



Richard Whitehouse

Year of Call: 2009

Solicitor: 2011

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Overview

Richard is a Chancery, Commercial and Professional Risk barrister.

Prior to transferring to the Bar, Richard was a Solicitor-Advocate and Head of the Commercial Dispute Resolution team at a large Bristol-based law firm. Richard specialised in commercial disputes and professional negligence claims. He is an experienced litigator, negotiator and advocate.

Richard has particular expertise in:

- Commercial disputes
- Professional risk (including claims against solicitors, accountants and surveyors)
- Insurance disputes
- Misrepresentation claims
- Partnership disputes
- Property law.

Richard always provides thorough, user-friendly and commercial advice.

Recommendations

Client Testimonials

"Impressive"

"Calm, professional and well prepared"

"Great with clients and is always able to put them at ease"

Academic qualifications

- Bristol University – Law LLB (2:1)
- BPP Law School – BVC (Very Competent)

Professional qualifications & appointments

- ADR Group Accredited Civil & Commercial Mediator

Professional bodies

- Professional Negligence Bar Association
- Western Circuit

Expertise

Commercial

Richard has an extensive commercial practice that covers all types of business and commercial disputes, with a particular emphasis on contract, misrepresentation, partnership and director disputes. He regularly advises and represents businesses in both the County Court and High Court.

From his time working as a Solicitor-Advocate, Richard has significant experience of alternative dispute resolution and, in particular, representing clients at mediations.

Commercial Disputes

Richard has experience of a wide range of commercial disputes, including claims relating to:

- Agency
- Consumer credit agreements
- Construction of contracts
- Debt recovery
- Economic torts
- Estoppel
- Guarantees and indemnities
- Misrepresentation and mistake
- Restitution
- Restrictive covenants and breaches of fiduciary duties
- Sale of goods and supply of services
- Trusts.

Notable and Recent Cases

- High Court claim involving diversion of business opportunities and breach of fiduciary duties arising from a team move to a competing business
- Many cases involving breaches of post-termination restrictive covenants, misuse of confidential information, breaches of confidence claims and economic torts, giving rise to claims for injunctions (including springboard relief), delivery up and claims for accounts of profits
- Multi-day High Court trials in relation to complex commercial contract disputes
- A misrepresentation and breach of contract claim relating to a £100,000 Rolls Royce
- A multi million dollar Director's bonus dispute
- Claims involving conveyancing transactions, specific performance and rectification
- A trial in relation to discharge of a contract by frustration
- Property misrepresentation claims involving representations made on property information forms and to enquiries by solicitors
- Breach of contract and debt claims arising from commercial contracts, including those relating to recruitment agencies involving substantial transfer fees
- Claims in relation to the design, manufacture and supply of commercial machinery and equipment
- Misrepresentation and breach of contract claims in relation to a Share Purchase Agreements

- Disputes relating to exemption clauses and unfair contract terms
- Claims in relation to advertising agreements and commission
- Construction disputes in relation to insulation and cladding
- Commercial arbitrations.

Professional Risk

Richard has particular expertise in relation to professional negligence cases. He has extensive experience of dealing with claims against all professionals including; barristers, solicitors, accountants, brokers, insurers, architects, surveyors and other construction specialists.

Lawyers

Richard's experience as a Solicitor-Advocate is invaluable to professional negligence claims against lawyers, having been instructed on claims relating to employment, commercial litigation, property disputes, family and personal injury claims.

He has dealt with:

- Lost and/or mishandled litigation claims, including under-settlement claims, missed limitation and failure to advise about funding and costs
- Claims involving errors with leasehold transactions, including negligence relating to lease extensions
- Claims regarding the failure to advise about commercial and residential landlord and tenant matters
- Claims in relation to incorrect advice about undue influence and trusts
- Claims regarding incorrect advice and drafting in relation to overage agreements
- Claims by disappointed beneficiaries as a result of failures in drafting wills and claims arising from mishandled probate disputes, which often involve limitation issues
- Claims by and against buyers arising from conveyancing transactions concerning freehold and leasehold property, particularly concerning failure to advise on searches, rights of way and restrictive covenants
- Mishandled family divorce and financial proceedings
- Claims arising from mishandled business sales.

