

Michael Pooles QC

Call year: 1978, Silk year: 1999

Email: michael.pooles@hailshamchambers.com

Phone: 020 7643 5000

Michael Pooles QC's principal area of practice is that of professional indemnity claims and disciplinary matters. He frequently acts for or against lawyers, accountants and surveyors but has acted for or against all manner of professionals including such unusual areas as veterinary science, land management and fish farming. He is frequently instructed in costs matters. His practice also includes general insurance policy matters of all types and personal injury claims and he has appeared in two of the leading cases on the Commercial Agents Regulations.

Michael has been consistently ranked as a leading silk in the areas of Professional negligence and Costs by both of the leading directories.

Michael Pooles is one of the editors of the solicitors' chapter of Professional negligence and Liability.



Practice profile

Professional negligence

Michael Pooles QC's principal area of practice is that of professional indemnity claims and disciplinary matters acting on behalf of both claimants and insurers. He is frequently instructed to consider policy issues in professional indemnity insurance as well as conventional claims. He has dealt with large managed litigation both as on behalf of claimants and defendants and acted for the SIF in the *Abbey National* claims. He has been instructed to appear in most professional disciplinary tribunals and represented PwC before the AIDB.

His practice also includes general insurance policy matters of all types. He appeared in the leading tree root nuisance case of *Delaware Mansions v Westminster*, an insurers recovery claim and the leading limitation cases of *Law Society v Sephton* and *Haward v Fawcetts*. He has considerable experience of personal injury claims both for claimant and defendant.

Costs

He has experience in costs matters appearing in the Court of Appeal in The Accident Group final costs hearings and in leading cases on costs capping.

Commercial

Michael Pooles QC has advised in a number of cases on the Commercial Agents Regulations, having appeared before the ECJ in *Ingmar v Eaton Leonard*.

Further information

Year of call: 1978

Year of silk: 1999

Specialist areas: professional indemnity, disciplinary, commercial, personal injury

Education: The Perse School Cambridge; LLB (London); Scarman Scholar, Inner Temple Jardine Scholar and Treasurer's prizewinner (1978).

Appointments: Recorder of the Crown Court

ADR: Qualified Mediator 2003

Committees: Board Member of the Bar Standards Board; Former member of the Professional Conduct Committee (and the Legal Services Committee) of the Bar Council of England and Wales.

Professional memberships: Professional negligence Bar Association; COMBAR; South Eastern Circuit; London Common Law and Commercial Bar Association

Recent cases

Jones v Attrill (Law Society intervening) [2008] EWCA Civ 1375 (accident line direct challenges to recoverability).

Taylor Walton v Laing [2008] PNLR 11. Abuse of process by way of relitigation.

Zurich Professional v Karim [2006] EWHC 3355. Exclusion of professional indemnity cover due to dishonesty committed or condoned.

Flora v Wakom [2007] 1 WLR 482. Indexation of periodical payments in injury claims.

The AIDB v (1) PricewaterhouseCoopers and (2) David Donnelly FCCA [2007]. Disciplinary complaints brought about by the AIDB following the collapse of the Mayflower Group.

The Queen on the Application of Rosemary Fogg v The Secretary of State for Defence [2006] EWCA Civ 1270

Aer Lingus v Gildercroft Ltd [2006] EWCA Civ 4. Contribution between tortfeasors and limitation.

Haward v Fawcetts [2006] UKHL 9. Accountants – limitation – family business – multiple potential causes of loss – damage – attribution.

Law Society v Sephton [2006] UKHL 22. Accountants – limitation – solicitor's accounts rules certificates – date of damage.

3M United Kingdom & Anor v Linklaters & Paines (A Firm) [2006] EWCA Civ 530. Solicitor's negligence – date of knowledge.

Shalson v Russo [2005] Ch 281 – Tracing – offshore trust – test for sham trusts.

Sharratt v London Central Bus [2004] EWCA Civ 575. Costs - TAG costs group action - referral fees – ATE premiums.

Atack v Lee [2004] EWCA Civ 1712. Costs. CFAs - success rates - cases at trial - judicial discretion.

Manolakaki v Constantinides [2004] EWHC 749 (Ch) - Solicitor - insurance - Financial instrument fraud - coverage - non disclosure

J.J. Couglan Ltd v Ruparelia Thaker [2004] PNLR 4 – Financial instrument fraud – solicitor – outside ordinary course of business – liability of innocent partner.

