

## Joshua Munro

**Call year: 2001**

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Joshua Munro specialises in professional liability, but also has a general common law practice. He is often instructed in commercial disputes. He also undertakes a substantial amount of costs cases.

He was called to the Bar in 2001 after taking the highest first in the year in English and Modern Languages at Oxford, and a commendation in the Diploma in Law at City University. Joshua lives in Hastings, East Sussex, with his family. He speaks fluent Italian and visits Italy whenever possible.



## Practice Profile

### Professional Liability

Much of Joshua's work involves claims against solicitors and accountants. He is currently involved in several claims by lenders involving solicitors and valuers.

Joshua is regularly instructed in claims against solicitors arising from conveyancing and litigation. He has many years' expertise in litigating causation and limitation defences. He regularly advises on the correct measure of damages.

He is adept at identifying failures in disclosure, and is effective in cross-examination and submissions. He has recently acted in several cases involving frauds on elderly clients.

Joshua has wide experience of claims against accountants and auditors, particularly claims regarding failures to identify fraudulent activity. He has also regularly acted in cases involving other professionals, including insurance brokers and financial advisors.

Joshua also acts for architects, surveyors and estate agents, and has recently acted in many cases involving new-build residential property developments. He advises on indemnity policy issues.

### Commercial Litigation

Joshua has a busy general commercial practice. He recently acted in a two day Mercantile Court trial about the sale of goods for a dry-dock slipway in Bahrain.

He has particular experience of litigation involving lenders' securities.

He has recently been involved in cases involving undue influence arguments, timeshare frauds, unregulated activity under the Financial Services and Markets Act 2000, and the unfair relationship provisions of the Consumer Credit Act 2006.

He has considerable experience of conflicts of laws, personal and corporate insolvency, and pre-emptive remedies. Joshua has recently been instructed in several disputes involving telecommunications companies.

### Personal Injury

In his first few years at the bar Joshua undertook a great deal of personal injury work. He is still instructed by both claimants and defendants, particularly as an advocate in liability trials. He recently successfully acted for the claimant at trial, and throughout the litigation, in a claim for spectator injuries at British Superbike Racing.

### Costs

Joshua is a member of the specialist costs team and has experience and interest in line with that of the team. He regularly represents paying or receiving parties at detailed assessments and hearings of preliminary issues whether in the SCCO or the county court. He

is frequently involved in challenges based on CFA regulations.

## Further Information

**Year of call:** 2001

**Specialist areas:** professional liability, commercial litigation, personal injury, costs.

**Education:** Lady Margaret Hall, Oxford. Double First: English and Modern Languages BA Hons. This was the highest first in the year. Distinction (28/30) in the oral examination; City University, London. Diploma in Law, Commendation; College of Law, London. Bar Vocational Course, Very Competent.

**Appointments:** lectured for 5 years at the University of East London

**ADR:** experience of round table meetings and mediations

## Recent cases

Webb v Macdonald (2010) NPC 12 Vos J, Chancery Division. Summary determination of allegations of professional negligence against a Chancery silk and a firm of solicitors.

Desai v Republic of Zambia 2010, SCCO. Master Gordon-Saker gave judgment in favour of Joshua's client on the issue of whether a solicitor acting for himself was a litigant in person for costs purposes.

Crest Nicholson Operations Limited v Apex Roofing Services LLP Lawtel 12/1/10. Judgment in favour of Joshua's clients on preliminary issue as to whether certain costs were incidental to the proceedings in relation to which costs were being assessed. Against Roger Mallalieu.

Brunswick Home Loans v British Telecommunications Plc 2009, QBD

Joshua acted for the Claimant at trial. Guy Phillips QC of Fountain Court chambers represented the Defendant. The case settled in the window between the trial finishing and judgment being handed down.

M&J Marine Engineering v Shipshore Limited [2009] EWHC 2031 (Comm), 16/6/09, Field J sitting as a judge of the Mercantile Court. Trial of claim regarding sale of goods needed for the construction of a slipway in Bahrain. Issues involved contract formation and the correct measure of damages for non-delivery of the goods where there was an issue as to whether an available market existed.

