



John Randall QC

Year of Call: 1978 | Year of Silk: 1995

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Introduction

John has a broad based practice in chancery and commercial law, acting in a wide range of work including contractual, property and professional negligence disputes, together with commercially related judicial review claims and a variety of sports law matters. He is also an accredited mediator. John has acted in a substantial number of lengthy trials and high value claims. His experience includes two major trials involving the extensive use of computers, both in trial preparation and in the court room during the hearing. Amongst John's most substantial cases have been:

- Queen's Bench proceedings on behalf of >70% of the UK brewing industry in respect of conspiracy to convert metal beer kegs on a commercial scale, with pleaded losses exceeding £70M.
- An ICC arbitration claim for a quoted bio-technology company arising out of the (alleged) breach and termination of a contract for the marketing of a new pharmaceutical product across a number of the largest states in the EC, with pleaded losses of US \$100 million.
- A group action brought in the Chancery Division by 129 farmers against their union and some independent solicitors, for negligent advice in relation to limitation periods under European Law. Ten lead cases were tried together before Evans-Lombe J in Birmingham over seven weeks.
- Queen's Bench proceedings on behalf of a substantial Building Society seeking to recover losses of over £50 million from MIG and pool insurers in respect of post-property crash defaults and capital losses.

John has acted in a number of applications for judicial review, mostly with a commercial background. His experience includes such claims against the Chief Executive of Skills Funding (concerning legitimate expectations allegedly arising from a lengthy and expensive grant application process – *R (Grimsby Institute) v Chief Executive of Skills Funding* [2010] 3 EGLR 125), against the General Council of the Bar (in relation to the operation of its 'black-listing' policy for non-payment of barristers' fees), against the British Coal Corporation (arising out of its decision to sell land to one developer rather than another), against the Secretary of State's decision making on planning appeals (including *R v SSE ex parte Centre 21 Ltd* – 4 cases, one of which resulted in a highly unusual mandatory order against the Secretary of State) and against a Council for banning a (then) amateur sports club from use of its training ground, in purported pursuance of the Council's anti-apartheid policies (*Wheeler v Leicester City Council* [1985] AC 1054 HL).

Amongst John's other sports law clients have been the late Barry Sheene MBE (claim arising from a serious accident on test day at Silverstone – GP Motorcycling), a professional footballer (career ending injury suffered during a match), and a number of amateur sportsmen (including an Olympic athlete, a boxer and a moto-cross rider). John is an Adjunct Professor at the University of New South Wales law school in Sydney, where he teaches courses in Advanced Contract, Legal History and Principles and Practice of Advocacy. He is also a frequent speaker at legal seminars in the United Kingdom. John's international experience includes appearances in the Court of Appeal of Tanzania in Dar es Salaam, and providing expert evidence of English law for Courts in Spain and Eire.

John is a member of the International Bar Association, and was one of the speakers at its International Litigation conference held in Miami, on the topic of client confidentiality and English anti money laundering laws. In 2012 John received

Birmingham Law Society's 'Barrister of the Year' award. John enjoys sport, in particular rugby union (being a keen follower of the Leicester Tigers) and international cricket, travel and music.

Qualifications and Appointments:

- Jesus College, Cambridge: B.A. (Hons) 2:1 – 1977 (MA – 1981)
- Barrister of New South Wales – 1979
- Barrister & Solicitor of Western Australia – 2001
- Deputy High Court Judge – Chancery & Queen's Bench Divisions 2000 to January 2016
- Recorder – Crown & County Courts (Assistant Recorder 1996; Recorder 1999 to January 2016)
- External examiner, Bar Professional Training Course 2008 to 2015
- Adjunct Professor, University of New South Wales 2013 (Visiting Fellow 2004)
- Bencher of Lincoln's Inn 2003
- Member, Legal Services Consultative Panel 2000 to 2009

What the Directories Say:

The Chambers UK 2019 Bar Guide describes John as:

- "Excellent, thorough and very responsive.", "He brings commerciality to a dispute and has the creativity and inspiration to look at it from different angles.", "Not only is he very clever but he's also very commercial. He doesn't talk down to you, and you can have a really good discussion with him to find the best and most commercial way forward.", "Excellent lawyer.", "His main strength is his wide-ranging commercial expertise. He is inspired in his commercial pragmatism. He doesn't just give you a technical answer, he thinks around the issue, brings commerciality to a dispute, and has the creativity and inspiration to look at different angles.", "A bright and organised lateral thinker.", "He has the most phenomenal brain and works incredibly hard." and "He is knowledgeable, responsible and proactive, offering sound advice and innovative ways to approach matters."

The Legal 500 2019 Bar Guide describes John as:

- "His balanced advocacy style commands judges' attention." and "He rigorously dissects the key issues in a case and provides top quality advice."

