



Jamie Carpenter KC

Call: 2000 | Silk: 2020

Overview

Jamie specialises in costs and professional negligence. He is regularly instructed by leading firms in high value claims and his costs practice has an international dimension, having advised firms in Dubai, Singapore, Israel and the Channel Islands. Jamie is equally at home dealing with narrow points of construction or marshalling complex facts in document-heavy claims.

Jamie is a very experienced advocate, having spent much of his earlier years in practice in the criminal courts, and he is in demand as an appellate advocate. He has appeared multiple times in the Supreme Court and Court of Appeal.

With his scientific background, Jamie is comfortable dealing with technical issues and complex calculations, and he is a confident and effective cross-examiner of expert witnesses. He is able to get to grips quickly with new areas of the law and has significant experience of clinical negligence litigation.

Jamie is recommended in the professional directories for both of his practice areas and, in recognition of his costs work, was shortlisted by Legal 500 as their Commercial Litigation Silk of the Year 2023. He has been described as “technically brilliant”, “fantastic for complex cases”, “an extremely good advocate, who tackles complex issues fearlessly and effectively” and “incredibly user-friendly ... and appreciates clients’ needs”.

Costs

Jamie is the head of the Hailsham Chambers costs group and one of the most experienced costs practitioners at the Bar, having appeared in many of the most important costs cases of recent years in the High Court, Court of Appeal and Supreme Court. He was at the forefront of the “CFA wars” and has dealt with many of the issues arising from the Jackson reforms, including proportionality, budgeting,

QOCS and issues relating to DBAs. Jamie deals with all aspects of inter partes and solicitor-client costs in litigation, arbitrations (domestic and international) and non-contentious work, including applications for wasted costs, non-party costs orders and issues relating to solicitors' liens.

Jamie's broad experience of litigation means that he can combine technical knowledge of costs law with an appreciation of how a case is run. This makes his input particularly valuable when dealing with costs budgeting and he is frequently brought in at the end of heavy commercial litigation to provide expertise and advocacy on costs issues.

Jamie is an expert on litigation funding and is often asked to review litigation funding agreements and to draft CFAs, DBAs and other retainers. He has developed particular expertise in the funding of collective actions in the Competition Appeal Tribunal from the point of view of both Claimants and Defendants.

Professional liability

Acting for both Claimants and Defendants, Jamie deals with claims against lawyers (including costs lawyers), surveyors, accountants, insurance brokers and financial advisers. His practice relating to legal professionals encompasses all aspects of contentious and non-contentious work. He is frequently instructed in high-value, document-heavy cases.

Jamie is also regularly instructed in coverage disputes. Jamie's background in clinical negligence litigation makes him well placed to deal with complex failed litigation claims and his expertise in costs litigation gives him particular insight into claims against solicitors involving failures to give appropriate costs advice and claims arising out of personal injury claims management arrangements. He is frequently instructed to deal with applications for wasted and non-party costs orders against lawyers.

Jamie also deals with professional regulatory issues. He has appeared in the Solicitors Disciplinary Tribunal and successfully appealed the SRA's refusal to issue a certificate of satisfaction to a foreign qualified lawyer.

Commercial Disputes

Jamie undertakes commercial litigation and arbitration work. He has been involved in a number of high value disputes, often with an international element. Jamie has dealt with contractual claims, fraud and restitutionary claims. He has experience of ad hoc and LCIA arbitrations and court applications arising out of arbitrations, including applications under s. 18 Arbitration Act 1996, challenges under s. 68 and appeals under s. 69. Recent cases include a claim by two barristers against their client for deceit, which resulted in a challenge to the award (which Jamie defeated) and an appeal, which is yet to be heard. Jamie is also currently acting for a litigation services provider in a claim against Kuwaiti and Egyptian companies arising out of the settlement of a multimillion dollar dispute.

Jamie also has significant experience of insurance disputes and arbitrations, particularly in relation to

professional liability.

Notable cases

Costs litigation

Harlow DC v Powerrapid Ltd [2023] EWHC 586 (KB). This was the first appeal from a detailed assessment in which the new guideline hourly rates were applied. Jamie succeeded in having hourly rates significantly above the guideline rates upheld on appeal.

Diag Human SE v Volterra Fietta [2022] EWHC 2054 (QB). Jamie defeated an appeal by the defendant solicitor against a Costs Judge's finding that an unenforceable discounted CFA could not be saved by severance or quantum meruit and that the solicitor had to repay over \$1.6m previously paid on account to Jamie's clients.

Evans v Barclays Bank plc [2022] CAT 16. Jamie acted for one of the rival potential class representatives in the first collective proceedings application to feature a carriage dispute.

