

# Adam Temple

Call 2008



Adam Temple is recommended as a leading junior in both the Legal 500 and Chambers & Partners.

He is currently described as ‘A brilliant junior, extremely intelligent, fearsomely hardworking and insightful’ in the Legal 500, whilst Chambers & Partners says ‘He is extremely competent, delivers exactly what you need within the deadline and very much has the client’s needs in mind, however onerous they may be’.

Previous recommendations have included:

- ‘very intelligent’ and ‘sharp, commercial and technically astute’
- ‘rapidly becoming a go-to barrister’
- ‘a fantastic brain’ and ‘A very skilled advocate’
- ‘an impressive junior for FCA regulatory matters’

He has particular expertise in financial services matters and all manner of banking and connected claims. He also has a broad commercial practice, covering a wide range of business disputes in professional negligence, insurance law, and construction, in both litigation and arbitration.

Adam is qualified to undertake public access work.

## Financial Services

Adam is ranked in both the Legal 500 and Chambers & Partners for his financial services work.

This reflects the fact that Adam’s practice includes regular instructions from the FCA.

Adam also advises private clients in relation to a broad range of FSMA and related issues, including matters in the Upper Tribunal.

He also regularly advises both sides of FOS claims, including a judicial review of the FOS (*Mazarona Properties Ltd v Financial Ombudsman Service* [2017] EWHC 1135 (Admin)) and has co-authored a book: *Financial Ombudsman Service Claims* (2018).

Recent work includes a focus on cryptocurrencies, with advice on initial coin offerings (ICOs) and regulatory issues around in-game currencies.

Adam also works internationally, with cases for and against regulators in the Dubai International Financial Centre (the DFSA) and the Qatar Financial Centre (the QFCRA).

## Featured Financial Services cases

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*FCA v Avacade* [2019] EWHC 1961 (Ch): Arising out of the provision to consumers of pension reports, by unauthorised entities.

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*McKendrick v FCA* [2019] EWCA Civ 524: In relation to the sentence imposed on a party in breach of worldwide freezing orders.

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*FCA v Capital Alternatives* [2014] EWHC 144 (Ch), [2015] EWCA Civ 284 and (2018, unreported): In which the FCA demonstrated that various investments were collective investment schemes for the purposes of s.235 of FSMA. It obtained significant restitution orders against those knowingly concerned in the schemes.

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*FSA v Sinaloa* [2013] UKSC 11; [2013] 2 AC 28: In which the FSA successfully argued that it should not be required to provide cross-undertakings to third parties when obtaining injunctions as part of its law enforcement activities.

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## Banking

Adam is regularly instructed on banking litigation claims. His experience includes:

- Claims against banks for losses caused by third party fraudsters.
- Claims against banks for allegedly acting in breach of mandate.
- Claims against banks for allegedly being involved in a 'joint enterprise' with alleged fraudsters.
- Claims between banks in relation to the cheque clearing rules.
- Claims for rectification where a bank's documentation contained errors.
- Claims by banks arising out of fraudulent conveyancing transactions.
- A claim by an Indian bank for repayment of a loan, and enforcement of a guarantee.
- An injunction issued against an alleged fraudster and a bank, where Adam appeared for the bank.
- A judicial review against the Financial Ombudsman Service, with Adam representing a bank as an interested party.
- A judicial review against the Financial Ombudsman Service, in relation to the FOS's approach to PPI mis-selling claims.

Reported cases include: *Bawany v RBS International* [2018] EWHC 2248 (Ch); *Deane v Coutts* [2018] EWHC 1657 (Ch); and *Mazarona Properties Ltd v Financial Ombudsman Service* [2017] EWHC 1135 (Admin).

Adam is particularly well placed to advise on cases involving the Financial Ombudsman Service, following publication of his book on such claims.

Adam also provides non-contentious advice, which has included advice to a high street bank, arising out of changes to legislation for the electronic presentment of cheques.

## Professional Negligence

Adam is regularly instructed on cases against professionals of all types. He is a committee member of the Professional Negligence Bar Association, and is a contributor to Professional Negligence and Liability (Informa, looseleaf).

Given Adam's expertise in financial services, he is particularly well-placed in respect of claims in that field, including a number of successful strike-out applications, such as *Booker v RT Financial Services* [2016] EWHC 3186 (Ch).

In relation to finance professionals, Adam is regularly involved in litigation against IFAs (including networks of IFAs), tax advisors and similar. Particular cases include:

- Claims against an IFA who provided 'due diligence' on a tax avoidance scheme involving film finance partnerships.
- Claims against an IFA who allegedly promoted an investment scheme to investors, where that investment scheme turned out to be a Ponzi scheme.
- Numerous claims against IFAs arising out of pension advice.
- Numerous claims against mortgage brokers for allegedly negligent advice, including successfully representing a mortgage broker in a 5 day trial (unreported).
- Group actions related to property investment schemes.

Adam also represents solicitors in professional negligence claims, including wills and conveyancing. He successfully represented a solicitor client in proceedings in the Chancery Division, against whom a third party costs order had been sought (affirmed on appeal: *Jobanputra v Modi* [2014] EWCA Civ 1046).

## Insurance & Reinsurance

Adam is often instructed for and against insurers on coverage disputes, including significant claims in arbitration on professional indemnity policies.

Adam has also been instructed on a wide range of other disputes including an LMAA arbitration relating to maritime insurance and litigation around suspected fraudulent claims.

A recent claim in which Adam represented insurers was *Maman v Certain Lloyd's Underwriters* [2016] EWHC 1327 (QB).

Prior to joining 4 Pump Court, Adam was a research assistant in the commercial and common law team at the Law Commission during its work on the reform of insurance contract law.

## Construction

Adam has experience in construction matters before the TCC, in arbitration, and in adjudication.

Adam also regularly represents construction professionals in relation to such claims.

### Featured Construction cases

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Cleveland Bridge UK Ltd v Severfield – Rowen Structures Ltd [2012] EWHC 3652 (TCC): Acting as junior counsel on large, complex disputes in the TCC, including the Wembley Stadium litigation (Multiplex v Mott MacDonald) and the steelwork for the Shard in London.

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Numerous other TCC claims including: fire claims; tree root claims; delay claims; defect claims; and defective products.

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ICC arbitrations and ad hoc arbitrations involving infrastructure projects including: a school building in the UK; a Middle Eastern metro system; a university campus; and power stations around the world.

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Adjudications involving London commercial property and residential conversions.

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Adjudication enforcement, including Beck Interiors Ltd v UK Flooring Contractors Ltd [2012] EWHC 1808 (TCC); [2012] B.L.R. 417, where he successfully argued that a dispute had not crystallised.

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## Commercial Dispute Resolution

Adam regularly advises and appears in relation to a wide range of commercial disputes, in both arbitration and litigation.

This experience includes international sale of goods claims. He also has experience of a multi-jurisdictional Commercial Court dispute involving alleged breaches of fiduciary duties and fraudulent misrepresentations.

Adam has particular experience of freezing orders and associated applications, including committal for contempt of court: FCA v McKendrick [2019] EWHC 607 (Ch); [2019] EWCA Civ 524.

## Education

- MA (Oxon) Jurisprudence
- BCL (Oxon) Distinction

# Languages

- Japanese (working knowledge – having spent two years in Japan after university)