

Courtenay Barklem

Career History

August 2018 – present	Barrister at Garden Court Chambers
June 2013 to August 2018	Trial lawyer, solicitor-advocate, at Perren Buildings (a collective of UK and international advocates)
Oct 2012 to Sept 2016	McCue & Partners (partner)
2007 to 2012	Law Society of England and Wales (human rights adviser)
2006 to 2007	Austins Solicitors (solicitor)
2006	Mayer Brown Rowe and Maw (solicitor)
1998 to Jan 2006	Pinsent Masons (trainee, solicitor, qualified in 2000, and then associate)

Relevant Qualifications/Education/

2016	Called to the Bar, England and Wales, on 13 October 2016.
2011	Qualified as an attorney-at-law, California.
2007	Higher rights of audience (civil) in England and Wales.
2000	Qualified as a solicitor in England and Wales.
2010	LLM Human Rights, Birkbeck College, University of London. Merit.
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.

Construction litigation includes:

- 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.¹
- 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.²
- Lead lawyer in a successful summary judgment for the enforcement of an adjudicator's decision in relation to a pre-incorporation contract under s.36C of the Companies Act 1985.³
- Advising on a \$20 million LCIA arbitration regarding the construction of an oil platform in the Gulf of Dubai on behalf of a UAE contractor.
- Representing an organic waste management company in an expert determination over a dispute about the contractual payment mechanism.
- Representing the employer against a contractor at trial in a landscaping dispute involving repudiatory breach of contract.
- Making an emergency application 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.

Recent commercial litigation advocacy

- 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 and seeking enforcement of the default judgment in Switzerland under the Lugano Convention.
- Representing the claimant in a breach of contract claim worth in excess of US\$500 million, including 10 appearances in the High Court, Queen's Bench Division and Commercial Court, led by Lord Brennan QC in a successful 4-day summary judgment application for \$15 million, case management conference, third-party debt orders and other applications.⁴
- Representing the claimant in the High Court in relation to a £50 million claim for business losses and personal injury arising out of an intentional tort and economic duress by a multi-national tobacco company.

- Representing the Second Defendant's estate in relation to a High Court claim involving sexual abuse brought by multiple foreign claimants against an international airline.
- Successful application for an injunction in the Chancery Division of the High Court to allow the franchisee of a national chicken restaurant to re-enter the premises after wrongful forfeiture and breach of contract by the franchisor.

Employment advocacy includes:

- Advising a UK whistleblower and liaising with US counsel in relation to disclosure of wrongdoing to the US's Security Exchange Commission under the Dodd Frank Act.
- Advising an oil consultant on her US\$11 million claim for breach of contract for unpaid success fees against a UK-based international oil company in relation to hydrocarbon exploration in West Africa.
- Advising a former police officer in a successful claim in the EAT for discrimination on the grounds of sexual orientation and race.⁵ In addition:
 - Representing the Claimant in a 1-day mediation.
 - Drafting and finalising a defence to misconduct charges for a Police disciplinary hearing.
 - Drafting and finalising the ET1 in relation to a discrimination claim arising out of the misconduct proceedings, disability discrimination (depression caused by Police's previous mistreatment) and other victimisation.
- Advising a former Police Community Support Officer in a claim for unfair dismissal on the grounds that a previous reprimand when she was suffering from dissociative amnesia was wrongly taken into account when dismissing her.
- Successfully representing the claimant in a case of discrimination on the grounds of sexual orientation against a recruitment agency.
- Successful representation and advocacy for a claimant security guard after unfair dismissal related to a TUPE transfer.
- Successfully representing the claimant claiming unfair dismissal arising out of a sham redundancy where the employer failed to apply a proper redundancy procedure and fabricated materials after-the-event to try to justify the dismissal.
- Successful disability discrimination case for a deaf claimant in relation to pre-employment disability discrimination;

Regulatory and money service businesses

- Representing the defendant in a multi-track trial regarding consumer protections under Part 8 of the Enterprise Act 2002 and EU Directive 2005/29/EC.
- Successful application in the High Court, Chancery Division, for payment of €78,000 out of the frozen funds of an internet gaming and betting money-processing company that uses tokens to comply with gambling regulations in various jurisdictions.
- Successfully obtained judgment and opposed defendant's application to set aside in the High Court in a claim against a Singaporean company regarding a project to deliver microfinance banking using smartphones and blockchain.
- Advising 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.
- Advising the largest money transfer company in Somalia and a group of its customers in a threatened judicial review of banking regulations, to support a successful related competition claim brought against a large UK-based international bank.
- Advising a foreign exchange company regarding its arrangements with a large UK-based international bank and also in relation to tracing and recovering their assets fraudulently appropriated.
- Advising an international metal trader in proceedings issued by HMRC for alleged breaches of VAT regulations.
- Advising a Hong Kong-based foreign exchange company in relation to possible Financial Conduct Authority proceedings against a bank which had returned the company's money to an alleged fraudster.

¹ *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

² *ERDC Group Limited v Brunel University* [2006] EWHC 687 (TCC) see <http://www.bailii.org/ew/cases/EWHC/TCC/2006/687.html>

³ *Gibson v. Imperial Homes & Developments Ltd* [2002] All ER (D) 367 <http://www.adjudication.co.uk/archive/iframe/case/172>

⁴ *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>

⁵ *Commissioner of Police of the Metropolis v Kevin Maxwell*, UKEAT/0232/12/MC, see <http://gbmnews.com/wp/archives/7460>; <https://www.theguardian.com/uk/2013/may/17/kevin-maxwell-gay-black-police-officer-hounded-out>;