

## Practice Areas

Overview

Banking and Financial Services

Commercial Disputes

Consumer Credit

Pensions

**Professional Liability**

Property

Peter Dodge

| Call 1992

## Profile: Professional Liability

### Experience and Expertise

Before starting at the Bar, Peter Dodge worked in the City as a fund manager in the asset management division of a leading investment bank. He advised pension funds, building societies, unit and investment trusts, offshore mutual funds, charities and high net worth individuals. He participated in the London Business School's Investment Management Programme and holds the Certified Diploma in Accounting and Finance awarded by the Association of Chartered Certified Accountants. On completion of the Bar Vocational Course, he won the Everard Ver Heyden Foundation Prize for Advocacy.

Professional liability is one of the three core areas of Peter's practice, the others being commercial dispute resolution (in particular, in the banking and financial services sector) and property litigation. Having worked in the industry, Peter has a particular interest in matters involving asset management or the sale of investment products. However, the boundaries of Peter's core practice are not rigid. Many sets of instructions also require thorough expertise in other branches of Chancery work: in particular, insolvency law, company and partnership law, trust law, pensions law and charity law.

Peter's extensive experience of professional liability litigation is inextricably linked with his expertise in the underlying areas of practice of the professionals concerned. As a consequence, the range of work which he undertakes in this field is wide, although a significant proportion arises from property, banking or financial services transactions.

Chambers is renowned for its expertise in the field of secured lending. Historically, this led to the development of a parallel expertise in the litigation of claims against solicitors and valuers arising from flawed mortgage transactions. This, however, represents only part of Peter's professional liability practice. He has experience of claims against solicitors which have arisen in a wide variety of circumstances, including in the context of other types of conveyancing transaction, the misconduct of litigation or the misapplication of client money. Similarly, claims against surveyors and valuers can come about in numerous ways.

It is no longer enough simply to think in terms of "negligence". It is Peter's experience that a good understanding of trust and fiduciary principles is of increasing importance in the litigation of claims against professionals, particularly solicitors and others who handle money. Moreover, potentially complex issues of causation, mitigation, contributory negligence and contribution frequently arise.

As a litigator, Peter is well placed to advise on liability on the part of barristers, including under the wasted costs jurisdiction. Similarly, partly as a result of his background experience, Peter accepts instructions in relation to claims against accountants and auditors.

A steadily growing part of Peter's practice concerns claims against financial practitioners, actuaries or pensions consultants, such claims often arising from allegations of poor investment advice or the mis-selling of financial products. Depending on the circumstances, such allegations can be framed in terms of negligence, misrepresentation, breach of fiduciary duty or breach of the statutory duties created by FSMA. Peter is happy to advise on alternative remedies, including complaints to the FOS.

Peter also has experience of pure regulatory matters; examples including the scope of the FOS jurisdiction in cases pre-dating FSMA and the responsibilities of IFAs under the Pensions Review. He has appeared before the FSA's Regulatory Decisions Committee and the Financial Services and Markets Tribunal.

Peter accepts instructions from both defendants and claimants. He finds that professional clients are often seeking specialist knowledge to complement their own. For example, existing property clients may instruct Peter because of his experience of professional liability claims whereas those acting for insurers may particularly value his expertise in the relevant underlying area of law. In appropriate cases, Peter is happy to accept instructions under the Public Access Scheme.

As well as being a highly effective courtroom advocate, Peter has experience of tribunal

advocacy, disciplinary and regulatory proceedings, arbitration and mediation. He sees litigation as a continuing process, believing that consistency in the presentation of a case from the very beginning provides the strongest negotiating position for early settlement.

Peter writes for various publications in his core practice areas. He is regularly invited to speak on newsworthy topics within those areas both by legal training organisations and firms of solicitors. He sees this as an important part of the process of building relationships and understanding with professional clients and is always happy where possible to assist existing and potential clients with their in-house training programmes. In recent years, Peter has been in particular demand as a speaker on topics related to mortgage fraud and the mis-selling of financial products.

#### Recommendations

The Legal 500 2012: Professional Negligence: Leading Juniors  
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#### Notable cases

*Dreamvar (UK) Limited v Mishcon de Reya* [2016] EWHC 3316 (Ch)

*Flex-E-Vouchers Ltd v Royal Bank of Scotland plc* [2016] EWHC 2604 (QB)

*Anderson v Openwork Ltd* [2015] EW Misc B14

*Jacobs v Sesame Ltd* [2014] EWCA Civ 1410; [2015] P.N.L.R. 6

*Evans v Santander UK plc* [2013] EW Misc B55

*Ikbal v Sterling Law* [2013] EWHC 3291 (Ch); [2014] P.N.L.R. 9

*Horler v Rubin* [2012] EWCA 4, [2013] 1 BCLC 1 (CA) Insolvency Rules 1986, rr 8.1, 8.3; (whether person claiming beneficial interest in property held by trustee bound by proxy's vote at creditors' meeting)

*Financial Ombudsman Service Ltd v Antony Weil Insurance Consultants (2008)*: Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman Scheme and Complaints Scheme) Order 2001 (whether the compulsory jurisdiction applied to a firm formerly authorised by FIMBRA but never a member of PIA)

*Hermes Homes Ltd v Dibb Lupton Alsop (2002)* (Ch D, Birmingham) (assessment of damages where vendor subsequently unable to enforce restrictive covenant)

*Rayner v The Financial Services Authority* [2004] UKFSM FSM009 (obligations under the Pensions Review; whether prohibition order to be made under FSMA 2000, s 56 and approval withdrawn under FSMA 2000, s 63)

*In re Glass (2000) Evening Standard Homes & Property*, 23rd February (Architects Registration Board Professional Conduct Committee) (whether suspension order to be made)

#### Webinars

The following webinars presented by Peter are currently still available on demand:

Claims for Mortgage Mis-selling – In One Hour (MBL) (Webinar and DVD: click [here](#) for further details or to book)

Financial Mis-selling & Limitation (Webinar & DVD) (MBL) (Webinar and DVD: click [here](#) to view details or to book)

#### Recommendations:

- “Exceptional.” (Professional Negligence, The Legal 500, 2017)