hailshamchambers

Clerks: **020 7643 5000**

Simon Wilton KC

Call: 1993 | Silk: 2024

Overview

Simon is a highly experienced barrister specialising in professional liability , professional regulation, and commercial and insurance disputes. He has wide experience of interlocutory, trial and appellate advocacy, arbitration work, and all kinds of alternative dispute resolution including acting as an adjudicator under the PNBA adjudication scheme (which he was partly responsible for developing).

Simon was short-listed (one of three) by Chambers & Partners as professional negligence junior of the year in 2014, 2016 and 2021.

Simon was head of the Professional Liability Group at Hailsham Chambers from 2016-2021 and has since acted as deputy to William Flenley KC.

Professional liability

Simon has advised and appeared in cases involving all kinds of professionals including solicitors, barristers, surveyors, valuers, accountants, professionals acting as expert witnesses, financial advisers, construction professionals (including specialist sub-contractors), insurance brokers, and professional trustees. Typical cases include lenders' claims against solicitors or valuers or mortgage brokers, and indeed property finance litigation of all kinds, claims against lawyers arising from mishandled litigation or transactional work or private client work including wills and probate, claims arising from poor financial advice or dubious investment or tax avoidance schemes promoted by financial advisers or accountants, claims referable to the acts and omissions of solicitors or accountants acting as professional trustees, claims against professionals (usually surveyors) acting as LPA receivers, and litigation against specialist sub-contractors arising out of failed construction projects.

Simon undertakes work for claimants although the staple of his practice is work for the leading professional indemnity insurers and specialist solicitors active in these fields.

Simon particularly relishes document-heavy cases, cases involving points of law or contractual construction, cases with a specialist Chancery or commercial bent or cases involving allegations of fraud.

Regulatory and disciplinary

Simon has wide experience advising and representing professionals such as accountants, solicitors, architects, nurses and estate agents involved in regulatory disputes or disciplinary inquiries. He represents individuals and firms before their professional regulatory bodies or, should it be necessary, on appeal to the High Court or by way of a judicial review challenge.

His recent experience also extends to representing a GP expert facing allegations of contempt of court, believed to be the first case of its kind, representing an account to a national icon before his professional body, and successfully defending a surveyor against a charge of dishonesty before his professional body in circumstances where the Court of Appeal had previously said he was dishonest.

Insurance

Simon has extensive experience of disputes between insureds and insurers, including claims against insurers and insurance brokers following avoidance for misrepresentation or non-disclosure, and policy disputes turning on points of construction, coverage issues, excess layer issues, and double insurance problems. He is also instructed in disputes between insurers, whether primary or excess layer insurers or reinsurers. In conjunction with his professional negligence work he has developed particular experience of cases involving professional indemnity insurance, especially PI insurance for solicitors (and he is unafraid of grappling with the intricacies of successor practice disputes). His advisory work includes joint instructions from insurers wishing to resolve disputes between themselves. He also has extensive experience of contested arbitrations and litigation, including litigation in the Commercial Court, the Circuit Commercial Courts, and the Technology and Construction Court.

Commercial law

Simon has extensive experience of commercial litigation, both by way of advisory work in respect of contractual disputes and by way of court appearances in the Chancery Division, the Commercial Court and the Circuit Commercial Courts. Recent work has included:

- advising a company active in the transport sector as to the scope for litigation against it following the breakdown of a commercial relationship.

- advising in a £10m litigated dispute between an insured and his insurers and brokers arising out of a devastating fire at a logistics warehouse
- acting for a UK company in respect of a claim against a German manufacturer and featuring an exposure to liabilities consequent upon exports to Thailand of defective chemical products
- advising on and appearing in a wide-ranging and high-value contractual dispute between online motor insurers and their broker counterparties which led to high-profile litigation mentioned in the Financial Times, comprising 3 linked actions which featured allegations of various economic torts
- advising on a technically complicated contractual dispute between an insurer and its information technology partner
- advising on limitation of liability and exemption clauses in connection with a series of disputed food supply contracts

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Costs

Simon's costs practice focuses upon contractual disputes between solicitors and clients and cases involving applications for wasted costs or third-party costs orders or disputes about BTE or ATE cover. He successfully defended a solicitor against a wasted costs and non-party costs order in Tinseltime Limited v Roberts [2012] EWHC 2628 (TCC); [2013] PNLR 4; [2012] 6 Costs LR 1094.

Notable cases

Various professional indemnity insurance arbitrations of a confidential nature before well-known arbitrators including Leigh-Ann Mulcahy KC, Colin Edelman KC, Stephen Hofmeyr KC, and William Flenley KC.

Acting as adjudicator in various confidential adjudications under the auspices of the PNBA Adjudication Scheme.

