

Barry Coulter

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Barry practices in commercial and civil litigation particularly in international arbitration, construction (adjudication) and property related disputes.

He is a member of the Ciarb and is a qualified mediator.

He started his legal career as a common law practitioner. In thirty-five years of practice there are few areas of law where he has not been instructed.

His experience taught him that the techniques of successful civil litigation cross over from one area of law to the others, for example general commercial disputes, partnership disputes and land and building disputes (including planning) which of course feed into the international arbitration cases. *Notably*, he has also represented claimants and defendants in defamation proceedings.

He lectures to commercial lawyers and businesses in the UK and abroad on the subject of International Arbitration, most recently in Tbilisi (Georgia) but also in Singapore (when attending SIAC), Kuala Lumpur, Warsaw and Budapest. He is available to lecture on specific areas or issues within each of his practice.

Civil

Notable Cases

- *BW Legal Services Ltd v Trustpilot A/S* [2024] EWHC 1449 (KB) strike out of defamation claim (permission to appeal to the CA has been granted).
- *Craft Development SCI v ACTIS LLP* [2024] EWHC 484 (KB) On the question of Cameroonian procedure and the authority of a provisional administrator to bring proceedings in England.
- *CCP Graduate School v NatWest and Santander* [2024] EWHC 581 (KB) is the first judgment discussing

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the Quincecare duty owed by banks since the Supreme Court's decision in *Philipp v Barclays Bank*, the High Court considered the novel question of whether and to what extent the Defendant banks had a duty to retrieve funds which the Claimant alleged had been dissipated as a result of authorised push payment the High Court refused summarily to dismiss the claim against Santander (permission to appeal to the CA has been granted).

- *Hay v Cresswell* [2023] EWHC 882 (KB). Defamation claim following historic allegations of sexual assault.
- *Secretary of State for Education v CCP Graduate School Ltd* [2021] EWHC 2432 (QB) the High Court dismissed the government's claim for repayment of fees from
- *SNT Ltd v Bootes* a current argument in the bankruptcy court as to whether an international arms dealer is entitled to claim diplomatic immunity such that he can avoid the consequences of default judgments and whether Tomlin orders can be enforced by the Bankruptcy courts.
- *Njie v Shofoluwe* October 2021 High Court Master Cook. A successful defence of an application under CPR 3.7(3) to revoke a judgment made by consent apportioning liability between insurers (on the one hand the MIB Art 75 insurer and on the other hand the RTA insurer) in a substantial personal injury claim.
- *Secretary of State for Education v CCP Graduate School Limited* Queen's Bench Division [2021] EWHC 2432 (QB) successfully defending a test case brought by the Secretary of State against a higher education college for return of tuition fees said to have been wrongly paid out to the college.
- *Miles v Shearer* [2021] EWHC 1000 (Ch) representing *on appeal* the disappointed parties following the refusal of an Inheritance Act claim by disinherited adult children seeking provision from the estate of their wealthy father.
- *Shah and Shah v Shah and Shah* 2020 [2021] EWHC 1668 (QB) Successful defence of a claim arising out of an internecine property dispute with the assets in India (save for nominal payment) but unsuccessfully resisting a costs order.
- *CMC Markets Plc v Mayce Constructions Pty Limited* High Court claim arising out of alleged bribery in Australian construction contracts.
- *Leggett v Giambrone Law LLP (In Liquidation)* Queen's Bench Division [2020] EWHC 724 claim by 41 individuals against their solicitor for breach of contract in failing to warn of the potential risks posed by Mafia involvement in an Italian sea side development (the claim now being brought against the solicitor's insurers AIG).
- *SSE v GE Medway Power Station* a dispute over liabilities arising out of engineering damage in a nuclear reactor.
- *Pepe's Piri Piri Ltd v Junaid* Queen's Bench Division [2019] EWHC 2097 (QB) High Court a successful defence (save for a *de minimis* payment) of a claim relying on the economic torts by the franchisor against a franchisee. Also interesting for the line of authority followed over the definition of 'the winner' under CPR 44.2.
- *Mete v AXA Insurance* (2013) High Court decision on the ability or otherwise of insurers to rely on the default of the insured to avoid liability to third parties on claims arising under the Road Traffic Acts and European Regulations.
- *Anderton v Clwyd CC* [2002] 1 W.L.R. 3174: Court of Appeal guidance on the application and practice of CPR r 6.
- *Casey v Morane* [2001] ICR 316: Court of Appeal guidance on the consequences during a trial of a submission of no case by a Defendant

Property

- Landlord and Tenant – *W v Z* Advising and representing leaseholder company against interest of freeholder on rights of development potential.
- Planning – *LB v L* successful planning appeal overturning refusal by a London Borough seeking effectively

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to outlaw HMO's within their borough.

Professional Negligence

- Solicitors – G v H dispute between solicitor and former client in relation to failure to advise as to the effects of 'overage' rights ultimately setting on the payment of substantial damages and costs to the client.
- Medical practitioners – D v E NHS Trust mother and child suffering lifelong injuries (the child suffering permanent brain injuries) due to negligent pre-natal care and during the birth.

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