
PHILIP BARTLE QC

Silk: 2003 | Call: 1976



Overview

Philip has over 30 years experience as a barrister. He took silk in 2003 and rapidly established himself as a leader and mediator. He specialises in professional negligence.

Philip is one of the Bar's most experienced and sought after mediators. He mediates in a wide variety of areas of law including professional negligence, commercial and employment and is ranked as a leading mediator in the law directories.

Philip's "mediation practice continues to grow in volume and recognition. He is most renowned for his professional negligence expertise, but is also experienced in undertaking a range of employment and commercial matters". (Chambers UK 2010)

Philip "is a popular mediator, credited with 'immense courtesy' and a strong sense of what is appropriate in terms of process. His 'gentle but authoritative' style plays well with both representatives and clients, and he is especially sought after in commercial and professional indemnity matters". (Legal 500 2010).

Philip has a detailed knowledge of the regulation of lawyers. He was a member of the Bar Standards Board and Chair of its Quality Assurance Committee and lectures and advises on the regulation of solicitors. He has been a Recorder since 2004.

Mediation

Philip is one of the Bar's most experienced mediators. He has mediated over 200 disputes in a wide variety of areas of law and examples are (in alphabetical order):

1. Accountants' negligence.
2. Banking.
3. Contractual disputes including joint ventures and software consultancies.
4. Company including sale of shares; minority shareholders' petitions and breach of warranties.
5. Construction including negligence claims against builders, contractors and other professionals.
6. Employment including wrongful dismissal; unfair dismissal and all forms of discrimination.
7. Franchising.
8. Insolvency including breach of trust, misfeasance; misuse of company assets and wrongful trading.
9. Insurance including non-disclosure and breach of warranties.
10. Landlord and tenant.
11. Partnership.

12. Solicitors negligence including:

[a] conduct of a wide range of litigation in the High, County Court and Employment Tribunals.

[b] failure to advise on appeal.

[c] failure to bring proceedings.

[d] under settlement of litigation.

[e] sale of business.

[f] drafting share option.

[g] remortgage of property.

[h] drafting will.

[i] acquisition and disposal of property.

13. Surveyors' negligence.

Philip has also been instructed as counsel in mediations of high value claims and was counsel in the leading mediation case of *Halsey v Milton Keynes* [2004].

Mediation Feedback

The feedback on Philip's mediations is exceptionally positive. Examples are:

- "Your experience and skill was invaluable in helping the parties to establish some middle ground and to reach a reasonable settlement. We are also grateful to you for your patience, sound advice and stamina!"
- "A difficult case and a very good result achieved. The mediator was our choice because the case was difficult"
- "Relaxed. Very professional and unbiased"
- "... ..you managed to create the right atmosphere to enable us to tell our story and ultimately achieve closure without the further stress of a trial"
- "The mediator struck the right balance between being firm but fair - input was invaluable"
- "Very good balance between suggesting possible outcomes and directing parties to consider their own solutions. Steps taken at all stages to include clients in process which was appreciated"
- ".....I was enormously impressed with the way in which you were able to gain everyone's confidence to talk and thereby make progress"
- "...the right spirit was maintained throughout the day so everyone was able to leave "friends""
- "Thank you for your valuable input, which clearly helped to focus the minds of the parties"

Professional Negligence

Philip specialises in professional negligence. He has acted for claimants and defendants in cases of solicitors, accountants and surveyors negligence and has acted for solicitors, accountants and surveyors in disciplinary proceedings. In addition, Philip advises on and lectures on the regulation of solicitors. His knowledge of regulation is considerable – he was a member of the Bar Standards Board for 2 years from 2006. His notable reported cases in this area include *Mortgage Express v Newman* [1996] summary judgment for solicitors' negligence relating to mortgage lending ; *BMMSL v Ansell* [1998] disclosure obligation in solicitors' negligence action; *Ogilvy & Mather v Rubinstein Callingham CA* [1999] loss of a chance in solicitors' negligence; *Genmed v Patel* [1999] Part 48.7(3) CPR (on wasted costs) ruled ultra vires; and *Brennan v Bolt Burdon* [2004] claim for solicitors negligence which decided that mutual mistake of law was sufficient to avoid a contract.

Costs

Philip has advised on and appeared in many cases on costs. These include *J v Oyston* [2002] correct test under s.51 of the Supreme Court Act 1981 on application by non-party for payment of its costs.

Richardson v Desquenne Et Gural (UK) Ltd [2001] correct principles for summary assessment of costs on application for interim injunction.

Robertson Research v ABG Exploration [1999] correct procedure in application for costs against a non-party under s.51 Supreme Court Act 1981; and

Roque v Russell [1999] correct principles for appeal from summary assessment of costs by Master and for assessment of counsel's

Books

Philip is the consultant editor of the title 'Barristers' in the 5th Edition of Halsbury's Laws of England (2008) and joint author of 'Security for Costs and other Court Ordered Security' (2009).

Education, Inn of Court, Recorder and Advocacy Training

Philip went to Manchester Grammar School and Christ Church Oxford where he was awarded an MA and a BCL. He was called to the Bar at the Middle Temple in 1976 and was made a Bencher in 2006.

Philip has been a Recorder since 2004. He sits as a criminal and civil recorder.

Philip has been an advocacy trainer for many years for Middle Temple and for the South Eastern Circuit. From 2011, he will be the director of the annual advocacy training course for young barristers at Keble College, Oxford.