Acting (2020-2025) for numerous different solicitor defendants in a variety of claims by purchasers of apartments or hotel rooms or rooms in care homes in 'buyer-funded' developments, or of fractional interests in apartments or hotel rooms or care homes.

Niprose Investments Ltd v Vincents Solicitors Ltd [2024] EWHC 801(Ch) and [2025] EWHC 14 (Ch), [2024] PNLR 22: strike-out application by solicitors sued in respect of a 'buyer-funded' development scheme.

Social Money Ltd v Attwells Solicitors LLP [2024] EWHC 3288 (Ch) – successful defence of an application for summary judgment on claims for breach of undertaking and breach of trust against solicitors unwittingly acting for an impostor in a purported remortgage transaction.

Ellen Kay v Martineau Johnson [2024] EWHC 2451 (Ch), [2025] PNLR 3 –

establishment of a limitation defence in a £1.5m solicitors' liability claim alleging negligence in respect of financial remedy proceedings.

Dr Mohamad v Goodman Grant Solicitors (2023): successful defence at a 4-day trial of a claim by a dentist that his solicitors negligently failed to ensure the successful completion of his sale of a dental practice and thereby exposed him to a multitude of losses flowing from the failure of his practice.

Defending solicitors (2023) alleged to have failed to identify a claim against leading tax QCs which, if pursued by a successful businessman, would allegedly have generated over £3 million in damages. The claim was discontinued in 2024.

Griffin v Brown [2021] EWHC 2810 (Ch): extended civil restraint order obtained against claimant bringing claims against a series of legal advisers on basis of abuse of process and collateral attack.

Witcomb v J Keith Park Solicitors [2021] EWHC 2038 (QB), [2021] PNLR 24: preliminary issue as to when time ran under section 14A when a claimant alleged his solicitors and counsel had negligently failed to ensure he received a provisional damages award in an underlying personal injury claim.

Sukul v Bar Standards Board and Others (June 2021): striking out of claim against KC alleged to have misconducted disciplinary proceedings against a barrister on grounds no duty of care owed in the circumstances and abuse of process/collateral attack.

Various Claimants in the Angelgate, Baltic House and NPPM Developments v Various firms of solicitors: Led by Michael Pooles KC, acting (2020-2021) for solicitors sued by large numbers of claimants in multiple actions arising from the failure of buyer-funded developments in Liverpool and Manchester, in which the court has held [2020] EWHC 3643 (Ch) [2021] PNLR 15, that the schemes were not collective investment schemes.

Hart v Large [2020] EWHC 985 TCC, Large v Hart [2021] EWCA Civ 24 [2021] PNLR 13. Representing a surveyor in a multi-party case arising from the purchase of a coastal property riddled with almost entirely latent defects. Extensive consideration at first instance and on appeal of the proper measure of loss, involving a departure from the orthodox Watts v Morrow measure.

Acting for a public figure in a substantial negligence claim against solicitors arising out of mishandled defamation litigation (2019-2020).

Trainer v Cramer Pelmont (2019) EWHC 2501 (QB), [2020] PNLR 3, reasonable arguability of section 14A limitation arguments in solicitors' negligence claim

Dr Mahdavi v (1) Sterling Avram; (2) Healys (2018) – acting for a solicitors' practice accused of breach of trust, of breaching an undertaking, and of being vicariously responsible for deceit following a £7m fraud perpetrated by consultant engaged by the firm.

Acting for accountant to national icon accused of professional wrongdoing by his professional body (2018).

Kirk v Aviva & Ors (2017): junior counsel led by Patrick Lawrence KC in a £10m dispute between a commercial property owner and his commercial property insurers and insurance brokers following a devastating fire at a logistics warehouse.

Kashourides v Allsop LLP (2017): defending LPA receivers against a Commercial Court case valued at £10 million by the claimant and involving multiple allegations of underselling in relation to two investment property portfolios.

Liverpool Victoria Insurance Company Limited v Khan & Ors. [2016] 6 WLUK 505; [2017] EWHC 1314 (QB): defending a GP expert accused of contempt of court in relation to expert evidence given in a road traffic claim.

Bridging Loans Ltd v Toombs [2017] EWCA Civ 205 Court of Appeal: successful defence of appeal to the Court of Appeal seeking to overturn an order giving summary judgment to the defendant valuer in a claim brought by a bridging lender.

DB UK Bank Ltd v Jacobs Solicitors [2016] EWHC 1614 [2016] 4 WLR 184: a successful determination of the issue of whether a cross-offer rendered an earlier non-part 36 offer incapable of acceptance, such that a supposed compromise had not been effected when that non-part 36 offer was purportedly accepted shortly prior to trial.

Ahmad v Bank of Scotland [2014] EWHC 4611 (Ch), [2016] EWCA Civ 602: striking out of a multi-million pound claim against various defendants including LPA receivers: the result at first instance was upheld in the Court of Appeal.

