

Courtenay Dominic Barklem

Relevant Qualifications

2016	Called to the Bar on 13 October 2016.
2007	Higher rights of audience (civil) in England and Wales.
2007	Passed the California Bar exam.
2000	Qualified as a solicitor in England and Wales.
1998	Legal Practice Course, College of Law, London. Commendation.
1997	Law conversion course (CPE), College of Law, London. Commendation.
1992 – 1996	BA (Joint Honours) in Latin with French, Manchester University, UK, and Université de Louvain-la-Neuve, Belgium. 2:1.
Pre-1992	4 A-levels (3 at A grade), 10 GCSEs (9 at A grade).
Languages	Native English; Fluent French; Intermediate Spanish.

Career History

Sept 2016 to present	Advocate at LPC Law, and consultant at Dallas and Co and Thea Solicitors
June 2013 to present	Member of Perren Buildings (a collective of UK and international advocates)
Oct 2012 to Sept 2016	McCue and Partners, London, UK (partner)
Sept 2007 to Sept 2012	Law Society of England and Wales, London, UK (human rights adviser)
Oct 2006 to Sept 2007	Austins Solicitors, London, UK (solicitor)
Feb 2006 to Aug 2006	Mayer Brown Rowe and Maw, London, UK (solicitor)
Sept 1998 to Jan 2006	Pinsent Masons, London, UK (trainee, solicitor and then associate)

Background

I have been a solicitor-advocate since 2007 and was called to the Bar in October 2016.

I specialise in civil/commercial litigation,¹ including regulatory law (especially money services businesses) and construction.²

I also have expertise in employment,³ personal injury and human rights law.⁴

I have appeared in the High Court in the Commercial Court, before Masters in the Queen's Bench Division, Chancery Division, as well as in arbitrations, employment tribunals, mediations and numerous County Court hearings. I regularly appear in fast-track and multi-track trials. Since October 2016, I have conducted approximately 150 court hearings.

Experience

Regulatory law

- Representing the defendant in a 3-day multi-track trial regarding consumer protections under Part 8 of the Enterprise Act 2002 and EU Directive 2005/29/EC.
- Representing a foreign exchange and money transfer business in an appeal in the First Tier Tribunal, Tax Chamber, in relation to alleged breaches of anti-money laundering regulations.
- Representing the largest money transfer company in Somalia and a group of its customers in a judicial review and a related competition claim against a large UK-based international bank.
- Representing a foreign exchange company regarding its arrangements with a large UK-based international bank and in relation to tracing and recovering their assets fraudulently appropriated.
- Representing an international metal trader in proceedings issued by HMRC for alleged breaches of VAT regulations.
- Conducting the case management conference and drafting the defence for the second defendant in a claim by a local authority for payment of care home fees of £125,000.
- Numerous mortgage-related hearings in the County Court, including a permission to appeal in the High Court, Chancery Division.

Commercial law

Recent commercial advocacy

- Representing the claimant in a breach of contract claim, originally worth in excess of US\$500 million, in the High Court, Queen's Bench Division, later transferred to the Commercial Court:⁵
 - successfully opposing the defendant's application for discharge of third-party debt orders in relation to the execution of a summary judgment on part of the claim for over US\$15 million;
 - conducting the case management conference, led by Lord Brennan QC in an application for specific disclosure where waiver of privilege was alleged;
 - conducting a hearing opposing a stay of execution until confirmation of good receipt of a payment into Court of US\$15 million;
 - drafting Particulars of Claim and Reply and Defence to Counterclaim in relation to the breach of contract claim;
 - conducting a hearing on interest and costs as part of a successful summary judgment application for US\$15 million, including drafting skeleton argument; and
 - appearing at short notice to apply to strike out the defendant's defence to an application for a US\$15 million summary judgment.
- Seven appearances before Queen's Bench Masters to apply for extensions of time to serve the claim form and particulars so that the Claimant could gather key information and arrange funding in relation to a claim for business and personal injury losses of £50 million arising out of an intentional tort with allegations of industrial-scale tobacco smuggling.
- Six appearances before Queen's Bench Masters to seek the Court's approval in relation to consent orders for extensions of time for service of the defence representing the second defendant in relation to a class action claim for damages by 21 children, resident abroad, claiming damages for sexual abuse.

Recent commercial litigation

- Representing the claimant in a breach of a contract claim involving the sale of gold bonds for damages in excess of US\$7 billion, including drafting and finalising Particulars of Claim.

