

ANDREW LATIMER

Year of call: 1995

Clerked by: Louise Barnes Luke Heywood

AREAS OF EXPERTISE:

Commercial Litigation Company Partnership Real Estate
Litigation Civil Procedure



Commercial Litigation

Hughes v Whyatt [2019] EWHC (HHJ Stephen Davies, defeated allegation of forgery of signature and fabrication of documents after 4 day trial. Judgment deals with issues of declaration of trust of shares and defence of illegality)

Quinn v Bank of Ireland [2018] EWHC (HHJ Pearce, obtained reverse summary judgment on a claim for breach of duty of care in 'allowing' a nursing home business to go into administration and for alleged misrepresentation in the course of taking a personal guarantee)

US Mortgage Finance v Dew [2017] EWHC Civ 299 (CA and Burton J, obtained summary judgment in England on judgment entered in Florida and upheld on appeal. The issue was whether debtor had submitted to jurisdiction in Florida or could deny debt in England)

One Fish Co Ltd v Iceland Foods Ltd [2017] EWHC 3366 (HHJ Eyre QC, defeated claim for £500k following 5 day trial. The case turned on alleged implied terms and variation of a contract)

NCC Skills v Ascentis [2016] EWHC 2006 (Garnham J, defeated summary judgment application against exam board because of counterclaim relating to failure by course provider to prevent cheating)

Shafi v Rutherford [2014] EWCA Civ 1186 (CA, construction of agreement relating to expert determination and whether an expert was free to depart from earlier sets of accounts in computing liabilities)

R v H (advising on contractual aspects of the Trade in Goods (Control) Order 2003 regarding UK licensing of arms dealing)

Penny v Montagu (led by Lesley Anderson QC in a minority shareholders petition with 13 days of interim hearings and 4 written judgments on interim applications. The trial settled in early 2012 after 8 weeks in court)

Linfoot v Adamson [2012] BPIR 1033 (HHJ Behrens, challenge to decision of supervisor under s.263 of the Insolvency Act 1986 and whether s.303 IA 1986 could be used to cut down the scope of the challenge)

Hitachi Capital (UK) plc v V12 Finance Limited & Davies [2009] EWHC 2432 (Comm) (Commercial Court, application for third party costs order under s.51 of Supreme Court Act 1981)

The Anglo-Eastern Trust v Kermanshahchi [2003] BPIR 1229 (Hart J, led by Paul Chaisty QC at trial of £1.4m claim for repayment of loan monies and proceedings under s.423 of Insolvency Act 1986 to recover property transferred by Defendant to his wife before delivery of judgment in summary judgment application)

Profile

Andrew Latimer appears in the Business and Property Courts and since 2017 has appeared twice in the Court of Appeal without a leader and also as a junior in the Supreme Court. His commercial practice includes unfair prejudice petitions, claims for breaches of directors duties, partnership claims, breaches of warranty disputes, claims for misrepresentation and professional negligence arising out of business and property work.

He appeared at trial and in the Court of Appeal in *Regency Villas v Diamond Resorts* without a leader and as a junior counsel in the Supreme Court in 2018. He has advised in relation to easements at the Richard Seiffert-designed Gateway House beside Manchester Piccadilly station, has advised on easements involving two airfields, rights of entry by utility companies to private land and on mobile telephone masts and rights under the Electronic Communications Code.

He writes for Sweet & Maxwell's *Commercial Litigation: Pre-emptive remedies* and has appeared in several cases on civil procedure which are referred to in the White Book (see Civil Procedure section below).

He had a pedigree bull names after him, *Deveron Latimer*, in the course of a case concerning the extent to which damages could be recovered for economic loss caused by negligence.