McKeown v Langer [2021] EWCA Civ 1792, the leading authority on the treatment of Calderbank offers on quantum at the end of a liability trial.

Cakebread v Fitzwilliam [2021] EWHC 472 (Comm). Jamie acts for the client in this long-running arbitration against two barristers seeking fees for work done under a DBA. He succeeded in establishing that the DBA was unenforceable and most recently defeated a challenge to an award dealing with a claim that the client deceived the barristers into entering into the DBA.

King v Corporation of London [2019] EWCA Civ 2266. Jamie established that a valid Part 36 offer cannot be exclusive of interest, leading to a change in the rules.

UK Trucks Claim Ltd v Fiat Chrysler Automobiles NV and Others; Road Haulage Association Ltd v MAN SE and Others [2019] CAT 26. Jamie was junior Counsel for the Defendants to these applications for collective proceedings orders. The case involved detailed consideration of the Claimants' funding arrangements in order to determine their suitability to be authorised as class representatives.

Willers v Joyce [2019] 2183 (Ch). Jamie defeated an application for a non-party costs order against solicitors who had acted for an unsuccessful claimant in litigation. An earlier hearing concerned the admissibility of without prejudice correspondence: [2019] EWHC 937 (Ch).

Kupeli v Atlasjet [2019] EWHC 3909 (QB). An appeal against the costs order made after a number of claims in quasi-group litigation were settled without the parties being to agree costs.

Atlasjet v Kupeli [2019] 1 WLR 1235 (CA). An appeal against the costs order made in quasi-group litigation at the conclusion of a trial of generic issues and lead claims.

Various Claimants (in Wave 1 of the Mirror Newspapers Hacking Litigation) v MGN Ltd [2018] EWHC B13 (Costs). An important decision by the Senior Costs Judge on the application of the new

proportionality rules in phone hacking claims.

Gavin Edmondson Solicitors Ltd v Haven Insurance Co Ltd [2018] UKSC 21. Jamie was junior Counsel for the appellant insurers in the first ever appeal to the Supreme Court concerning the scope of a solicitor's equitable lien.

Sprey v Rawlison Butler LLP [2018] EWHC 354 (QB); [2018] 2 Costs LO 197. Jamie established on appeal that the interim bills which had been rendered by solicitors under a discounted CFA were not statute bills.

W Portsmouth & Co v Lowin [2018] 1 WLR 1890 (CA). Jamie established on appeal that the cap on the recoverable costs of a provisional assessment applied even where the costs of assessment were to be assessed on the indemnity basis.

Bailey v GlaxoSmithKline UK Ltd [2018] 4 WLR 7 (QBD). Jamie acted for a litigation funder against whom security for costs was sought. The case raised novel issues concerning the relevance of the Arkin cap and ATE insurance.

BNM v MGN Ltd [2018] 1 WLR 1450 (CA). Having appeared alone at first instance, Jamie was junior Counsel in this appeal, which established that the pre-LASPO approach to proportionality applied to additional liabilities which remained recoverable post-LASPO.

May v Wavell Group (Central London County Court, 22 December 2017). This was one of the first cases to consider the application of the new proportionality rules. Jamie acted for the paying party at first instance and on appeal.

Catalano v Espley-Tyas Development Group [2017] EWCA Civ 1132; [2017] 4 Costs LR 769. An important case on the application of the QOCS transitional provisions. Jamie established that QOCS does not apply where a claimant terminates a pre-LASPO retainer and then enters into a post-LASPO retainer.

Kupeli v Atlasjet [2017] EWCA Civ 1037; [2017] 4 Costs LO 517. Jamie was junior Counsel in this successful defence of an appeal concerning the scope of the Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008, where solicitors had signed up a large number of claimants to CFAs at a community centre.

Various Claimants v MGN Ltd (sub nom *Times Newspapers Ltd v Flood*) [2017] UKSC 33. Jamie was junior Counsel, led by Lord Pannick KC, in this Supreme Court appeal which challenged the recoverability of CFA success fees and ATE premiums in publication and privacy cases as a breach of Article 10 ECHR.

Excalibur Ventures LLC v Texas Keystone Inc [2017] 1 WLR 2221 (CA). Jamie was junior Counsel at first instance and on appeal for one of the funders of this hugely expensive and disastrous litigation in an application by the successful defendants for indemnity costs against the funders. The case created new law in relation to the liability of commercial funders for indemnity costs and the extent of the "Arkin cap".

Turvill v Bird [2016] EWCA Civ 703; [2016] BLR 522. Jamie acted for the Appellant in this appeal against a non-party costs order.

