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T: 020 7405 9471 **Clerk:** Ellen McInall



Mediation and ADR Arbitration Early Neutral Evaluation



Roger has over 40 years experience of helping to resolve disputes in a judicial or quasi-judicial role, whether as judge, arbitrator, mediator or investigator. He is committed to assisting parties to resolve their disputes and differences in as practical, imaginative, effective, lasting but informal a manner as possible.





Overview:

- Retired Deputy High Court Judge with over 25 years part-time and full -time extensive experience of sitting at High Court level cases in all civil jurisdictions. Sat in all Divisions of High Court, including cases in (now) Business and Property Courts (Chancery, Commercial, Company, Banking, Mercantile, IT disputes, group litigation, and cases and family finance).
- Experienced as, and well used to working on own and as, part of a team or panel member as judge, mediator, arbitrator, evaluator and reviewer of cases and disputes.
- Experience of overseeing case running in Competition Appeal Tribunal as chair of SPV (UKTC) for
 dealing with claims by truck owners of trucks subjected to an unlawful cartel involving all major
 European truck manufacturers (as so found by European Commission). Involves gaining experience
 of Litigation Funding Arrangements and group litigation in CAT.
- Mediator and arbitrator of 15 plus years of experience.
- Full working practice as QC for over 15 years.
- Standing counsel to Crown (see below).
- Experience as Diocesan Chancellor for Dioceses of Hereford and St Albans over 20 years. Involved diplomatic evaluation of sensitive conflicts and occasional mediation and practical problem solving.

Since retirement (2016)

- Acted as member of independent Third-Party panel considering, evaluating, reviewing, and advising
 on compensation awards as part of RBS GRG review programme under chair of Sir William
 Blackburn. This involved considering and evaluating file and papers, submissions and memoranda
 and considering and reviewing in small teams or panel.
- Member of Parole Board (2017-2020), reviewing, hearing, and considering cases as panel member.
- Sat as High Court Judge in Eastern Caribbean Supreme Court, Commercial Division.
- Chair of SPV running case in CAT (above).
- · Acted as mediator.

Previously

- Over 35 years at Bar (QC, 1989) including period as standing counsel to Crown in insolvency matters.
- Regularly instructed in high profile cases as QC by or on behalf of all departments of Government including huge dispute over IT contracts with Government Departments.
- Wide practice in company, commercial, finance and property matters including all aspects of
 chancery and commercial, insolvency, equity and trusts, property law, partnerships and companies,
 land disputes, wills, trusts and settlements, family provision and inheritance, court of protection,
 family law and property disputes, children, arbitrations and mediation. Appeared in a number of
 leading cases in property, trusts, insolvency including in Court of Appeal and House of Lords.
- Undertook sensitive well publicised investigations into Anglia TV (under FSA 1986 following suggestions of insider dealing) and TransTech plc (under Companies Acts) following collapse. Both companies had known connections or contacts with or in mainstream political parties.
- Appointed Deputy High Court Judge 1990 (Chancery Division, and subsequently, Queen's Bench (Commercial) and Family Division).
- Acting Deemster Isle of Man (included sitting in appellate jurisdiction).
- Member Panel of Chairmen City Disputes Panel.
- Conducted commercial arbitration disputes.

TRACTICE AREAS Y
Mediation and ADR
Arbitration
Early Neutral Evaluation
SIGNIFICANT CASES
Heaney v Kirkby [2014] UKUT 0507 (TCC); on appeal [2016] EWCA Civ 689
As Judge - Upheld by Court of Appeal in applications to adduce fresh evidence and subsequent appeal hearing from First Tier; sat as Upper Tribunal Judge

Mullholland v Nursing and Midwifery Council [2016]

EWHC 952 (Admin)

As Judge - Statutory appeal from Council involving conduct of nurse at care home; sitting as judge of Administrative Court

Wood v Lowe [2016]

EWHC 1010 Ch

As Judge - Dispute over property claimed by trustee in bankruptcy and disputed by bankrupt and family

