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Simon Teasdale

CALL 2015

LEGAL 500

“Simon’s written and oral submissions are very polished. An exceptionally talented advocate with razor sharp insight leading straight to the core of the issue. He could be a future star.”



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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 a 'go to' junior for Silks in all costs and funding-related litigation, he regularly appears as sole counsel in complex and high-value cases in the High Court and Senior Courts Costs Office.

Simon is ranked as a “Rising Star” in costs law by the Legal 500.

- *“Simon’s written and oral submissions are very polished. An exceptionally talented advocate with razor sharp insight leading straight to the core of the issue. He could be a future star.”* – Legal 500, 2023
- *“Simon is incredibly user friendly, combined with an expertise in costs litigation that is far beyond his call”* – Legal 500, 2022

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

Privacy Policy

Click here for a [Privacy Policy](#) for Simon Teasdale.

Expertise

Costs Litigation

Simon’s practice focuses heavily on costs litigation, with a particular specialism in solicitor-client disputes. Simon is ranked as a

“Rising Star” in costs law by the Legal 500 and is a ‘go to’ junior in this area.

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Simon’s recent cases and instructions in this area include:

- Acting for Harbour Fund IV LP (led by Roger Mallalieu KC), the commercial funder for the Claimant in the multi-billion-pound *Suppipat & Ors v Siam Commercial Bank Public Company Ltd & Ors* (one of the Lawyer’s Top 20 cases of 2022) including the defence of an application against Harbour Fund IV for security against the Defendants’ combined projected costs to trial of more than £67m.
- Acting (led by Nicholas Bacon KC) for the boutique arbitration firm Volterra Fietta in the ongoing appellate proceedings in *Diag Human SE & Stava v Volterra Fietta* [2022] EWHC 2054 (QB), regarding the enforceability of Volterra Fietta’s retainer for work done in relation to a multi-billion dollar BIT Arbitration.
- Acting unled for Mishcon de Reya in *Borderedge Limited v Mishcon de Reya LLP*, an assessment of the firm’s costs incurred while acting for Borderedge Ltd in the notorious multi-jurisdictional enforcement proceedings which followed the *Akhmedov/Akhmedova* divorce proceedings.
- Acting for Charlton Athletic Football Club in SCCO proceedings relating to the costs claimed by its former club solicitor, IPS Law.
- Being led by Roger Mallalieu KC on behalf an international 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 Nicholas Bacon KC 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 the holding of hearings in private.
- Appearing unled, against Nicholas Bacon KC, for the local authority in *Cameron v Leicester City Council* (2021) – an important appeal regarding the operation of the Part 45 fixed costs regime.
- Being led by Nicholas Bacon KC for the successful solicitors in *Mr H TV Limited v Archerfield Partners LLP*, detailed assessment proceedings brought by a former client, including a three-day preliminary issue trial 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 Robert Marven KC in an application for security for costs within a Solicitor Act assessment (and the determination of the important question of whether such an applications can be made in such proceedings).
- 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 KC.
- 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 and dis-application of QOCS.
- 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.

Litigation Funding

Simon regularly advises both major international law firms and boutique litigation and arbitration firms on the terms of their contingent retainers and other funding structures. Simon is also frequently involved in litigation where such issues are the subject of open argument: e.g. challenges to the enforceability of retainers, or in applications for security for costs/costs orders against funders or lawyers themselves.

Where Simon's work does not arise in the context of public litigation, much of the detail is necessarily confidential. However, recent examples of Simon's work in this area include:

- Acting for Harbour Fund IV LP (led by Roger Mallalieu KC), the commercial funder for the Claimant in the multi-billion-pound *Suppapat & Ors v Siam Commercial Bank Public Company Ltd & Ors* (one of the Lawyer's Top 20 cases of 2022) including the defence of an application against Harbour Fund IV for security against the Defendants' combined projected costs to trial of more than £67m.
- Advising an international firm on the enforceability of DBAs and other funding structures used in London-seated arbitrations.
- Drafting CFAs and other contingent funding structures for use by major UK firms in domestic litigation.
- Acting (led by Nicholas Bacon KC) for the boutique arbitration firm Volterra Fietta in the ongoing appellate proceedings in *Diag Human SE & Stava v Volterra Fietta* [2022] EWHC 2054 (QB), regarding the enforceability of Volterra Fietta's retainer for work done in relation to a multi-billion dollar BIT Arbitration.
- Advising firms in relation to the permissibility of 'hybrid DBAs' following the Court of Appeal's decision in *Lexlaw v Zuberi* [2021] EWCA Civ 16.
- Advising a major UK firm on the use and drafting of agreements with agents they engage to assist in litigation.
- Advising both firms and clients on their options for challenging and/or renegotiating the terms of existing funding arrangements.

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Commercial Litigation

Simon is regularly instructed to act in commercial disputes of all sizes, both as sole counsel and as a junior.

Featured Commercial Dispute Resolution cases

- Acting (with George Spalton KC) for the Defendant Architects in relation to the c.£118m claim by the London Borough of Camden in relation to alleged cladding and other defects at the Chalcots Estate in North London.
- Acting for two defendant trustees in a multi-million-pound contractual dispute in the Commercial Court, led by Nicholas Bacon KC. 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 KC 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 4th 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

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.

Featured International Arbitrations

- 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's work in this area now focusses increasingly on the funding structures used to fund parties in arbitrations, and the recovery of incurred costs following awards made in arbitration.

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 Negligence

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.

Featured Professional Negligence cases

- Acting (with George Spalton KC) for the Defendant Architects in relation to the c.£118m claim by the London Borough of Camden in relation to alleged cladding and other defects at the Chalcots Estate in North London.
- Being led by Ben Hubble KC 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 4th 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.

Awards



Qualifications

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.