



Barnaby Hope



Year of call: 2011

Areas of Practice

Construction, Professional Negligence & Liability, Personal Injury, Property, Landlord & Tenant, Direct Public Access Barristers, Business & Commercial, Employment & Discrimination

PRACTICE PROFILE

Barnaby prides himself on delivering exceptional service, whether through advice, drafting or advocacy. He is efficient and able to work to tight deadlines. Both solicitors and the public appreciate his personal and pragmatic approach. Having worked for a national solicitors firm for 4 years dealing with commercial disputes, property, personal injury and costs before coming to the Bar, Barnaby has knowledge and experience beyond his 2011 call.

He fully understands the pressures of a solicitor's modern business and litigation and uses this knowledge to assist him in providing specialist expertise to help parties resolve their legal difficulties. He is always on hand for informal advice when the need arises.

Having practised defendant criminal work for over 2 years and having previously appeared for a family in an inquest, Barnaby is acutely aware of the sometimes extreme stresses of litigation. He therefore strives to be approachable, sensitive and accessible to both professional and lay clients. Barnaby works closely with solicitors and litigants in person from the beginning to the end of a case.

Costs and Professional Liability

Barnaby handles professional liability and costs cases, with a particular emphasis on questions of recovery of costs from a client, or the alleged liability of the solicitor to the client.

Specialisms

1. Professional negligence and liability.
2. Solicitor own client costs, including funding– retainers, CFAs, DBAs and insurance.
3. Costs management/budgeting.
4. Orders for costs, including determination of the appropriate order to make, indemnity costs and the operation of Part 36.

5. Summary and detailed assessments.
6. Fixed costs (Portal costs and fixed fast track).

Recent Cases

1. *Lord v Pearse* [2015] EWHC 3046 (Ch) – High Court appeal concerning liability for liquidator's costs.
2. *Joshi v Patel* (appeal reported at [2016] EWHC 3164 (QB)) – acting first instance in non-party costs order application.
3. *MO v DAB* (2017) – defending former client of solicitor against £291,000 bill presented following claimant's loss of employment tribunal claim against investment bank exceeding £3m. Construction of retainer, misrepresentation and professional negligence.
4. *Bell Lax v Shahid* (2017) – ongoing High Court dispute as to entitlement of solicitor to fees from client following conclusion of CFA-funded matter.
5. *Ascot Lawyers v Dixon* (2016) – defending former client of solicitor in subrogated claim as to proceeds of sale and costs incurred. Pledged at over £100,000.
6. *Northwood v Far Ridge* (2015) – High Court appeal against Master's detailed assessment. Errors of law and exercise of discretion.
7. *Ahmed v Evans* – Securing 100% settlement for ex-client of solicitors firm. Utilisation of metadata to uncover solicitors' forged documents.

Property, Landlord and Tenant, Wills and Trusts

Barnaby acts in a broad range of landlord and tenant issues, as well as neighbours in property disputes of varying descriptions and family trust/will disputes.

Specialisms

1. Possession, dilapidation, disrepair and other claims and other disputes relating to commercial and residential leases.
2. Boundary and other neighbour disputes.
3. Will and Trust disputes (contentious probate, jointly owned property)

Recent Cases

1. *Co-Op v Francis* [2015] EWCA Civ 1208 – (led by Martin Hutchinson QC) application for permission to appeal possession order given after multi track trial.
2. *Oshodi v Estate of Bolarinwa* – 2-day tribunal relating to alleged fraudulent transfer of property.
3. *RE: Parkinson* – negotiated settlement of substantial High Court Inheritance Act claim.

Business, Commercial and Insolvency

Barnaby is developing a wide-ranging commercial and insolvency practice both in the High Court, companies/bankruptcy court and county court. Barnaby has

Specialisms

1. Business-business or business-consumer (including consumer credit) disputes: pre-action, ADR, procedure to trial, trial and costs.
2. Personal and corporate insolvency.
3. Matters relating to the formation and running of companies and partnerships.
4. Drafting and advising on contracts, including insurance policies.
5. Enforcement.