The Creative Foundation v Dreamland Leisure Ltd [2016] EWHC 859 (Ch); [2016] 3 Costs LR 509. Jamie obtained a non party costs order after the Claimant obtained summary judgment on its claim for the return of a “Banksy” mural.

Omatov v Macaria Investment Ltd [2015] EWHC 2799 (Ch). Jamie persuaded a Costs Judge to refuse to set aside a default costs certificate and then defeated the subsequent appeal.

Landau v The Big Bus Company (SCCO, 31 October 2014). Jamie succeeded on behalf of the Defendant in the first case to examine how the QOCS transitional provisions apply to appeals.

Flatman v Germany; Weddall v Barchester Healthcare Ltd [2013] 1 WLR 2676 (CA). Jamie successfully established that a solicitor could not be the subject of a non-party costs order simply for having agreed to pay the client’s disbursements if the case was lost. Jamie subsequently defeated the application for wasted/non-party costs in Weddall on its merits.

Simmons v Castle [2013] 1 WLR 1239 (CA). Jamie (led by Tim Dutton KC) acted for the Association of British Insurers in persuading the Court of Appeal to revise its guidance on the implementation of the 10% increase in general damages in personal injury claims as part of the Jackson reforms.

Morgan v The Spirit Group [2011] EWCA Civ 68; [2011] 3 Costs LR 449. Jamie established on appeal that a Judge cannot award a lump sum in costs rather than undertaking a summary assessment or ordering a detailed assessment.

Kevin Keegan v Newcastle United Football Company Ltd (Premier League tribunal, 2009). Jamie dealt with costs issues for Newcastle United FC following Kevin Keegan’s successful claim.

Cassidy v Stephenson & The Legal Services Commission [2009] EWHC 1562 (QB). An important decision on the application of the statutory charge to damages recovered in a professional negligence claim. Jamie successfully defeated an argument by the LSC that the statutory charge resulting from public funding of the underlying proceedings bit on damages later recovered for the negligent conduct of those proceedings.

Professional negligence

Karis Developments Ltd v Howard Kennedy [2022]. Jamie defeated a claim pleaded at over £17 million at trial. Following his cross-examination of the Claimants’ main witness, the Claimants abandoned their claim, agreeing to pay the Defendant’s costs and publicly retracting the allegations of negligence.

Willers v Joyce [2019] 2183 (Ch). Jamie defeated an application for a non-party costs order against solicitors who had acted for an unsuccessful claimant in litigation. An earlier hearing concerned the admissibility of without prejudice correspondence: [2019] EWHC 937 (Ch).

Newmafruit Farms Ltd v Pither and Others (2018-19). Jamie acted for a firm of accountants facing claims for around £5.5 million for breach of fiduciary duty, dishonest assistance, knowing receipt and

unlawful means conspiracy. The claim raised difficult issues of vicarious liability. It settled following a mediation.

Patel v Simpson & Parsons (2017). Jamie acted for the Defendant insurance brokers in this claim, which raised difficult issues concerning the recovery of consequential losses. It settled shortly before trial.

Various Claimants v Giambone & Law [2017] EWCA Civ 1193; [2018] PNLR 2. Jamie was junior Counsel for the Defendant Italian Avvocati for a four week trial of claims arising out of the purchase of off-plan properties in Italy and the subsequent appeal, which raised novel issues concerning recovery of damages for breach of trust and scope of duty.

Armes v Godfrey Morgan Solicitors [2018] 1 WLR 936 (CA). Jamie established on appeal to the Court of Appeal that a new Defendant cannot be added after the expiry of the limitation period as a “substitution” if it is sought to be sued in the alternative to an existing Defendant.

Right to Buy Litigation. Jamie was junior Counsel for one of the three Major Defendants who faced trials of representative claims before Morgan J in November 2015. The trial was listed for six weeks, but the claims against Jamie’s client were settled on a drop hands basis after two weeks.

Canada Square Operations Ltd v Kinleigh Folkard & Hayward Ltd [2016] PNLR 3. Jamie successfully defended the Defendant valuers at trial, establishing a limitation defence as well as lack of reliance by the Claimant.

Various Claimants v Giambone & Law [2015] EWHC 1946 (QB). Jamie was junior Counsel for the Defendants in this case, which concerned the duties owed by Italian lawyers practising in London to English and Irish purchasers of off plan property in Italy. Judgment was given following a four week trial.

In 2014, Jamie acted for the Defendant accountants/financial advisers in a claim by a former Premier League footballer alleging negligent investment advice. The claim settled following a mediation.