In previous years:

- *"John Randall QC is a standout name in the real estate space where he 'inspires confidence' in clients who consider him 'simply the best.'"*
- *"John Randall is known for his 'user-friendly' approach and is highly regarded by market sources for his 'technical excellence' in professional negligence matters."*
- *"John Randall QC is a highly experienced barrister in both the chancery and commercial fields with a deep knowledge of company and partnership law."*
- *"universally recognised as the leading commercial silk in the Midlands"*
- *"superlative silk [who] provides clear, sound, commercial advice and has a proven ability to get to the crux of contractual disputes very quickly"*
- *"a completely outstanding practitioner due to his extreme versatility and brightness of mind"*
- *"a 'Chancery mega-star' who 'lends a wealth of experience and a heavy dose of gravitas to any proceedings'"*
- *"absolutely excellent ...a first port of call for serious matters before the Chancery Division"*
- *"enormously talented, hugely energetic, [with] superb client skills"*

Reported Cases:

John's reported cases in the last 10 years include:

- *Keay v Morris Homes* [2012] 1 WLR 2855 (CA) – operation of section 2, Law of Property (Miscellaneous Provisions) Act 1989
- *Perrins v Holland* [2011] Ch 270 (CA)- testamentary capacity, want of knowledge and approval, and the rule in *Parker v Felgate* (1883)
- *Clarke v Meadus* [2011] 1 P&CR DG18(Ch D) – proprietary estoppel, whether precluded because the claimant was party to an express declaration of trust in the purchase deed
- *Wickens v Cheval Property Development* [2011] 1 P&CR DG9 (Ch D)- obligations concerning and passing of risk in fixtures and fittings in contract for the sale of land
- *R (Grimsby Institute) v Chief Executive of Skills Funding* [2010] 3 EGLR 125 (Admin) – Education; Grant application to public

- body; Implied representations; Public body ran out of sufficient funds to award grant; Legitimate expectation
- Bovis Homes v Persimmon Homes [2010] NPC 108 (CA)- construction and fulfillment of condition precedent on valuable put option
- Cobbetts LLP v Hodge [2010] 1 BCLC 30 (Ch D) – Solicitors; Fiduciary obligations within firm and to client; Secret profits
- Salvage Wharf v G&S Brough [2010] Ch 11 (CA) – Rights of Light and the Prescription Act 1832
- R (Butler) v HM Coroner for the Black Country [2010] Inquest LR 50 (Admin) – Coroners; Inquest; Unlawful killing; Permissible verdicts; Scope of evidence proposed to be admitted; Conduct; Recusal
- Ali v Kahn [2009] WTLR 187 (CA) – trusts, co-ownership and the presumption of advancement
- OBG v Allan and 2 other appeals [2008] 1 AC 1 (HL) – Administrative receiver, liability for failure to realize full value of intangible assets, interference with contractual relations, scope of tort of conversion
- Fairfax Gerrard Holdings v Capital Bank plc [2008] 1 Lloyd's Rep 297 (CA) – Retention of title; Contract terms; Conversion; International trade; Issuing banks; Letters of credit
- Wrexham AFC v Crucialmove [2008] 1 BCLC 508 (CA) -Directors' conflict of interest; breach of fiduciary duties; whether bad faith precluded award of summary judgment
- El-Farargy v El-Farargy [2007] 3 FCR 711 (CA) – Administration of justice; Bias; Conduct; Judges; Recusal
- South Oxon DC v SITA UK [2007] Env LR 13 (Comm Ct)- Waste management; Contract with Local Authority; Breach; Default notices; Repudiation
- Mainstream Properties v Young [2005] IRLR 964 (CA) – Directors' breach of fiduciary duty and taking advantage of corporate opportunities; third party liability for inducing same
- Re MDA Investment Management Ltd (Nos 1 & 2) [2005] BCC 783 (Ch D) – Directors' breach of duty in pre-liquidation transactions concerning the company's business etc –
- Re SSSL Realisations (2002) Ltd [2005] 1 BCLC 1 (Ch D) – Debts; Indemnities; Liquidation; Pari passu principle; Subordination agreements; Subsidiary companies; Sureties
- Moffat v Burges Salmon [2004] PNLR 13 (CA) – Professional negligence; Solicitors; Limitation; Loss of opportunity; Admissibility and relevance of judgment and order in earlier trial

Articles and Publications:

- 'England's Splendid Isolation' in Comparing Tort and Crime (ed. Dyson), 2015 (Cambridge University Press) (with Matthew Dyson)
- 'Criminal Convictions and the Civil Courts' (with Matthew Dyson) [2015] Cambridge Law Journal 78
- 'Detinue, Trover & Conversion' in Historical Foundations of Australian Law – Volume II, Commercial Common Law (eds.) Gleeson, Watson and Peden, 2013 (Federation Press, Sydney) (with Brendan Edgeworth)
- 'Express Termination Clauses in Contracts' [2014] Cambridge Law Journal 113
- 'When Louisa Carlill Caught the 'Flu (Carlill v The Carbolic Smoke Ball Company)' in Cases that Changed our Lives: Volume 2 (eds McDougall and Wilson), 2014 (LexisNexis Butterworths, London)
- The Tort of Conversion (with Sarah Green), 2009 (Hart Publishing, Oxford) – finalist in the triennial Inner Temple Book Prize (2011)
- 'Rethinking the Economic Torts' (with Prof Simon Deakin) (2009) 72 Modern Law Review 519
- 'Caparo v Dickman – Legal Celebrity or Jurisprudential Substance', in Cases that Changed our Lives (ed McDougall), 2010 (LexisNexis Butterworths, London)
- 'Proprietary estoppel and the common intention constructive trust – Strange bedfellows or a match in the making?' (2010) 4 Journal of Equity 171

Memberships:

International Bar Association

Commercial Bar Association (COMBAR)

Chancery Bar Association

Midland Chancery and Commercial Bar Association (MCCBA)

Commercial Litigation

John Randall QC is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- General Commercial
- Commercial Fraud
- Company
- Insolvency
- International & Overseas
- Partnership
- Professional Liability
- Property
- Wills, Trusts & Probate