Notable Cases

1. *RE: Provincial Design Services Ltd (In Liquidation)* (2017) – Obtained settlement for former company secretary in £400,000 claim brought by liquidators. Scope of company secretary's duties, causation and excusal of liability under s1157 CA 2006.
2. *Re: Allen* (2017) – High Court trial relating to transactions at an undervalue.
3. *Joleon Lescott v Neal* (2017) – instructed in ongoing High Court matter defending contract and breach of trust claim brought by a professional footballer. Recently drafted application to challenge jurisdiction on basis of residence.
4. *Perkins v Bray* (2017) – listed for 3-day trial to determine alleged professional negligence and breach of trust of client's former surveyor. Valued over £250,000.
5. *Khan v Cranbrook* (2017) – Ongoing High Court action relating to breach of trust by former solicitors valued in excess of £200,000.
6. *Khan v Pandya* (2016) – 2-day trial relating to share of partnership.
7. *Re: Brouillet* (2014) – Represented debtor in High Court appeal against imposition of bankruptcy. Consideration of s271(3) IA 1986.
8. *Hakim v Zarvos* (2014) – Acted in High Court appeal successfully resisting application to set aside statutory demand arising out of family loan between creditor and debtor.
9. *Pro-Lab v Davies* (2014) – Secured £250,000+ judgment in 2-day Multi Track trial on enforceability of consent orders and personal loans in light of consumer credit legislation. Acted for small business owner suffering financial hardship due to debtor's attempts to evade payment.

Employment and Discrimination

Barnaby has been instructed in several significant employment cases valued at over £750,000 and listed up to 6 days.

Specialisms

1. Unfair and constructive dismissal.
2. Victimisation, discrimination and harassment.

Notable Cases

1. *Murphy v FA* (2015) – acting for claimant in 6-day discrimination, victimisation and harassment case brought against Football Association, which was represented by a QC.
2. *Blackwell v Maldon Golf Club* (2015) – 3-day unfair dismissal claim acting for claimant.
3. *Dhavade v Croydon NHS* (2015) – EAT Appeal acting for claimant, concerning “reasonable practicability” test for bringing unfair dismissal claim within time limit in light of claimant’s illness.

Personal Injury and Clinical Negligence

Barnaby has considerable experience of providing written advice/drafting and representation in Fast and Multi Track claims having worked for a national PI firm for 4 years.

Specialisms

1. Clinical Negligence.
2. Personal injury in RTA, employer’s, occupier’s and other public liability framework.
3. Advices on liability and quantum.
4. Pleadings.
5. CCMCs and applications.
6. Trials.

Notable Cases

1. *Hassett v Greenfield* (2017) – listed for 3-day trial involving orthopaedic experts.
2. *Lockie v Metrobus* (2016) – Multi Track LVI claim involving 4 experts.
3. *Draper-Jones v EPEM* (2015) - Represented practitioner direct access in 2-day clinical negligence claim.
4. *RE: Romer* (2014) – Supreme Court of the Bahamas – drafted statement of claim, advised and obtained settlement in fatal accident clinical negligence case.

Bar Pro Bono Work

Barnaby is committed to assisting those who cannot afford to pay for legal representation both through the BPBU and also by way of conditional fee agreements. Current pro bono instructions include:

- Defending a director of a small company in directors disqualification proceedings.
- Assisting 2 pensioners to pursue a professional negligence claim in the Chancery Division against their former solicitors.
- Acting for lay administrators of a will facing significant costs exposure due to claims brought against them.

Direct Access Work

Barnaby regularly accepts instructions from direct access clients and works closely with a leading direct access service provider. He specialises in assisting individuals without the funds to instruct solicitors and counsel to resolve their legal difficulties. Regular instructions include:

- Acting for clients in respect of disputes with their previous solicitors.
- Assisting debtors facing insolvency or enforcement difficulties.
- Acting for beneficiaries or potential beneficiaries under wills and trusts.
- Representing residential and business tenants in disputes with their landlords.

Education

LLB (Hons), First Class – University of Kingston

Bar Vocational Course, Very Competent (Outstanding in Ethics and Negotiation) – BPP Law School, Holborn.

- Harmsworth Scholar of Middle Temple (2009)
- Bar Vocational Course Scholarship (2009)
- 1st place, Surrey Universities' Negotiation Cup (2008)
- 1st place, Kingston University Negotiation Competition (2008)

Personal

When not working, Barnaby enjoys cooking (badly), health and fitness (occasionally), 80s action films (almost exclusively) and music (don't ask).



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