Lane v Cullens Solicitors [2012] QB 693 (CA). Jamie established the solicitor defendants’ limitation defence in an important decision on the issue of contingent loss.

Bowling & Co Solicitors v Edehomo [2011] 1 WLR 2217 (ChD). A successful appeal, establishing that the cause of action of an impersonated wife in a fraudulent property sale against her supposed solicitors ran from the date on which contracts were exchanged.

Khan v SRA [2010] EWHC 1555 (Admin). A successful appeal against a decision of the SRA to refuse to issue a certificate of satisfaction to a Pakistani Advocate applying for admission to the Roll, because of a failure to declare two driving convictions when applying to take the Qualified Lawyers Transfer Test. This was the first ever appeal under new legislation directing appeals of this nature to the High Court rather than the Master of the Rolls.

Between 2010 and 2013, Jamie acted for the claimant liquidator in a high value claim against a leading firm of solicitors and two KCs, which settled at a mediation shortly before trial.

Commercial Disputes

Cakebread v Fitzwilliam [2021] EWHC 472 (Comm). Jamie acts for the client in this long-running arbitration against two barristers seeking fees for work done under a DBA. He succeeded in establishing that the DBA was unenforceable, following which there was a trial of the barristers' counterclaim in deceit. This resulted in a challenge under s. 68 Arbitration Act 1996, which Jamie defeated.

What others say

"Jamie is by far the best barrister in this area. He is absolutely outstanding in every respect." *Chambers UK, 2024*

"Jaime is first choice for costs silks. He is outstanding in every respect." *Chambers UK, 2024*

"He never fails to impress." *Chambers UK, 2024*

"Jamie Carpenter is an outstanding advocate who is artfully persuasive." *Chambers UK, 2024*

"Jamie is very clear thinking and consistent with his advice. He can turn things around very quickly." *Chambers UK, 2024*

"He is really bright and his delivery of advocacy is excellent." *Chambers UK, 2024*

"Outstanding technical legal analysis with practical advice, superb advocacy." *Legal 500, 2024*

"Jamie is by far the best barrister in this area. He is absolutely outstanding in every respect." *Legal 500, 2024*

"He's very bright, encyclopaedically knowledgeable in his area, very practical and nice to deal with." *Chambers UK, 2023*

"Jamie is absolutely superb. He is refreshingly confident in his views when advising and can quickly grasp complex legal issues as well as grappling with difficult factual arguments." *Chambers UK, 2023*

"Jamie Carpenter is a polished advocate, charming and good to work with. He is also very good on difficult technical points." *Chambers UK, 2023*

"In this area, Jamie is extremely good with very good judgement. He is a very good advocate and a go-to person in costs." *Chambers UK, 2023*

"Jamie is very good on the detail, and is very bright. He is always three moves ahead and strategically very sharp." *Chambers UK, 2023*

"He reacts in real time and gives a good way forward." *Chambers UK, 2023*

"He is exceptionally bright, incredibly user-friendly, very thorough and great on his feet." *Legal 500, 2023*

"A true subject matter expert, Jamie instils absolute confidence and, time and again, he comes up with

some clever argument that solicitors hadn't thought of." *Legal 500, 2023*

"Grabs your attention as he's very smart, capable on his feet and someone who knows his stuff." "He provides high-quality work, has very good judgement and is a good advocate. Hard-working, conscientious and an expert in his field, he's someone you send your most difficult costs cases to." *Chambers UK, 2022*

"He's absolutely splendid, a real thoroughbred. User-friendly and very clever, you can totally rely on him to do a good job." "One of the go-to barristers in professional negligence, he has been well ahead of his game for years. Incredibly knowledgeable and easy to work with." "He's a costs specialist and very good on lawyer liability. That's a rare and very good combination, and he has a great brain too. He's razor sharp and easy to get on with." *Chambers UK, 2022*

"Jamie is a leader in the field of costs law and a real credit to any legal team." *Legal 500, 2022*

"He is exceptionally bright, incredibly user-friendly, very thorough and great on his feet." *Legal 500, 2022*

"Attention to detail and engaging advocacy of the highest order. Paramount costs knowledge. Unfazed on his feet. Just superb." *Legal 500, 2021*

"Considered, accessible, very bright and highly persuasive." *Legal 500, 2021*

"A very persuasive and articulate advocate who is able to cut through the issues in a case very quickly. He's firm and forthright in his advice, yet still very professional and highly courteous. His skeleton arguments are exceptional and he very much lets the strength of his argument dictate the hearing." *Chambers UK, 2021*

