



# Richard Whitehouse

**Year of Call:** 2009

**Solicitor:** 2011

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## Overview

Richard is a Chancery, Commercial and Professional Risk barrister.

Prior to transferring to the Bar, Richard was a Solicitor-Advocate and Head of the Commercial Dispute Resolution team at a large Bristol-based law firm. Richard specialised in commercial disputes and professional negligence claims. He is an experienced litigator, mediator and advocate.

Richard has particular expertise in:

- Commercial disputes
- Professional risk (including claims against solicitors, accountants and surveyors)
- Insurance disputes
- Misrepresentation claims
- Partnership disputes
- Property law.

Richard always provides thorough, user-friendly and commercial advice.

## Recommendations

Richard Whitehouse is adept in professional negligence claims brought against solicitors, involving property and the drafting of agreements, typically acting on behalf of claimants.

Strengths: "Richard assisted me with a difficult claim. His written advice is very good and he prepared it within the timeframe set. It was easy for the clients to understand and follow his advice."

"Richard is an excellent barrister who puts commercial considerations for clients at the forefront of strategy and advice."

"Richard provides clear advice."

### **Chambers 2024/Professional Negligence/Western Bar**

Richard Whitehouse is commended by solicitors for his expertise in commercial litigation. He is particularly noted for work on breach of contract and insurance disputes.

Strengths: "Richard has a friendly and informative approach with clients and provides commercial and practical advice."

### **Chambers 2024/Commercial Dispute Resolution/Western Bar**

'He is able to put legal advice in a commercial context for clients and is good at making complex legal academic points clear

and easy to understand.'

**Legal 500 2024**/Professional Negligence/Leading Juniors/Western Circuit - Ranked in Tier 1

'Richard boasts a wealth of knowledge both procedurally and in managing and understanding the factual aspects of matters. His standard of service is of the highest possible and his style of advocacy is clear and concise.'

**Legal 500 2024**/Commercial Litigation/Leading Juniors/Western Circuit

'Richard has excellent attention to detail, coupled with the ability to get straight to the main issues in a case.'

**Legal 500 2023**/Professional Negligence/Leading Juniors/Western Circuit - Ranked in Tier 1

'He is concise and clear, and has an excellent ability to distil complex scenarios. Richard's good demeanour with clients inspires confidence.'

**Legal 500 2023**/Commercial Litigation/Leading Juniors/Western Circuit

'He is very user-friendly from an instructing solicitor's perspective, and his advice is clear and pragmatic.'

**Legal 500 2022**/Professional Negligence/Leading Juniors/Western Circuit

'Richard is particularly strong at giving complicated advice in clear, succinct language that makes him popular with clients. Advice is always given with one eye on the practical and commercial implications for a client.'

**Legal 500 2022**/Commercial Litigation/Leading Juniors/Western Circuit

"3PB's 'commercial, pragmatic, and user-friendly' Richard Whitehouse is recommended for breach of contract claims, representing clients across a range of industry sectors. Recent work has included claims relating to negligent installation of amenities, cross-jurisdictional claims, and asset purchase agreements."

'Combines solid, pragmatic commercial strategy with detailed legal knowledge.'

**Legal 500 2021**/Commercial Litigation/Western Circuit

"At 3PB, Richard Whitehouse 'deals with factually and legally messy disputes with ease and tenacity' and provides 'excellent quality of advice tempered with a pragmatic application to real world scenarios'. A former solicitor, Whitehouse represents clients in litigious and non-contentious disputes including actions against professionals for breach of contract, trust, and fiduciary duty. He is regularly instructed in complex, high-value commercial disputes by insurers, companies, law firms, and other professionals, including barristers, surveyors, architects, accountants, and brokers."

'He takes a proactive and practical approach throughout the claims process and regularly receives praise from lay clients and instructing solicitors. His attention to detail and turnaround timescales are second to none.'

**Legal 500 2021**/Professional Discipline/Western Circuit

## **Client Testimonials**

*"Impressive"*

*"Calm, professional and well prepared"*

*"Great with clients and is always able to put them at ease"*

## **Academic qualifications**

- Bristol University – Law LLB (2:1)
- BPP Law School – BVC (Very Competent)

## **Professional qualifications & appointments**

- ADR Group Accredited Civil & Commercial Mediator

## **Professional bodies**

- Professional Negligence Bar Association
- Western Circuit

# Expertise

## Commercial

Richard has an extensive commercial practice that covers all types of business and commercial disputes, with a particular emphasis on contract, misrepresentation, partnership and director disputes. He regularly advises and represents businesses in both the County Court and High Court.