Venus Asset Management Ltd v Matthews & Goodman (2014-2016) [2015] EWHC 2896 (Ch). Defending a surveyor accused of negligence leading to what are alleged to be very large losses referable to the compulsory purchase of commercial premises for the London Olympics.

Southern Rock v Brightside Group Limited (2014-2016) [2015] EWHC 757 (Comm). Led by Michael Pooles KC in a high value commercial dispute between insurers and brokers involving 3 concurrent actions.

Acting (2014-2015) in an asset-recovery action (featuring freezing injunctions and asset tracing in the UK and Pakistan) for a City of London solicitors' practice defrauded (initially) of almost £7m.

Acting (2014) for excess layer insurers, RSA and SIMIA, led by Justin Fenwick KC in Commercial Court case where the issue was whether notification of a potential multi-million pound claim to the excess layer was required under the terms of the excess layer policy.

Johnson v Hibberts (2014): Chancery Division, John Jarvis KC, solicitors' negligence trial: nature of duty owed by solicitor concerning rule that marriage revokes a will.

Valentine Rainer Ltd v Henderson (2013), Chancery Division, HHJ Hodge KC, acting

for receivers, defeated claim for damages for acting after funds in hand to pay off appointing creditor.

Hotel Installations (Project Support) Limited v Plummer Parsons (2013): acting for defendant accountant: striking-out of £1m claim on scope of duty/causation grounds.

Tinseltime Limited v Roberts [2012] EWHC 2628 (TCC); [2013] PNLR 4; [2012] 6 Costs LR 1094: successfully defended wasted costs/non-party costs application against claimant's solicitor who bore the cost of disbursements under a CFA.

Led by Michael Pooles KC, successfully defending City firm in arbitrated professional negligence claim before a panel of arbitrators (2011).

Acting (2010) for financial adviser sued in part 20 proceedings as part of the Innovator and Gentech Technology Scheme litigation.

Coomber v Alan Bloom (& Ors) (2010): Acting for LPA receivers in multi-party action arising out of the collapse of 'The Icelandic Bank'. Claim struck out after 3-day hearing before Lewison J.

Nationwide BS v Barnes Kirkwood Woolf v Hiscox (2010): Led by Christopher Symons KC, acting for insurer defending declinature on grounds of dishonesty of valuer's claim for indemnity for £2.5m lender's claim. Claim withdrawn on the eve of trial with indemnity costs payable.

Bonham v (1) Fishwick; (2) Fenner [2008] Pens LR 289 and [2008] 2 P&CR DG6. Acted for accountant trustee sued for breach of trust. Case struck out by Evans-Lombe J in 2007 [2007 EWHC 1859 (Ch)] 10 ITELR 329. Appeal dismissed by Court of Appeal.

Leonard v Byrt & Ors [2008] EWCA Civ 20. Acting for solicitors. Court of Appeal upholds summary judgment in a 'lost litigation' claim.

CHRE v (1) NMC; (2) Kingdom [2007] EWHC 1806 (Admin). Administrative Court. Beatson J. Acting for nurse defending statutory appeal brought by the CHRE. The case establishes there is a judicial discretion whether or not to remit a case 'under-prosecuted' by the NMC.

Jessup v Wetherell [2007] 98 BMLR 60, [2007] ACD 79. PNLR 10. High Court. Silber J. Successful application for summary determination of solicitors' negligence claim on limitation grounds.

Sinclair v Woods of Winchester Ltd & Anor (2005) 102 Con LR 127. TCC. HHJ Coulson KC. Appeal from construction arbitration. Successful defence of application to remove the arbitrator.

Sangster v Biddulphs [2005] PNLR 33. High Court. Etherton J. Solicitors' negligence. Preliminary issue whether claimant relied on solicitor held out as partner.

Kesslar v Moore & Tibbits [2005] PNLR 17. Court of Appeal. Solicitors' negligence. Claimant suing successor practice. Issue was whether the correct defendant could be

substituted after limitation had expired.

Aldi, B&Q, Grantchester v Holmes Building Ltd & Ors (2004). TCC. HHJ Seymour KC. Multi-party construction litigation. Led by Patrick Lawrence KC. Acting for specialist sub-contractor in one of the largest construction cases to come to court in 2004. Arising out of the subsidence of 2 supermarkets on reclaimed land.

Taylor v Anderson and Another, The Times 22 November 2002, (2003) RTR 21. Court of Appeal. Whether a fair trial possible in an apparently stale claim brought by a claimant under a disability.

Griffiths v Last Cawthra Feather [2002] PNLR 27. High Court. Solicitors' negligence. Issue was the date and method the court should adopt in assessing loss in a case arising out of the acquisition of property with an onerous repairing obligation.

Delaware Mansions Ltd v Westminster City Council [2002] 1 AC 321. Led by Michael Pooles KC. Successful appeal to the House of Lords. The leading case on nuisance by tree roots.