"Extremely impressive – he has a superb intellect and the ability to absorb large volumes of information whilst cutting straight to the key issues. He is also extremely easy to work with and inspires confidence in the whole team." *Chambers UK, 2021*

"A brilliant advocate, who is very calm, thoughtful and articulate." *Chambers UK, 2020*

"He went into battle for us on some heavily disputed costs litigation and could hold his own opposite a KC on the other side." *Chambers UK, 2020*

"He takes the law and distils it into something very pragmatic." *Chambers UK, 2020*

"He's technically excellent, a really persuasive advocate and extremely user-friendly." *Chambers UK, 2020*

"He is very clear, and very experienced and professional under scrutiny; he is robust and sticks to his guns." *Chambers UK, 2020*

"He is very professional and calm, but persuasive" *Legal 500, 2020*

"Clearly one of the best barristers around for costs work" *Legal 500, 2020*

"Very analytical and knows the costs regime inside out; his written work is superb and he is a very clear

and concise advocate” “He takes time to explain things and is very articulate, intelligent and persuasive” *Chambers UK, 2019*

“He is very approachable, extremely intelligent and knowledgeable, with an ability to get to the key issues quickly and to present his advice well in both verbal and written form” “He has particular expertise in costs issues. Incredibly clever, so I’m always happy to take his advice” *Chambers UK, 2019*

“He is an exceptional barrister; so cerebral yet approachable, he is great with clients” *Legal 500, 2019*

“Extremely thorough in his preparation for trial” *Legal 500, 2019*

“An outstanding junior, who is extremely bright and knowledgeable. He communicates easily and informally and drafts submissions clearly and succinctly. He is also a good team worker who it is a pleasure to work with” “Technically always very on the ball and his turnaround time is good. Very personable and very good value for money” “Phenomenal on the detail and extremely user-friendly” *Chambers UK, 2018*

“A costs silk in the making” “A brilliant barrister, who always gives sound advice” *Legal 500, 2017*

“He is extremely bright and clear in his advice.” “He is incredibly smart yet approachable, and has a great eye for detail.” “He gives pragmatic, commercial advice and is always well prepared and eloquent.” *Chambers UK, 2017*

“An outstanding junior with great communication skills and understated confidence he will go all the way.” *Legal 500, 2016*

“His attention to detail, ability to eloquently convey the message, and punctuality, are his biggest strengths.” “He is very bright and persuasive and he has a very good analytical mind.” *Chambers UK, 2016*

“He’s outrageously smart and operates at the level of a KC. He has an imposing intellect but is very user-friendly and is just a joy to deal with.” “A lawyer with a very, very good knowledge of the law, who is very confident. He is very good at debating points and can question a silk in a constructive way.” *Chambers UK, 2016*

“A costs silk in the making.” *Legal 500, 2015*

“Very positive, very easy to talk to, and very approachable. ‘He’s very easy to work with, incredibly thorough, and his advice has a very good structure to it’.” *Chambers UK, 2015*

“Very intelligent and always extremely personable and helpful.” *Legal 500, 2014*

“Admired by sources for his in-depth understanding of a case’s facts. He is technically brilliant. Definitely recommended as a star for the future.” *Chambers UK, 2014*

“Described as ‘one of the best juniors in a long time’. Incredibly user-friendly. He knows the law inside-out and also appreciates clients’ needs. Exceptionally bright, he gets the work done promptly.”
Chambers UK, 2014

Further information

Education:

Trinity College, Cambridge – BA (Hons) linguistics (First Class – first in the year) and Diploma in German (Distinction)

College of Law, London – Post-Graduate Diploma in Law (Distinction)

Inns of Court School of Law – Bar Vocational Course (Very Competent)

Languages:

Good German

Basic French

Memberships and Appointments:

Professional Negligence Bar Association

London Commercial Law & Commercial Bar Association

Publications:

Nutritional Support at the End of Life: the Relevant Legal Issues, *European Journal of Gastroenterology & Hepatology* (2007)

Medical Law Precedents for Lawyers, ed. Charles Foster, Wildy Simmonds & Hill (2010) (contributor)

Medical Ethics, Law and Communication at a Glance, Wiley (2016) (contributor)

Personal:

Much of Jamie’s spare time is taken up with music, playing the piano, guitar and drums. Jamie plays in a band and produces music, with a particular fondness for vintage synths. Sporting interests include rock climbing and cycling. Jamie has completed the Etape du Tour and is working his way through the great Alpine climbs. He is also a season ticket holder at Tottenham Hotspur, where he predicts great things for the future (as he has done for as long as he can remember).

ICO Data protection registration number: **Z9074318**.

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