Construction law

Relevant construction advocacy

- Emergency hearing under section 43 of the Arbitration 1996 Act to summons a key witness in relation to a dispute over defective installation of cabling and signalling equipment for a network train operator. Drafting and finalising statement of claim.
- Representing an organic waste management company in an expert determination over a dispute about the contractual payment mechanism, including cross-examination of witnesses and drafting skeleton argument and other submissions.
- Defending a building contractor in the County Court in relation to a contractual dispute over a residential development.
- Case management hearings in construction arbitrations and telephone hearings in construction adjudications.

Notable construction litigation

- Lead lawyer successfully representing a major international contractor to enforce an adjudicator's award by way of summary judgment for £1,283,229.80, in relation to the construction of a hotel and apartment block.⁶
- Lead lawyer successfully representing a UK main contractor in a contractual formation and termination dispute in the High Court worth in excess of £400,000, relating to the construction of a running track and related athletics facilities for a UK university.⁷
- Lead lawyer successfully conducting a summary judgment application in the Technology and Construction Court for the enforcement of an Adjudicator's decision, including a Part 8 Claim Form; and pre-incorporation contracts in relation to s.36C of the Companies Act 1985⁸

- A \$20 million LCIA arbitration regarding the construction of an oil platform in the Gulf of Dubai on behalf of a UAE contractor.
- An £87 million dispute in the Belgian Commercial Court in relation to expansion works at a petrochemical facility in Antwerp under a bespoke EPC contract on behalf of an international joint venture of contractors.
- A £7.5 million dispute regarding the construction of a cement factory in Nigeria, under a FIDIC style contract on behalf of a Nigerian employer (dispute resolution clause provides for adjudication in London and, if required, High Court proceedings).

Employment law

Advocacy experience

- Two days of hearings (both liability and quantum) in the Central London Employment Tribunal in a successful case of discrimination on the grounds of sexual orientation.
- Representing the Claimant in a claim of unfair dismissal and discrimination on grounds of race:
 - Drafting and finalising the ET1 (i.e. particulars of claim), consolidating two claims previously issued by the Claimant as a litigant in person; and
 - Conducting the Case Management Discussion in the Central London Employment Tribunal.
- Representing the Claimant in two claims for discrimination on grounds of sexual orientation and race:
 - Representing the Claimant in a 1-day mediation;
 - Drafting and finalising a defence to misconduct charges for a Police disciplinary hearing; and
 - Drafting and finalising the ET1 (i.e. particulars of claim) in relation to a discrimination claim arising out of the misconduct proceedings.
- Other employment tribunal work includes:
 - 1-day hearing in a successful unfair dismissal case;
 - 2-day hearing, including cross-examination of witnesses, successfully claiming unfair dismissal;
 - 1-day hearing in a successful disability discrimination case;
 - 1-day hearing in relation to a claim of discrimination on grounds of gender, including cross-examination of witnesses;
 - 3 days of hearings (both liability and quantum), including cross-examination, successfully claiming unfair dismissal; and
 - Case Management Discussion and settlement discussions in a claim of unfair dismissal, disability and racial discrimination.

Interests and memberships

- Solicitors' Association of Higher Court Advocates, 2007 to present;
- Member of the American Bar Association's Advisory Board for its Business and Human Rights Project, 2014 to present
- Member of the Law Society's Human Rights Committee, 2013 to present;
- Honorary adviser to the National Catholic Safeguarding Commission, 2012 to present;
- Brazilian Jiu Jitsu, skateboarding, and computer coding.

¹ *Catalyst Managerial Services v Libya Africa Investment Portfolio*, see <http://www.libya-businessnews.com/2015/07/18/15m-award-against-libya-africa-investment-portfolio/>; and <http://www.digitaljournal.com/pr/2678810>

² See reported construction cases where I was lead lawyer at endnotes 6, 7 and 8 below

³ *Commissioner of Police of the Metropolis v Kevin Maxwell*, UKEAT/0232/12/MC, see <http://gbmnews.com/wp/archives/7460>

⁴ "Lawyers want [Australian] PMs from John Howard to Malcolm Turnbull in dock over asylum detention", <https://goo.gl/LWtDwk> (Sydney Morning Herald), see also press release at <https://goo.gl/LIU75V>

⁵ See endnote 3 above

⁶ *Multiplex Constructions (UK) Limited v West India Quay Development Company (Eastern) Limited* [2006] EWHC 1569 (TCC) [2006] EWHC 1569 (TCC), see www.bailii.org/ew/cases/EWHC/TCC/2006/1569.html

⁷ *ERDC Group Limited v Brunel University* [2006] EWHC 687 (TCC) [2006] EWHC 687 (TCC), see <http://www.bailii.org/ew/cases/EWHC/TCC/2006/687.html>

⁸ *Gibson v. Imperial Homes & Developments Ltd* [2002] All ER (D) 367 <http://www.adjudication.co.uk/archive/iframe/case/172>