What others say

"Simon is the complete package, an incredible advocate in court. He always gets the judge's attention and his drafting is on point. A pleasure to work with on any professional indemnity matter." *Chambers UK, 2025*

"Simon is a very experienced counsel who is happy to be a team player and roll his sleeves up. He gives focused commercial advice and is very good with clients, both lay and professional." *Chambers UK, 2025*

"Simon has an enormous in-depth knowledge this area of law. He has been specialised for many years and is undoubtably a first choice for many as a leading counsel." *Chambers UK, 2025*

"A superb barrister, orally and on paper, and one of the nicest people you will ever meet." *Chambers UK, 2025*

"Simon is an excellent lawyer and advocate. His calm manner and good humour make him very easy to work with. His work is meticulous at all times." Legal 500, 2025

"He's absolutely excellent and a leading junior in various practice areas. He was so eloquent and very good at explaining a very difficult topic." Chambers UK, 2023

"Simon is always quick and efficient in dealing with instructions." Legal 500, 2023

"Simon is incredibly good on his feet. He has an exceptional courtroom manner and an effortless ability to get the judge on side. Outstanding depth of knowledge in all aspects of professional negligence." Legal 500, 2023

“He’s a heavyweight barrister: exceptionally intelligent, incredibly good on his feet, and has the judge on his side. I tend to give him the big, complex cases.” “He has all the qualities of a leading silk. One of the nicest and most user-friendly barristers you can ever come across.” “He’s really invested in the underlying client, and he goes above and beyond in every way, particularly impressive in his knowledge of the minutiae in complex cases.” Chambers UK, 2022

“Simon is incredibly good on his feet. He has an exceptional courtroom manner and an effortless ability to get the judge on side. Outstanding depth of knowledge in all aspects of professional negligence. He is more than ready to be in silk.” Legal 500, 2022

“Amazing ability to retain knowledge of the huge number of documents in professional negligence cases and apply them when needed. Excellent cross examiner, really drills down to the issues.” Legal 500, 2021

“Incredibly experienced in claims against solicitors and surveyors.” “Very intellectual where you have obscure and difficult issues.” Chambers UK, 2021

“He was a very impressive performer as sole counsel. He is a very good speaker who is very articulate, bright and quick-witted.” Chambers UK, 2020

“His advice is really good across the board: his knowledge of case law is fantastic and he’s very pragmatic.” Chambers UK, 2020

“He is very professional and calm, but persuasive” Legal 500, 2020

“He is astute, concise and strategic he has gravitas in court, an exceptional knowledge of the law and is very commercial in his approach” Legal 500, 2019

“He offers a technically brilliant, commercial approach and he’s excellent with clients, as well as robust in court” “A very solid performer. He really understands his cases and he’s very thorough and effective” Chambers UK, 2018

“Very bright, responsive, and has an easy manner but is tough when required” Legal 500, 2017

“He has excellent technical knowledge, a great grasp of the law and a very commercial approach.” Chambers UK, 2017

“Very thorough, experienced and good with clients.” Legal 500, 2016

“He is personable, enthusiastic and his advocacy skills are second to none. His manner in conference is impeccable and his pleadings are thorough and robust. He gets to the heart of a case very quickly, is extremely intelligent and makes even the most dry of cases fun. It is always a pleasure to work with him.” Chambers UK, 2016

“He is very good on paper and his advice is very clear and concise.” Legal 500, 2015

“Is concise, clear, practical and commercial. He’s intellectually very able and ‘a very good, confident speaker who doesn’t talk nonsense.” Chambers UK, 2015

“Able to grapple with complex issues very quickly. He provides pragmatic advice in a way which is easy to understand.” Legal 500, 2014

“A clear, practical and commercial barrister, he has an extremely strong reputation amongst his peers. ‘An impressive advocate who is good at thinking on his feet. He’s a skilled draftsman, and provides very thorough analysis of a case.” Chambers UK, 2014

Further information

Education

Simon was educated at the University of Sussex and the Université de Montpellier, where he took a 1st class degree in English with French. He acquired a Diploma in Law from City University, followed by the Bar Vocational Course at the Inns of Court School of Law where he was graded very competent. He was a Karmel scholar at Gray’s Inn.

Memberships

Simon was for many years on the executive committee of the Professional Negligence Bar Association and remains a member. He is also a member of the London Common Law and Commercial Bar Association and the Chancery Bar Association.

Lectures and Publications

He lectures widely to solicitors’ firms and insurers, and has lectured to professional bodies including the Professional Negligence Lawyers’ Association and the Professional Negligence Bar Association. He was formerly an editor of the much lamented and now discontinued Lloyd’s Reports (Professional Negligence) series of law reports. He continues to edit the ‘Damages’ chapter in Professional Negligence and Liability.

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