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Civil Procedure
Commercial Litigation
Company
Partnership
Real Estate Litigation

Memberships

Chancery Bar Association, Northern Chancery Bar Association

Appointments

Trustee of the Kings Chambers and Ian Mark Cooper Trust (2018)
Treasurer, Northern Chancery Bar Association (since 2018)
BSB External Examiner for Commercial Litigation (2013-16)
Committee Member, Northern Chancery Bar Association (since 2011)
Attorney-General's Panel for Civil Litigation (2000-2007)

Publications

Contributor to Sweet & Maxwell's loose-leaf, *Commercial Litigation: Pre-emptive remedies*
Chapters 5 and 6 on Default Judgments and Summary Judgment (since 2003)

Qualifications

Hertford College, Oxford (1990-94)
BA (Jurisprudence) - 1st class (1993). Joint winner of University Land Law prize
BCL (1994)
Holt Award, Gray's Inn (1995)

Recommendations

Chambers UK 2020

"He has an incredible ability to get to grips with the detail of a complex dispute at the outset. He has extraordinary legal and technical knowledge."
"He is very reasoned in everything he does." "He is very intellectual and very bright."

Chambers UK 2019

"Very diligent and good at persuading judges." "He's brilliant. He gives really useful tactical input on cases which helps bring them to satisfactory conclusions."
"Andrew Latimer is a very good junior. He has a dry sense of humour. You have fun working with him without any loss of attention to the minutest detail of the cases." "He is very thorough and robust."

Legal 500 2019

"Unflappable and dedicated."

Chambers UK 2018

"Clients and solicitors love him. He is always a master of his papers, and is calm, intelligent and very effective in court." "He is very proactive, and has especially good insight as to the tactical steps required to close a matter down."

"His advocacy always hits the right note and he's excellent with clients." "He is a master of his papers, calm, intelligent and very effective in court."

Legal 500 2018

"A great mix of aggression and pragmatism."

Chambers UK 2017

"He is very good on his feet and great with clients. He can bring a very tranquil attitude to quite fraught matters." "A great all-round lawyer, and I know many people adore him."

"He is absolutely excellent - extremely good to work with, good with clients, a strong advocate and one of the rare barristers who is very good at mediation and negotiation, but is also prepared to fight."

Legal 500 2017

"An excellent all-round advocate."

Chambers UK 2016

"An extremely bright barrister and skilful advocate who is good at thinking on his feet in court. Held in high esteem by his peers, he is straightforward and highly perceptive."

"He provided excellent, well thought through and perceptive advice. His advocacy always hits the right note and he's excellent with clients."

Recommended for Commercial Litigation/Commercial Dispute Resolution by Chambers UK every year since 2002

Has a comprehensive commercial and chancery practice, which covers partnership and shareholder disputes, commercial property and professional negligence. He is a favourite with solicitors, who value his "fantastically bright, can-do attitude." ... "He is very hard-working. He's not only academic, but able to get into detail in a practical sense too." (2015)

"He is excellent on his feet, has outstanding technical knowledge and is very approachable." "He is a very robust advocate with a unique and impressive sense of humour." (2014)

"...measured and powerful advocate who times his attacks very carefully to maximum effect. "Documents he drafts "prick any bubble of pomposity the other side has in a marvellous way" and his cross-examination is joyous" to behold. He is instructed in a marvellous way" and his cross-examination is joyous" to behold. He is instructed in a variety of commercial disputes and his recent work includes advising clients on freezing orders, breach of directors' duties and misrepresentations claims." (2013)

Recommended for Chancery by Chambers UK every year since 2007:

"Maintains an extensive chancery practice focusing on commercial litigation. His caseload encompasses insolvency law, landlord and tenant disputes, partnership, shareholders' rights and breach of trust." (2015)

"He is an amazingly skilful cross-examiner. He never shows any emotion, is courteous to a fault and never rises to bait." "He has a laid-back approach which can be absolutely invaluable - he keeps things in perspective. He is vicious and withering in written arguments, but his manner remains laid-back and affable." (2014)

"Sources praise Andrew Latimer's advocacy, and say: "If you need a scrap in court, he's the best." (2013)



Andrew Latimer

