the vessels, and the bank who had provided funding for the venture.

## Regulatory & Disciplinary

Clare regularly advises clients on ongoing regulatory difficulties and works with them to try and ensure that any issues which have emerged do not develop into disciplinary matters.

In the disciplinary context, Clare has particular experience of hearings before the Solicitors Disciplinary and Bar Tribunal. As a recent comment in Legal 500 noted *‘She is a skilled, persuasive and thorough advocate. She leaves no stone unturned.’*

### Featured Disciplinary cases

- Clare has advised and acted for a number of solicitors in cases before the Solicitors Disciplinary Tribunal. The underlying matters involved in those cases are diverse ranging from sexual misconduct to use of client account as a banking facility and Clare also has experience of making applications to the Tribunal for special measures including a variety of privacy applications pursuant to rules 34, 35, 39 and 40 of the Solicitors (Disciplinary Proceedings) Rules 2019.
- Clare is regularly instructed to act on behalf of barristers before the Bar Disciplinary Tribunal. In doing so she is building upon the extensive experience she gained whilst acting as a prosecutor for the BSB. The cases she acted on as prosecutor included: *BSB v Freeman*; *BSB v Knowlden*; *BSB v Carne*; *BSB v Khattak* and *BSB v Russell*. She was also instructed in *R (on the application of Obi Ezekpazu) v Bar Standards Board* [2018] EWHC 2051 (Admin).
- Clare was instructed by a financial services company in a referral to the Upper Tribunal ([2017] UKUT 210 (TCC)) and appeal to the Court of Appeal. The referral was concerned with whether the client should be named in two FCA Decision Notices which made findings against third parties and various consequent publication and privacy issues.

## Insurance & Reinsurance

Clare’s practice includes a substantial insurance element. She has appeared three times in the Supreme Court in insurance cases including, most recently, in the FCA Test Litigation. In 2020 Clare was shortlisted by Chambers & Partners for “Insurance Junior of the Year”. Comments in this year’s directories on Clare’s insurance practice stated:

- *“Clare Dixon KC is an impressive practitioner who successfully represents clients on both sides of insurance disputes. She is recognised for her strong knowledge of professional indemnity and employers’ liability matters”;*
- *“When you instruct Clare Dixon, she is instantly part of the team and provides direction. When you instruct her you know that you are in safe and very capable hands”*
- *“Not only is Clare Dixon gifted with a seriously sharp intellect, but she is commercially astute and provides pragmatic, robust advice.”*
- *“Clare is calm and unflappable. She is incredibly helpful and rolls up her sleeves to become part of the team. She is great to work with and is always well prepared. On her feet she is methodical and persuasive.”*

### Professional Indemnity Insurance

With extensive experience in both professional liability and insurance matters, Clare is frequently instructed to advise in respect of non-disclosure, aggregation, successor practice and the interpretation of professional indemnity policies. Her instructions have ranged across a broad range of professions including solicitors, mortgage intermediaries and surveyors. Clare has a particular interest in, and experience of, dishonesty issues and has acted for both insurers and insureds in relation to such matters.

Further, given Clare’s experience in property damage and construction matters, she is often instructed to advise on insurance issues arising out of a construction dispute.

## Recent instructions include:

- Acting for insurers in a claim said to be worth about £50 million arising out of claims by about 200 individuals against a firm of accountants. The claim involves a number of insurance issues including notification and the scope of an endorsement relating to tax mitigation schemes.
- Striking out a claim made against insurers pursuant to the Third Parties (Rights Against Insurers) Act 2010 on the basis that the liability in relation to which an indemnity was sought fell outside the scope of the insuring clause (*American International Group UK Ltd v Doorway Capital Ltd* [2022] EWHC 182 (Comm)).
- Advising reinsurers on a claim (said to be worth £40million) as to whether a claim had been properly notified as a circumstance given the wording of the underlying Financial Institutions Policy.
- Advising an insurer under a Design and Construct Professional Indemnity Policy as to which losses were and were not indemnified in a construction dispute.
- Advising and acting for an insurer in an arbitration concerned with whether a notification was of a specific number of transactions or was a “can of worms” type notification.
- Advising insurers in a construction dispute as to which of the Professional Liability and Construction All Risks policies applied and, if both, how they should be applied.

In 2016, Clare (led by the late Mark Cannon KC) appeared for the successful insurers in the Supreme Court case of *Impact Funding Solutions Limited v AIG Europe Limited* [2016] UKSC 57; [2017] AC 73. *Impact* considered the ambit of the “trade debts” exclusion in solicitors’ professional indemnity policies and whether it excluded a solicitor’s liability to a disbursement funding provider. The Supreme Court also gave important guidance on the construction of clauses which, while worded in terms of exclusion, do no more than to define the extent of the liability or duty to which one party of a contract is to be subject.