WW Property Investments Ltd v National Westminster Bank plc [2016] $\,$ EWHC 378 (QB) $\,$

As Judge - Complex commercial dispute over selling of interest rate swap agreements

Dinsdale Moorland Services Ltd v Evans [2015] EWHC 315 Ch As Judge - Complex substantial commercial dispute involving alleged restraint of trade, breach of confidence and confidentiality Morris v Highland Group International GmbH [2015] EWHC 422 Ch As Judge - Issue as to validity of service in UK on overseas company Harvey v Dunbar Assets plc [2017] EWCA Civ 60 CA As Judge - Statutory demand - second hearing of application to set aside, whether estoppel, res judicata or public policy prevents re-hearing – decision upheld on appeal by CA Re Voodoo Doll Ltd [2014] EWHC 471 Ch As Judge - unfair prejudice petition – company dispute BluCo Ltd v BWAT Retail Nominee (1) Ltd [2013] **EWHC 1135 Ch** As Judge - Landlord and Tenant - construction of lease - substantial dispute involving many millions of pounds sterling – upheld by Court of Appeal

Suggitt v Suggitt [2011]

EWHC 903 Ch

As Judge - Property - dispute over farm - proprietary estoppel - upheld on appeal

Chu v Lau [2020] 1 WLR 4656 PC

As Judge - private company, board deadlocked – now leading authority on just and equitable winding up in cases of deadlock – unanimously upheld by Prtivy Council on appeal from BVI via EC CA

In re Finelist Ltd [2004]

BCC 877

Correct procedure where the evidence in the affirmation did not support the gravity of the allegations. Preissue conduct of Secretary of State, duty of fairness and failure to interview director.

Foskett v McKeown [2001]

AC 102

Acted for Secretary of Ste for Environment. Leading case on disclaimer in liquidations of environmental waste

Re Celtic Extraction Ltd [2001]

Ch 475

Acted for Secretary of Ste for Environment. Leading case on disclaimer in liquidations of environmental waste

Mond v Hyde [1998]

EWCA Civ 1226

Acted for Official receiver; established extent of immunity from suit of Official Receiver

Re Arrows Ltd (No. 4), Hamilton v Naviede [1995]

2 AC 75

Acted for Director Serious Fraud Office. Established parameters of use of documents obtained in liquidation by compulsory powers in subsequent criminal proceedings

Re Grayan Building Services Ltd [1995]

Ch 241

Acted for successful appellant. Established approach to directors' disqualification proceedings

Sudbrook Trading Estate v Eggleton [1983]

1 AC 444

Acted for respondent having won in Court of Appeal. Leading authority on rent review and valuation clauses in leases

CAREER AND ASSOCIATIONS

Fellow of the Chartered Institute of Arbitrators - FCIArb

Called to Bar (Lincoln's Inn) 1970

Queen's Counsel 1989

Standing counsel to Crown in insolvency matters c 1985-1989

Recorder Crown Court 1994-2005

Deputy High Court Judge 1990 – 2016 (all divisions)

Specialist Chancery and Mercantile Judge, North Eastern Circuit, 2005 – 2016 (retired Sep 2016)

Acting Deemster, Isle of Man Courts, c 2000-2005

Acting Justice of the Commercial Division, Eastern Caribbean Supreme Court, BVI (2017)

Diocesan Chancellor, Dioceses of Hereford and St Albans (c 2000 to date)

Appointed DTI Inspector to investigate affairs of TransTec plc (2000-2003) and Anglia Television plc (1994)

Member Panel of Chairmen City Disputes Panel c 1997-2005

Bencher Lincoln's Inn (1997)

Graduated Birmingham University LLB 1968

Lecturer in law Kingston Polytechnic (now University) 1968-1971

PUBLICATIONS

Contributor to Halsbury's Laws, 5th ed. Ecclesiastical Law.

Consultant Editor and Contributor to Tolley's Insolvency Law



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