

# Alison Potter

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Alison Potter is a highly experienced and sought after senior junior, noted for her expertise in Financial Services, and has in particular recently advised a variety of clients about the regulatory aspects of their cryptocurrency business operations.

Her practice spans the full breadth of commercial work and is a trusted advocate for a wide range of clients due to her complementary experience across a range of sectors. Most recently Alison has been active in the areas of banking and financial services, commercial contracts, manufacturing and product development, professional negligence and insurance.

Her diverse practice is further strengthened by her experience and expertise in the areas of reinsurance, costs, construction, and employment.

Alison finds the breadth of her practice a considerable strength in the service she can offer as an advisor and advocate, particularly in relation to the many cases which run across different disciplines. She has found this approach to practice of great assistance in relation to her mediator and arbitrator work.

## Financial Services

Alison was appointed as a Senior Decision Maker for the Guernsey Financial Services Commission in 2018. She is one of a panel who sit individually to determine the Commission's most serious enforcement cases where the potential findings are contested. She is the first junior counsel to have been appointed to the role.

Alison regularly advises and appears for the FCA, banks, Fintech companies, Financial Advisers, individuals with financial services problems and Insurers.

In her recent temporary role as an in-house financial services and regulatory matters specialist for a large firm of city solicitors Alison advised on a wide range of matters including funds and investment companies, crypto-asset regulation, payment services and e-money regulation, consumer credit and collective investment schemes.

Alison gained invaluable experience of how the Regulator operates through spending a year on part time secondment to

the Legal Department of the FSA and representing the regulator before the RTC and RDC. Since then she has represented the FCA before the Upper Tribunal on authorisation cases.

Alison also represents individuals and groups with claims or complaints against financial advisers and institutions for unsuitable advice and related matters.

Alison regularly advises Insurers and the FCA on insurance contracts, including in the extended warranty market, and related regulatory issues.

In addition, for 3 years Alison was a co-editor of the Financial Advisers Chapter of Simpsons on Professional Negligence and she has regularly spoken at seminars on financial services matters in particular at the Institute of Chartered Accountants for England and Wales.

Alison also advises offshore institutions either in relation to enforcement action by the overseas regulator or in commercial disputes, most recently an insurance company and a global provider of fund and corporate administration services in Jersey and the Seychelles.

## Featured Financial Services cases

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Regulatory implications of the proposed token currency for a start-up Fintech search engine company.

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Payment services regulatory status of an online games company and whether its token could be considered a contract for differences.

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Use of Bitcoin and payment services for a start-up Fintech company providing platform for e-games development.

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Credit broking angle of cycle to work scheme for a UK wide charity.

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Regulatory matters for Funds and investment companies including AIFs and EIS companies including on content of documents such as Investment Management Agreements, Information Memorandums.

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PRIIPs regulations for Funds.

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Consumer credit matters for a range of companies including regulated and exempt credit agreements, debt counselling activities, instalment credit agreements, NOSIA forms and process,

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Collective investment schemes and exempted arrangements.

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De-merger agreements for a UK bank.

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Cross border white label banking co-operation agreement for a European bank.

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Advising and representing claimants in Group Litigation Action concerning role of an ACD of a collective investment scheme in the Arch cru affair.

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## Commercial & Construction

Alison is currently engaged in a substantial offshore case concerning directors' duties and commercial fraud. Alison has

developed an expertise in engineering and manufacturing issues. Alison has conducted construction cases throughout her career and has also had the conduct of energy supply contract cases.

## Featured Commercial & Construction cases

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Litigation concerning a failed manufacturing partnership relating to an electro-mechanical engineering project and the design and manufacturing processes related to it culminating in a 3 month trial in the commercial court. This case involved many aspects of electrical and mechanical engineering in the automotive industry as well as design/development and manufacturing techniques and protection of patent issues.

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Cases involving the supply and design of vehicles including obtaining urgent injunctive relief to prevent the removal of confidential electronic design information for a unique off road vehicle by a departing director of an engineering company.

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## IT

Alison has been engaged in cases concerning IT businesses. Alison was invited to assist Lord Justice Jackson in the preparation of the Review of Civil Litigation Costs. She was in particular responsible for the chapter on e-disclosure. As a result of her research and the production of the chapter, she is regularly invited to address seminars and conferences on the subject of e-disclosure and the role of IT in civil litigation.

## Featured IT cases

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A claim against a web design company for failures in their production of a website for a specialist financial journal.

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Action concerning the development and sale of an App for smart phones and tablet computers.

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## Professional Negligence

Alison regularly handles professional negligence cases.

## Featured Professional Negligence cases

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Claims against solicitors, for example in relation to the sale of a design and technology company and in relation to the mishandling of litigation against another firm of solicitors who had mishandled the take over bid for a premier league football club and the lost opportunity losses that arose.

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Claims against accountants for traditional accountancy services rendered as well as in relation to tax saving schemes and related investment products.

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Negligence claims involving technical planning matters against solicitors, architects and planning consultants.

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## Mediation & Arbitration

Alison is delighted to accept appointments as Arbitrator or Mediator in a wide variety of commercial fields, including financial services. She has practiced in the Arbitration field, under all the major Arbitration Institutions, throughout her career and has over the last 10 years developed an increasingly successful practice as a mediator. Recent mediations have concerned construction, oil, shares/trusts and professional negligence. The parties involved have ranged from multinational corporations involved in disputes worth many millions to individual clients locked into disputes with their conveyancing solicitors.

She has worked regularly with an American International Mediator of over 20 years' experience. Alison has also conducted a commercial mediation by telephone at the request of the parties concerned which resolved the dispute and made considerable savings in time and travel costs.

She has written seminar papers concerning the process of mediation and advocacy in mediation which have been presented both in the UK and internationally.

### Featured Mediation & Arbitration cases

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Construction disputes covering a range of different projects including: multi-storey car park, arts centre, market town centre shopping centre, power station, off shore oil rig.

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Commercial disputes concerning accountants' negligence, shareholding and trust issues, the ownership of a company and its shareholding division and a dispute over the fee of a recruitment agency.

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Solicitors' negligence disputes and conveyancing.

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Financial Services, disputes involving the negligence of financial services advisors.

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## Appointments

- Arbitrator
- Trained Mediator
- Senior Decision Maker, Guernsey Financial Services Commission

## Education

- MA (Oxon) Jurisprudence