## Other Forms of Insurance

Clare is frequently instructed to act for insurers/insureds in cases arising out of other types of policies and is familiar with the particular issues around other specialist areas of insurance such as D&O, Personal Accident, Employers’ Liability, Public Liability and Property policies.

In 2020, Clare (led by David Turner KC) acted for RSA both at first instance and in the Supreme Court in the FCA Test Case about the response of non-damage business interruption extensions to the COVID-19 pandemic (*Financial Conduct Authority v Arch Insurance (UK) Ltd* [2021] AC 649).

In 2012, the Supreme Court handed down judgment in the *Employers’ Liability Policy Trigger Litigation*. This was the successful culmination of several years’ work during which Clare (led by the then Jeremy Stuart-Smith KC and Leigh-Ann Mulcahy KC) had represented Zurich Insurance Company at a 9 week trial in front of Burton J, a 3 week hearing before the Court of Appeal and a 2 week hearing in the Supreme Court. The case was concerned with the proper interpretation of employers’ liability policies which were written on an “injury sustained” or “disease contracted” basis and whether they would respond to mesothelioma claims at the time of inhalation or when the tumour developed. The Supreme Court found, by a majority, that such policies should respond at the date of inhalation.

Clare is the current editor of the “Members and Managing Agents at Lloyd’s” chapter in Jackson & Powell. She regularly gives talks and seminars on insurance law.

## Mediation

Clare is a formally accredited mediator. She has attended numerous mediations as an advocate and is a great believer in the power of mediation to settle even those cases which, on the face of it, appear to be intractable. As a mediator, she is able to combine her professional expertise with an understanding of the realities of litigation to help parties resolve their disputes.

## Professional Liability

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Clare specialises in all areas of professional liability with particular emphasis on lawyers, valuers, accountants and auditors, and insurance brokers. She is an experienced advocate who gets to grips quickly with what is really at issue and takes a tough line to achieve the best outcome for her client. In 2019 she received the Chambers & Partners award for "Professional Negligence Junior of the Year".

Recent comments in the directories include:

- *"Great to work with; responsive, engaged and very intelligent with an excellent grasp of the detail."*
- *"Clare is really approachable and good with clients. She communicates with clarity, is responsive and always has time for questions."*
- *"She's one of the brightest barristers I've ever come across. She's very good at handling personalities within the team."*
- *"Clare is an absolute, standout individual in this field."*
- *"She is fantastic – the first name we contact for anything difficult or complicated." "Incredibly good. She's very practical, pragmatic and commercial. She's good on her feet and prepared to be robust when she needs to. Clare is a delight to work with."*
- *"She has excellent cross-examination skills and is very detailed and thorough with her writing. A great courtroom performer." "She is absolutely steeped in professional negligence law."*

## Accountants, Auditors & Actuaries

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Clare has acted both for and against accountants and auditors on numerous occasions. She has particular experience of claims involving tax schemes and against auditors arising out of their alleged failure to identify fraud.

### Featured cases

- Clare (leading William Harman) acted for the successful auditors in a claim brought against them by a travel company for breach of duty in relation to their failure to identify a £4.5million understatement in their accounts. The claimant alleged that, as a consequence of this failure, it had been forced to sell part of its business at a loss of £6million. Following trial, the claim was dismissed in full (*Ickenham Travel Group Limited v Tiffin Green Limited* [2024] EWHC 27 (Comm)).
- Clare (leading Nicholas Broomfield) acted for the successful accountant in the Supreme Court which determined how the limitation period should be calculated when the cause of action accrued at midnight on a given day (*Matthew v Sedman* [2022] AC 299. Clare had succeeded on the same issue before the Court of Appeal and at first instance.
- Acting for accountants (leading Hannah Daly) in the successful defence of a multi million pound claim following a 4 week trial in the High Court: *De Sena v Notaro* [2020] EWHC 1366 (Ch).
- Acting for a "Big Four" accounting firm in a claim against it arising out of the sale of a business.
- Acting for accountants in relation to advice given to a number of well known footballers/managers on film finance schemes (led by Jamie Smith KC).

## Construction Professionals

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Clare has frequently been instructed to act in claims involving professional negligence allegations against engineers and architects. She is currently instructed as part of a team of Counsel (including David Turner KC and Isabel Barter) to act for the Royal Borough of Kensington & Chelsea, and the Tenant Management Organisation, in relation to recovery actions arising out of the Grenfell Tower fire.

## Insurance Brokers & Agents

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Given her considerable insurance experience Clare is well placed to act on claims for and against brokers and, consequently, is regularly instructed in relation to such claims both on a standalone basis and where insurers are also being sued.