Hextalls v Al Sami [2009] EWHC 3678 (QB) Lawtel 12/6/09, HHJ Seymour QC sitting as a Judge of the High Court, QBD. Appeal from an Order of a costs judge that debarred a litigant from participating in a detailed assessment of costs unless he paid certain costs due to the other party. The order was held to contravene the appellant's right to a fair hearing. Guidance was given on when such Orders would be appropriate. Joshua acted for the successful appellant.

Belcour v Wheeldon. Lawtel 2/6/09. HHJ Faber. An application for a pre-emptive costs order in private litigation was refused on the grounds that it would fetter the discretion of the trial judge as to costs. Joshua acted for the successful respondent.

Joshua has recently acted in several cases involving Etridge (No 2) arguments.

Hall v John Laing Plc, Lawtel 25/02/2009, HHJ Briggs.

Joshua acted for the successful Claimant in an application under s33 Limitation Act 1980. The court decided that the Claimant was allowed to proceed against the original tortfeasor, and was not forced to make a claim against his former solicitors, who had failed to prosecute the original proceedings in time.

BOS (SAM) No 5 Plc v Brown [2008], HHJ Barnett QC, Croydon County Court. Reported on Lawtel. Complex mortgage fraud case involving an Enduring Power of Attorney. Joshua successfully ran a defence of undue influence against the Bank's claim on its mortgage.

Roberts v Rowe Cohen [2008] Blair J, High Court, Joshua was praised by Blair J for cogent arguments in this costs appeal against Orders made after a detailed assessment.

Hartley v McKeags [2008] HHJ Davies Middlesbrough County Court

Joshua acted for the defendant solicitors in this claim for allegedly negligent conveyancing. He identified gaps in the disclosed file of the solicitors who had subsequently acted for the Claimants, and obtained Orders for disclosure of the withheld documents. The documents revealed a detailed basis for alleging that the Claimant's subsequent solicitors, and not the Defendant, were to blame for

the losses alleged. The claim then settled.

Fenton v Thruxton (BARC) Limited [2008], Lawtel 12/12/09, HHJ Iain Hughes QC, Winchester County Court. Joshua successfully recently represented the Claimant in this case involving an accident at the British Superbikes event. The Defendant was represented by Anthony Barker QC. Permission to appeal was refused by the Court of Appeal.

Carter v Harrison Solicitors [2006] High Court, QBD

High Court claim against solicitors involving complex limitation defences.

Boyd & Hutchinson v Foenander [2003] EWCA Civ 1516

Joshua was the advocate for the successful respondent. The case involved issues of the locus standi of bankrupt parties on appeal, and construction of a compromise agreement relating to costs. The Court of Appeal gave guidance on when a court can rule on the merits of an action where an application for an adjournment is made. For this reason reference is made to the case in the White Book.

U v U [2003] 10 CL 347

Measure of damages in unusual personal injury claim.

Stocznia Gdanska v Latvian Shipping Co [2002] 2 Lloyd's Rep 436.

Court of Appeal case involving claim for unlawful inducement of breach of contract.

## **Publications and lectures**

Joshua has written an article on his recent case of Crest Nicholson Operations Limited v Apex Roofing Services LLP for Butterworths Costs Journal, March 2010.

Joshua spoke at the Hailsham Chambers 2009 Costs Seminar. He spoke on Costs Caps, Prospective Costs Orders and Costs Estimates.

An article on Undue Influence arguments in the recession was published in the Solicitors' Journal 153/3, 20 February 2009. and Joshua has recently spoken to solicitors on Undue Influence arguments.

Joshua's article on CFA challenges under the new non-regulated regime was published in the ALCD Journal in June 2006.

Joshua's article on conflicts of laws within the EU was published in the Solicitors Journal on 16 June 2006.

## **Personal info**

Joshua lives with his young family by the sea in East Sussex. When not practising law or looking after his children, Joshua likes to indulge in all things Italian including food, wine, literature, and football.

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