



Michael Harper



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Michael's practice covers the range of Chambers' work with an emphasis on insurance, professional negligence, property damage and commercial disputes.

Michael is comfortable acting as sole Counsel and regularly appears in a variety of hearings. Alongside this, Michael prides himself on working effectively as part of a larger team. Examples include a £300m professional negligence dispute (one of the Lawyer's Top 20 cases of 2019), a £4m insurance coverage claim acting for 30 Lloyd's syndicates and during a recent secondment with a specialist insurance firm.

Before joining Chambers, Michael was the Judicial Assistant to Lady Justice Gloster, worked on what became the Insurance Act 2015 at the Law Commission, tutored in Commercial Law at the University of Oxford and assisted a solicitors' firm specializing in commercial litigation.

This followed undergraduate and BCL degrees at the University of Oxford (the latter on a faculty scholarship) and the BPTC, during which he won multiple prizes. Michael also won the largest national mooting competition, the final of which was judged by Lord Clarke, Christopher Clarke LJ and Sir Richard Aikens.

Insurance & Reinsurance

Michael has experience of a wide range of issues across coverage, policy interpretation and recovery claims. This includes a recent secondment with a specialist insurance firm.

Michael is particularly at ease with technical points, having contributed towards the Insurance Act 2015 at the Law Commission and with a depth of academic background in this field.

Selected Cases

- *Mamancochet v Aegis* [2018] EWHC 2643 (Comm). Acting for 30 Lloyd's syndicates, defended a £4m claim in a highly expedited trial on a novel issue of coverage.
- Advising on issues arising from a seven-figure insurance claim, including subrogated recovery



against a fraudulent co-insured.

- Successfully obtaining the strike out of a claim against insurers on the basis of coverage.
- Successfully defending a claim against motor insurers at trial on an issue of policy interpretation.

As a pupil, Michael assisted on matters including:

- Spire Healthcare v RSA [2018] EWCA Civ 317. Court of Appeal decision concerning the proper interpretation of an aggregation clause. Assisting Michael Harvey QC and Daniel Shapiro QC.
- Advising on coverage issues concerning public liability and the distinction between property damage and pure economic loss (the principle in Tesco Stores). Assisting Daniel Shapiro QC.
- Advising on a strategic decision as to whether to proceed by subrogated claim or assignment. Assisting Michele de Gregorio.
- Advising on the scope of employer's liability coverage. Assisting Matthew Boyle.
- Advising on issues of double coverage and notification. Assisting Matthew Boyle.

Professional Liability

Michael has experience of a wide variety of claims against professionals, including solicitors, surveyors, brokers, agents, consultants, and construction professionals.

Selected Cases

- Mayr v CMS, one of the Lawyer's Top 20 cases of 2019. Michael defended CMS in a high-value solicitors' negligence claim involving a fraud (ex turpi) defence, in which the Claimants discontinued during trial. The case involved expert accountancy evidence and a number of procedural skirmishes. Led by Roger Stewart QC and Daniel Shapiro QC.
- Advising and acting for a variety of surveyors, such as building surveyors and marine surveyors, and property consultants. In such cases Michael has provided detailed advice on issues including limitation, quantum, causation and strategy in relation to expert evidence.
- Defending a broker's negligence case relating to the adequacy of the policy placed.
- Successfully obtaining a strike out on the basis that no duty could have been owed by solicitors.
- Settling a Defence relating to the installation of a domestic boiler.

As a pupil, Michael assisted on matters including:

- Little v Atha [2018] EWHC 1751 (QB). Appeal to the High Court arising from solicitors' negligence. Assisting Daniel Shapiro QC.
- A claim for wasted costs concerning the unreasonable conduct of solicitors and counsel.

Before joining Chambers, Michael assisted the appeal in Hughes-Holland v BPE [2017] UKSC 21, a landmark decision in which the Supreme Court restated SAAMCO principles.



Commercial

Michael handles a spectrum of commercial work, from smaller disputes concerning the supply of goods or services and general contractual matters through to substantial high-value litigation. Michael's practice in this area benefits from a depth of academic and practical experience prior to joining Chambers.

Selected Cases

- Advising a major insurer in connection with an eight-figure arbitration against an agent.
- Defending a £5m claim involving two of the largest global banks and a prime brokerage firm, involving issues of contractual interpretation and foreign law.
- Defending a claim brought in contravention of a settlement agreement, with issues of offer and acceptance, interpretation and termination.
- Michael is regularly instructed to act on behalf of major removals businesses in relation to disputes.
- A variety of enforcement proceedings, including relating to charging orders.