Sweetman v Nathan [2004] PNLR 7. – Strike out – fraud on third party – subsequent negligence claim against partners of fraudulent solicitor.

Ezekial v Lehrer [2002] Lloyd's Rep PN 260, C.A. - limitation S14A knowledge.

Delaware Mansions v Westminster City Council [2002] 1 AC 321 - nuisance and tree-root damage.

Ingmar GB Ltd v Eaton Leonard Technologies Inc [2001] CMLR 9 - commercial agents regulations.

Lloyds Bank v Crosse & Crosse [2001] Lloyd's Rep P.N. 452. – Negligent conveyancing – limitation – measure of damages.

Lec (Liverpool) Ltd v Glover [2001] Lloyd's Rep I.R. 315 - Fire insurance policy construction - exclusion cause - blow torch.

Casey v Hugh James Jenkins [1999] Lloyd's Rep P.N. 115, solicitor's obligation on loss of legal aid - causation.

Abbey National v Sayer Moore [1999] EGCS 114 - limitation lenders claim against solicitors.

Publications and lectures

Editor of the solicitors' chapter of Professional negligence and Liability (Informa looseleaf)

Michael Pooles has frequently provided lectures to members of the Professional negligence Bar Association and others on professional indemnity, policy, conduct, limitation and civil fraud matters.

What others say

The Legal 500 and *Chambers UK* directories have both repeatedly recommended Michael as a leading silk in the fields of Professional negligence and Costs.

"Its leading silk in the field is the 'easy to engage with' Michael Pooles QC. Lauded for his 'tactical awareness and quick turnaround of papers,' he has been present in some of the biggest cases of recent times, one example being *Tankard v John Fredericks Plastics*." *Chambers UK 2010*

"The best of them is undoubtedly Michael Pooles QC. 'Always sure in his approach, he gives nothing away - he seems to be calm and measured both when he's doing well and when the empire is beginning to crumble. And that's an art, explained sources. He has recently been involved in the *Standard Life v Aon* matter, a claim arising out of the construction of an insurance policy.'" *Chambers UK 2010*

"Michael Pooles QC, who acted for the successful claimant appellant in *Jones v Attrill*, is 'first to mind for costs' for many." *Legal 500 2009*

"Michael Pooles QC, who 'quickly understands the unusual and exceptional' represented solicitors in *Standard Life v Aon*." *Legal 500 2009*

"Michael Pooles QC, 'one of the most approachable of silks, who really understands the solicitors profession.' In addition to providing strong advices, Pooles offers great advocacy, often in the Court of Appeal and the House of Lords, handling cases such as *Crehan v Intntrepreneur*. Clients cite his ability to 'get straight to the essence of the case' as his major selling point whilst admiring his 'unerring judgement as to how an argument will play out'." *Chambers UK 2009*

"The admirable Michael Pooles QC 'reassures clients with his clear grasp of the issues and unfailing ability to explain the most complex situation simply,' according to interviewees. He continues to advise both defendants and claimants in large and prominent claims, and acted for Zurich in a case regarding solicitors' dishonesty." *chambers UK 2009*

"Peers admire 'the common sense, clarity and humour he is able to bring to his arguments,' whilst also citing his 'ability to sense the way a tribunal is feeling'." *Chambers UK 2008*

"Michael Pooles QC is 'easy to engage with' and brings a 'good analytical brain' to major cases, including *Crehan v Intntrepreneur*" *The Legal 500, 2008*

"One of (Hailsham's) brightest stars is Michael Pooles QC, who 'just about everyone in the market is a fan of'." *Chambers UK 2008*

"Extremely sound for the whole range of professional negligence work" *Chambers UK 2008*

"Michael Pooles QC, who 'delivers the goods on the day'." *The Legal 500, 2008*

"Michael Pooles QC is considered a leading practitioner of note and receives high accolades for his 'ability to break down the most complex matters into their simplest component parts'." *The Legal 500 2007*

"Michael Pooles QC is considered one of the very best silks and 'a great authority on solicitors' negligence'." *The Legal 500 2006*

"Leading silk and head of chambers, Michael Pooles QC is a leading light in the professional negligence sector who is 'exceptionally good on the solicitors side'. He is not only a 'particularly strong advocate' but also 'approachable, friendly and flexible'." *Chambers UK 2007*

"Michael Pooles QC produces 'stellar turns' in prominent costs cases." *Chambers UK 2007*