### Featured cases

- Acting for the successful broker in *Avondale v Arthur J. Gallagher* [2019] Lloyd's Rep IR 104 which was concerned with the scope of a broker's duty of care and the ambit of expert evidence required to establish a broker's duties.
- Acting for a claimant whose broker failed to put in place sufficient cover resulting in substantial uninsured losses following a fire.
- Acting for a placing broker which was alleged to have taken secret commissions out of policy premiums.
- Acting for a broker who was alleged to have failed to disclose material facts to an insurer as a result of which they declined a substantial fire claim.
- Acting for a broker who failed to pass on premium to an insurer as a result of which the policy was not incepted and the claimant was not covered for a fire. The broker's case was that, by reason of non-disclosure/breach of warranty, the claim would not have been covered in any event.

Clare is the editor of the "Members and Managing Agents at Lloyd's" chapter in the 7th edition of Jackson & Powell.

## Financial Services Professionals

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Clare has acted in claims both for and against IFAs; in particular, in claims involving advice given on mortgages, pension schemes and investment vehicles.

### Featured cases

- Acting for an investment management company in a claim brought by a private individual alleging that he had been given negligent advice given his risk profile and financial position.
- Acting for a company which specialised in providing advice and guidance to lending institutions on their compliance with financial regulation. The company was sued by a building society because of what, the building society said, was an inadequate review of the sale of 4,000 life insurance policies.
- Acting for an IFA in a claim brought by high net worth individuals relating to investment products taken out over a period of 16 years which were alleged to be unsuitable for them and into which it was said that they were advised to enter for the sole purpose of the defendant obtaining commission.

## Lawyers

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Clare has acted in a numerous claims both for and against solicitors and barristers and has broad experience in this area. Set out below are examples of cases grouped by their underlying subject matter.

Clare is often instructed in claims where the underlying matter involves a property, commercial or chancery dispute. Examples of such cases include:

- Acting for an IT security company in a claim against solicitors arising out of advice given in relation to a Share Purchase Agreement.
- Acting (leading Camilla Cockerill) in a claim against solicitors alleged to be worth £35 million arising out of their drafting of a loan agreement.
- Acting for solicitors in a claim for about £2million involving the drafting and implementation of an Option Agreement and subsequent litigation arising out of that agreement (*Islam v CLP Solicitors* [2020] 6 WLUK 381).
- Defending a solicitor against whom dishonesty allegations were made regarding his involvement in various loan



transactions.

- Acting for a firm of solicitors sued for, amongst other things, failing to advise their client properly on the *Etridge* procedure when acting in relation to various interrelated business and property transactions.

Clare has particular experience of “lost litigation” claims particularly in the personal injury and employment fields (having herself acted in such cases in her early years as a barrister). Instructions in this area include:

- Defending at trial a firm of solicitors in a claim arising out of an employment dispute in a claim which considered the applicable law in claims which included an element of personal injury: *Begum v Neejam LLP (Unreported 9.12.15)*.
- Defending to trial a firm of solicitors in a claim arising out of personal injury litigation: *Amin v IKP* [2011] EWHC 2958.
- Defending to trial a claim brought by a disappointed beneficiary who alleged that she had been negligently left out of a will.

Clare is also experienced in actions where the underlying subject has been instructed on a number of cases involving claims by lenders. A number of these claims involved allegations of breach of undertaking, breach of fiduciary duty, breach of trust and/or fraud. Notable examples of such cases include:

- Acting for a solicitor in a breach of trust claim which involves issues of causation following the decision in *Redler* and whether they can rely upon the defence afforded by section 61 of the Trustee Act 1925.
- Advising a solicitor on the extent of the total loss which falls within the scope of its duty where multiple loans were made by a lender for the purchase and development of a property.
- Acting for a solicitor (led by Ben Hubble KC) whose partner had acted in about 1,000 property transactions in relation to which fraud was alleged.

Clare is frequently instructed in cases arising from matrimonial matters including cases arising from the drafting of consent orders, the alleged under/over settlement of financial proceedings and concerning children. Examples of such cases include:

- *Allsop v Banner Jones* [2022] Ch 55 which concerned a claim against Counsel who was instructed in matrimonial proceedings. The main issue before the Court of Appeal (where Clare was led by Michael Pooles KC) was whether the claimant’s claim comprised a collateral attack on an earlier judicial decision.
- Acting for solicitors who were sued by the former Chairman of football club for whom they had acted in financial proceedings against his former wife (*Jenkins v JCP Solicitors Ltd* [2019] PNLR 21).
- Defending a solicitor sued in relation to advice given in its conduct of matrimonial proceedings (*Hogg v Crutes* unreported 1.11.16).
- Acting for solicitors in a claim brought against it for the under settlement of financial proceedings arising out of the alleged failure to properly value the former husband’s company.
- Acting in a number of claims brought against solicitors arising out of the alleged failure to properly value a spouse’s pension fund and, consequently, under settling ancillary relief proceedings.
- Acting for a solicitor in a claim brought by a former client for the alleged over settlement of ancillary relief proceedings in which he was the paying party with significant pension assets.
- Acting for solicitors who were alleged to have given inadequate advice on the enforceability of a pre-nuptial agreement.
- Acting for an individual in a claim against solicitors by reason of whose negligence he had not been granted access to his children for a number of years.

