

Tim Higginson
Associate Member

YEAR OF CALL: 1977

Practice Overview

Tim has built up an extensive practice over a number of years, the main areas of which concern disputes in these areas:

- ▶ Commercial and Chancery
- ▶ Civil Fraud and Asset Tracing
- ▶ Professional Negligence (principally, solicitors, barristers, auditors/accountants and bankers)
- ▶ Banking and Securities
- ▶ Equity and Trusts
- ▶ Sports Claims
- ▶ Partnership and LLP
- ▶ Insolvency
- ▶ Regulatory

This has inevitably involved much experience in the interlocutory relief and arbitration spheres.

Most recent cases include:

- ▶ A high value breach of warranty claim, in which he represented the Defendant and which was discontinued at an early stage
- ▶ A breach of warranty claim following a share sale agreement, which was successfully compromised
- ▶ A substantial solicitors' negligence action, in which he appeared for the Claimant and obtained summary judgment and substantial damages
- ▶ A dispute concerning a league cricket club and its future participation in its County League
- ▶ A contractual claim against a prominent financial services LLP on behalf of the Claimant, which resulted in a substantial financial settlement.

Additionally, he has been an appointed arbitrator in commercial disputes and qualified, with ADR Chambers in the mid-1990's, as an accredited mediator.

Tim is also admitted to the Bar of the Eastern Caribbean Supreme Court (Territory of the British Virgin Islands), where he has appeared regularly.

He has been a regular contributor on a variety of sports-related matters on commercial and BBC radio.

Areas of Expertise

Commercial

Tim's work has covered a number of areas including contractual disputes, sale of goods, passing off and bills of exchange, and, particularly, interim applications including Search and Freezing orders.

Reported cases include:

- ▶ London Borough of Camden v Alpenoak Limited, 1986 NLJ, (breaches of undertakings to court)
- ▶ John Laing Construction Limited v Dastur [1987] 1 WLR 686, (tender before action in contract)
- ▶ Smith v Springer [1987] 1 WLR 1720, (payments into court)
- ▶ Filemart Ltd v Avery [1989] 2 EGLR 177, (enforcement and committal proceedings)
- ▶ Hussey v Eels [1990] 2 QB 227, (mitigation of damage in tort)
- ▶ Long v Jones, The Times, 6 March 1990, (sales in market overt)
- ▶ Michael v Ensoncraft Limited [1990] EGCS 156, (damages)
- ▶ Nationwide Building Society v Bryan Lewis [1997] 1 WLR 1181, (partnership)

Mediation

Tim qualified as an accredited mediator through ADR Chambers in the mid-1990's. He has extensive experience in mediating all types of dispute, principally commercial and sports-related. He has received many plaudits for his patient but firm handling of these.

Professional Negligence

Tim has twenty five years' experience of disputes concerning, principally, solicitors, barristers, valuers/surveyors and accountants.

Principal reported cases include:

- ▶ Bristol & West Building Society v Mothew [1998] Ch. 1, (leading authority on fiduciary duty and breach of trust principles)
- ▶ Bristol & West Building Society v May, May & Merrimans [1996] 2 AER 801, (solicitors' negligence in mortgage lending cases)
- ▶ Nationwide Building Society v Balmer Radmore & Ors [1999] Lloyd's PNL 235, (professional negligence in mortgage lending cases)
- ▶ Nationwide Building Society v Thimblebys [1999] Lloyd's PNL, (contributory negligence and deceit)
- ▶ Matrix Securities Limited v Theodore Goddard [1998] STC 1, (barrister's and solicitors' negligent advice)

Professional Memberships:

- ▶ Commercial Bar Association
- ▶ London Court of International Arbitration
- ▶ Chancery Bar Association

Qualifications & awards:

- ▶ LLB Hons.
- ▶ Yarborough Anderson Scholar, 1976
- ▶ Palmer Stawell Scholar, 1977

Additional information:

Contact the clerks:

T: 0117 923 4740

E: chancerycommercialclerks@stjohnschambers.co.uk