As a pupil, Michael assisted on matters including:

- *Spire Healthcare v RSA* [2018] EWCA Civ 317. Court of Appeal decision concerning the proper interpretation of an aggregation clause. Assisting Michael Harvey QC and Daniel Shapiro QC.
- Court of Appeal proceeding concerning the proper date for the assessment of damages and High Court proceedings concerning the detailed quantification thereof. Assisting Michele De Gregorio.
- Contractual and equitable claims arising out of a joint venture agreement. Assisting Michele De Gregorio.

Michael had significant experience in this area prior to joining Chambers, including:

- During 2016-17, Michael was the Judicial Assistant to Lady Justice Gloster, then Vice-President of the Court of Appeal. Michael's work typically involved appeals arising from large commercial or common law disputes.
- *Hughes-Holland v BPE* [2017] UKSC 21. Michael assisted with the appeal in this landmark decision, in which the Supreme Court restated SAAMCO principles.
- *Bonhams v Lawson & Ors* [2015] EWHC 3257 (Comm). £11m multi-party commercial dispute, in which Michael assisted in the favourable determination of a preliminary issue and settlement on the eve of a six-week trial.
- Michael has previously tutored in Commercial Law at the University of Oxford.

Property Damage

Michael frequently acts in relation to property damage matters. Michael has a particular interest in relation to quantum issues and always seeks to pursue the effective commercial solution.



Selected Cases

- Settling Particulars and advising on settlement in a substantial claim against a driver and their motor insurer. The property required extensive remedial works, with subrogating insurers relying on the legitimacy of the loss adjusters' conclusions.
- Building damage caused by tree roots and subsidence.
- Subsidence and nuisance claims arising from a water leak.

As a pupil, Michael assisted on matters including:

- *Hiscox v Precious Marble and TPN Electrical* [2018] EWHC 3585 (TCC). 6-day trial concerning property damage arising out of an escape of water followed by a fire. Assisting Daniel Shapiro QC.
- *Prezzo v High Point Estates* [2018] EWHC 1851 (TCC), Part 8 proceedings concerning the principle in *Berni Inns*. Assisting Daniel Shapiro QC.
- Two-day multi-track trial of a claim against a landlord for property damage and personal injuries arising out of a residential house fire. Assisting Matthew Boyle.

Product Liability

Michael welcomes instructions in product liability matters.

Selected Cases

- Settling a Defence and advising in relation to the settlement of a multi-party claim arising from an alleged hidden defect in work equipment. The claim involved reliance on various statutory regulations and required detailed scrutiny of the production process.
- As a pupil, Michael assisted on matters including a claim under the Consumer Protection Act 1987 relating to a defective battery.

Construction & Engineering

Michael has experience in a range of construction matters.

Selected Cases

- Defending a multi-party claim arising from defective design and construction, involving issues of apportionment as between the project manager, builders, the steelwork fabricator, successive designers and the architect.
- Pursuing a subrogated claim relating to the design and supply of defective pipework.
- A contribution claim, following a settlement agreement, relating to construction works.
- Proceedings relating to the installation of a domestic boiler.

As a pupil, Michael assisted on matters including:



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- Claims arising from the carrying out and project management of heating works, including under the Defective Premises Act 1972. Assisting Michele De Gregorio.
 - Advising on the proper scope of a construction contract, as defined by sections 104- 105 of the Housing Grants, Construction and Regeneration Act 1996. Assisting Michele De Gregorio.
 - During pupillage Michael also spent a week marshalling a TCC judge under the TECBAR scheme.

Personal Injury

Michael acts across a breadth of personal injury work on all three tracks including RTA, employer's liability, occupier's liability, stress and industrial disease matters.

Michael is familiar with procedural and interim issues that arise, including: issues of limitation and late or defective service; applications for or resisting the setting aside of default judgment; substitution of parties; costs arising out of unreasonable conduct or wasted costs; disclosure; applications to adduce further evidence; and issues concerning written questions to experts.

Selected Cases

- Applications for summary judgment or to strike out the claim, on the basis of lack of merit or abuse of process, and those concerning various other procedural issues.
- Advising on quantum of a range of claims.

As a pupil, Michael assisted on matters including:

- Cameron v Ipswich NHS Trust [2018] EWHC 38 (QB): a 5-day High Court trial.
- Industrial disease (including mesothelioma) claims. Assisting Matthew Boyle.

Qualifications

- BPTC
- BCL, University of Oxford
- BA Hons, University of Oxford
- Lord Denning Scholarship, Lincoln's Inn
- Graduate Fund Scholarship, Oxford Law Faculty

Memberships

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