Accountants

Richard has handled a variety of claims, including:

- Claims involving the negligent preparation of management accounts and cashflow forecasts
- Acting for a company against accountants, in relation to incorrect VAT advice
- Acting for an individual against accountants, arising from incorrect tax advice and issues involving Entrepreneurs' Relief.

Surveyors, Valuers and Architects

Richard has acted in:

- Claims by purchasers of residential and commercial properties against surveyors arising from pre-sale surveys
- Claims involving the negligent valuation of premiums required for the extension of leases and incorrect advice about the appointment of premiums
- A claim against an expert witness arising from a planning dispute
- Claims against architects regarding incorrect design drawings and advice in relation to both domestic and commercial projects.

Insurance Brokers and Insurers

Richard has advised, and acted for and against, brokers and insurers in claims for failure to implement the correct insurance cover, and for a broker in a claim regarding the failure to advise on the financial status of an insurer.

Publications

Commercial update – Richard Whitehouse: Scope of duty in professional negligence: the return of “advice” versus “information”

In the first case on scope of duty in professional negligence since BPE Solicitors v. Hughes-Holland, has the Court of Appeal returned to the classic distinction between ‘advice’ and ‘information’ cases? Richard Whitehouse analyses the recent decision in Manchester Building Society v Grant Thornton UK LLP [2019] EWCA Civ 40.

[View Publication](#)

Commercial update: Professional negligence – Solicitors’ duty to warn of risks incidental to their retainer

When will a solicitor need to give a warning to his client about obvious risks that come to his attention when performing his retainer, but which he has not been formally retained to advise on? Richard Whitehouse analyses the Court of Appeals recent decision in Lyons v. Fox Williams LLP [2018] EWCA Civ 2347.

Richard is a Commercial Law barrister specialising in professional negligence and business disputes.

[View Publication](#)

Commercial update – Richard Whitehouse: Valuers’ negligence in the Supreme Court

The Supreme Court has again reconsidered causation and loss, in the context of a professional negligence claim against a valuer. Richard Whitehouse analyses the recent decision in Tiuta International Limited (in liquidation) v De Villiers Surveyors Limited [2017] UKSC 77.

[View Publication](#)

Property and Estates

Richard has advised and represented clients on a wide range of property disputes, including boundary disputes and nuisance claims.

Richard is regularly instructed to make and oppose applications for injunctions relating to property.

Property

- Adverse possession
- Boundary and party wall disputes
- Breach of covenant disputes
- Conveyancing
- Easements
- Landlord and tenant disputes
- Mortgages
- Nuisance
- Trespass
- Trusts and proprietary estoppel.

Notable and recent cases

- Acted in possession and Dilapidation claims
- Acted in boundary dispute trials
- Instructed in Multi-day High Court trials in relation to trespass and nuisance disputes, involving breaches of "Leakey" duties, which require evidence from many experts of different disciplines
- Acted in breach of covenant claims relating to unlawful subletting of properties through Airbnb
- Successfully obtained an order for an injunction and damages in a private nuisance by encroachment claim
- Successfully defended trespass claims
- Acted in nuisance claims relating to the escape of water and oil
- Acted in an interference with a right of way, breach of covenant and trespass dispute, which included a claim for aggravated damages and an injunction
- Advised in relation to claims involving proprietary estoppel.

Mediation

Richard is regularly involved in mediations, acting either as a mediator or an advocate.

Richard qualified as an ADR Group accredited Civil and Commercial mediator in 2018. Whilst most mediations that Richard conducts relate to his primary areas of practice of commercial, property and professional negligence litigation, he also mediates in relation to a wide range of other matters including construction and probate disputes.

His recent experience includes mediations in relation to domestic building claims, boundary disputes, landlord and tenant disputes, a misrepresentation claim in relation to the sale of a business, a banking dispute, a professional negligence claim against solicitors, commercial disputes in relation to agricultural machinery and sale of goods disputes in relation to vehicles.

As a result of conducting a large number of telephone mediations, Richard is happy to mediate remotely using video conferencing or other means.

Richard has provided, and regularly attends, mediation training.