From his time working as a Solicitor-Advocate, Richard has significant experience of alternative dispute resolution and, in particular, representing clients at mediations.

### Commercial Disputes

Richard has experience of a wide range of commercial disputes, including claims relating to:

- Agency
- Consumer credit agreements
- Construction of contracts
- Debt recovery
- Economic torts
- Estoppel
- Guarantees and indemnities
- Misrepresentation and mistake
- Restitution
- Restrictive covenants and breaches of fiduciary duties
- Sale of goods and supply of services
- Trusts.

### Notable and Recent Cases

- High Court claim involving diversion of business opportunities and breach of fiduciary duties arising from a team move to a competing business
- Many cases involving breaches of post-termination restrictive covenants, misuse of confidential information, breaches of confidence claims and economic torts, giving rise to claims for injunctions (including springboard relief), delivery up and claims for accounts of profits
- Multi-day High Court trials in relation to complex commercial contract disputes
- A misrepresentation and breach of contract claim relating to a £100,000 Rolls Royce
- A multi million dollar Director's bonus dispute
- Claims involving conveyancing transactions, specific performance and rectification
- A trial in relation to discharge of a contract by frustration
- Property misrepresentation claims involving representations made on property information forms and to enquiries by solicitors
- Breach of contract and debt claims arising from commercial contracts, including those relating to recruitment agencies involving substantial transfer fees
- Claims in relation to the design, manufacture and supply of commercial machinery and equipment
- Misrepresentation and breach of contract claims in relation to Share Purchase Agreements

- Disputes relating to exemption clauses and unfair contract terms
- Claims in relation to advertising agreements and commission
- Construction disputes in relation to insulation and cladding
- Commercial arbitrations.

### **Professional Risk**

Richard has particular expertise in relation to professional negligence cases. He has extensive experience of dealing with claims against all professionals including; barristers, solicitors, accountants, brokers, insurers, architects, surveyors and other construction specialists.

### **Lawyers**

Richard's experience as a Solicitor-Advocate is invaluable to professional negligence claims against lawyers, having been instructed on claims relating to employment, commercial litigation, property disputes, and personal injury claims.

He has dealt with:

- A multi-day High Court claim in relation to incorrect advice about an option to purchase a superior interest in a commercial property
- Claims in relation to incorrect drafting and advice about partnerships and business structuring
- Lost and/or mishandled litigation claims, including under-settlement claims, missed limitation and failure to advise about funding and costs
- Claims involving errors with leasehold transactions, including negligence relating to lease extensions
- Claims regarding the failure to advise about commercial and residential landlord and tenant matters
- Claims in relation to incorrect advice about undue influence and trusts
- Claims regarding incorrect advice and drafting in relation to overage agreements
- Claims by disappointed beneficiaries as a result of failures in drafting wills and claims arising from mishandled probate disputes, which often involve limitation issues
- Claims arising from conveyancing transactions concerning freehold and leasehold property, particularly concerning failure to advise on searches, rights of way and restrictive covenants
- Claims arising from mishandled business sales.

### **Accountants**

Richard has handled a variety of claims, including:

- A High Court claim in relation to advice about the tax position of a non-domiciled individual who held properties in the UK via corporate entities, including issues around Annual Tax on Enveloped Dwellings
- A claim in relation to incorrect capital gains tax advice as a result of selling property in the UK, but moving from the USA to Kenya
- Claims involving the negligent preparation of management accounts and cashflow forecasts
- Acting for a company against accountants, in relation to incorrect VAT advice
- Acting for an individual against accountants, arising from incorrect tax advice and issues involving Entrepreneurs' Relief.

### **Surveyors, Valuers and Architects**

Richard has acted in:

- Claims by purchasers of residential and commercial properties against surveyors arising from pre-sale surveys

- Claims involving the negligent valuation of premiums required for the extension of leases and incorrect advice about the apportionment of premiums
- A claim against an expert witness arising from a planning dispute
- Claims against architects regarding incorrect design drawings and advice in relation to both domestic and commercial projects.