Clare also has considerable experience of wasted costs having advised and acted for both solicitors and Counsel in relation to such applications. She also has experience acting for solicitors in actions for contempt of Court and against litigants in person in order to obtain civil restraint orders. Notable examples include:

- Acting for a partner in a firm of solicitors who was alleged to have been in breach of a Court order and in contempt of Court. All allegations were ultimately dropped.
- Acting for Leading Counsel (led by Roger Stewart KC) in successfully defending an application for wasted costs which had been made against him: *Kagalovsky v Balmore Invest Ltd* [2015] PNLR 26
- Successfully acting for a law centre at a second stage wasted costs application where it was alleged, amongst other things, that the claim on which they were acting was fundamentally flawed and the amount claimed grossly inflated.
- Acting for a barrister who had been subjected to repeated claims by the same individual in a successful application for an extended civil restraint order and an injunction pursuant to the Protection from Harassment Act 1997: *Apsion v (1) Dilnot, (2) Butler and (3) Hugh James LLP* LTL 11/4/2013.

## Surveyors & Valuers

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Clare has considerable experience of claims involving valuers and surveyors involving, in particular, large scale lending for the purpose of purchasing and then developing commercial sites.

### Featured cases

- Acting for a major firm of commercial property valuers being sued for about £150million arising out of their allegedly negligent valuations of two large retail sites.
- Acting for valuers in a claim said to be worth £16million arising out of the valuation of a mixed use development in Basildon (led by Patrick Lawrence KC).
- Acting for valuers in the alleged negligent over valuation of a care home. In addition to the usual factual and expert issues, the case involves an interesting question of law arising out of whether a claimant can recover loss where there is only a negligent vacant possession valuation.
- Acting for surveyors in a claim arising out of their valuation of commercial property in Bournemouth. The claim raised issues regarding SAAMCo cap and whether loss has been suffered in circumstances where the underlying loan continued to be paid. An issue on the expert evidence in this case (which then settled) was reported at *Bank of Ireland v Donaldsons* [2014] EWHC 1957.
- Acting for a valuer in a case which considered the scope of a surveyor's duty of care following the decision in *Scullion v Bank of Scotland* [2011] EWCA Civ 693: *Squirrel v Bradley's Surveyors* LTL 10/1/2012.

## Property Damage

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Clare has substantial experience in property damage claims involving such things as floods, fires, subsidence and construction works.

She is currently instructed as part of a team of Counsel (including David Turner KC and Isabel Barter) to act for the Royal Borough of Kensington & Chelsea, and the Tenant Management Organisation, in relation to recovery actions arising out of the Grenfell Tower fire.

She was previously instructed in a number of cases (led by David Turner KC) which arose from the supply of allegedly defective concrete for use in a variety of major construction projects. These cases included a claim (*Costain Limited v Tarmac Holdings Limited* [2017] 2 All ER (Comm) 645) which was concerned with the use of aggregate in the construction of motorway concrete safety barriers. The case raised issues as to the extent of the remedial works necessary to address contamination of the aggregate, the incorporation and application of the ADR provisions contained within Clause 93 of the NEC 3 Supply Short Contract, the effect of the duty of mutual trust and co-operation imposed by Clause 10.1 of the NEC 3 suite of contracts and whether the parties' arbitration agreement was "null and void, inoperative or incapable of being performed" within the meaning of s.9(4) of the Arbitration Act 1996.

In addition Clare has substantial expertise in nuisance claims, particularly involving multiple parties. Recent examples of cases of this nature are:

- Defending a claim (led by Jamie Smith KC) made by about 300 claimants arising out of dust, noise and odour said to be emanating from an industrial unit in Kent.
- Defending a claim made by about 100 claimants in relation to the smell alleged to be emanating from a vegetable processing unit.



## Awards



## Qualifications

Prior to being called to the Bar, Clare read law at St Anne's College, Oxford University. Whilst at University she was elected as the President of the Oxford Union, Hilary Term 1998.

Clare is an accredited mediator and member of the PNBA Adjudication Panel.