### **Insurance Brokers and Insurers**

Richard has advised, and acted for and against, brokers and insurers in claims for failure to implement the correct insurance cover, and for a broker in a claim regarding the failure to advise on the financial status of an insurer.

## **Property and Estates**

Richard has advised and represented clients on a wide range of property disputes, including boundary disputes and nuisance claims.

Richard is regularly instructed to make and oppose applications for injunctions relating to property.

### **Property**

- Adverse possession
- Boundary and party wall disputes
- Breach of covenant disputes
- Conveyancing
- Easements
- Landlord and tenant disputes
- Mortgages
- Nuisance
- Trespass
- Trusts and proprietary estoppel.

### **Notable and recent cases**

- Acted in possession and Dilapidation claims
- Acted in boundary dispute trials
- Instructed in Multi-day High Court trials in relation to trespass and nuisance disputes, involving breaches of "Leakey" duties, which require evidence from many experts of different disciplines
- Acted in breach of covenant claims relating to unlawful subletting of properties through Airbnb
- Successfully obtained an order for an injunction and damages in a private nuisance by encroachment claim
- Successfully defended trespass claims
- Acted in nuisance claims relating to the escape of water and oil
- Acted in an interference with a right of way, breach of covenant and trespass dispute, which included a claim for aggravated damages and an injunction
- Advised in relation to claims involving proprietary estoppel
- Acted in claims in relation to the creation and construction of easements.

# Mediation

Richard is an experienced and well-respected mediator. He is determined, flexible and patient when seeking to resolve disputes, but is also able to robustly test the parties and guide them to a compromise.

Richard qualified as an ADR Group accredited Civil and Commercial mediator in 2018. Whilst most mediations that Richard conducts relate to his primary areas of practice of commercial, property and professional negligence litigation, he also mediates in relation to a wide range of other matters including construction and probate disputes.

His recent experience includes mediations in relation to business sales, restrictive covenants, misrepresentation claims, domestic building claims, boundary disputes, landlord and tenant disputes, banking disputes and professional negligence claims against solicitors.

Richard has conducted over 20 mediations in the last few years, many of which have been held remotely.

Richard is an active member of the Standing Conference of Mediation Advocates and regularly provides mediation training.

## Testimonials

*"I had the pleasure of engaging Richard Whitehouse as a Mediator for a commercial dispute, and I couldn't have been more impressed with his professionalism and approach. Richard's calm and composed demeanour was instrumental in diffusing tensions and fostering a constructive dialogue, which undoubtedly assisted the parties in reaching resolution. I would thoroughly recommend Richard to anyone looking for an effective and user-friendly Mediator."*

*"Richard's input when dealing with very difficult issues during a commercial mediation was invaluable in bringing about a successful resolution to the matter. He has a calm and pleasant, but focused demeanour, which allowed the parties to find common ground".*

## Articles

Specialist commercial law barrister [Richard Whitehouse](#) presented a webinar alongside [Jack Webb](#) on 22nd April 2021. The webinar examines the impact of Brexit and the pandemic on litigation. Richard's notes are available to read [here](#).

Watch the [webinar on impact of Brexit and the pandemic on litigation here](#).

### [View Article](#)

Commercial update - Richard Whitehouse: Scope of duty in professional negligence: the return of "advice" versus "information"

In the first case on scope of duty in professional negligence since BPE Solicitors v. Hughes-Holland, has the Court of Appeal returned to the classic distinction between 'advice' and 'information' cases? Richard Whitehouse analyses the recent decision in Manchester Building Society v Grant Thornton UK LLP [2019] EWCA Civ 40.

### [View Article](#)

Commercial update: Professional negligence – Solicitors' duty to warn of risks incidental to their retainer

When will a solicitor need to give a warning to his client about obvious risks that come to his attention when performing his retainer, but which he has not been formally retained to advise on? Richard Whitehouse analyses the Court of Appeals recent decision in Lyons v. Fox Williams LLP [2018] EWCA Civ 2347.

Richard is a Commercial Law barrister specialising in professional negligence and business disputes.

### [View Article](#)

Commercial update - Richard Whitehouse: Valuers' negligence in the Supreme Court

The Supreme Court has again reconsidered causation and loss, in the context of a professional negligence claim against a

valuer. Richard Whitehouse analyses the recent decision in *Tiuta International Limited (in liquidation) v De Villiers Surveyors Limited* [2017] UKSC 77.

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