

SIMON ARNOLD

CALL – 2017

“A first-class junior... beyond user-friendly and a phenomenal addition to the team.”



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Simon Arnold is an established commercial disputes barrister with a substantial practice in high-value and complex litigation, including commercial fraud, banking and financial services disputes, breach of trust, professional negligence, shareholder disputes and international arbitration.

He is regularly instructed in proceedings before the Commercial Court, Chancery Division and Technology and Construction Court, as well as in domestic and international arbitrations. His instructions frequently involve substantial financial exposure, difficult questions of law, allegations of dishonesty, complex expert evidence and cross-border disputes.

Simon has extensive experience as an advocate, appearing both unled and as part of counsel teams. His recent work includes appearing unled in the Court of Appeal in litigation involving allegations of dishonesty and beneficial ownership, substantial High Court proceedings concerning a Quistclose trust, and an international LCIA arbitration arising out of a high-value distribution agreement.

His practice includes acting for banks and institutional lenders, insolvency practitioners, commercial organisations, shareholders, directors, professional firms and private clients. He is currently instructed in auditor negligence litigation exceeding US\$1.5 billion arising from an alleged international fraud.

Before transferring to the Bar in 2017, Simon practised as a solicitor, having been admitted in 1998. This substantial prior experience informs his commercial and strategic approach to litigation, including his appreciation of the practical and financial considerations affecting clients and instructing solicitors.

Simon is recognised in the leading legal directories for his commercial approach, technical expertise, advocacy and ability to manage complex litigation. Legal 500 describes him variously as a **“first class junior”** who is **“commercially minded”** with **“a complete command of the law.”**

SELECTED RECENT EXPERIENCE

- **Whitehall litigation:** Successfully represented a bridging finance lender in proceedings arising from the misapplication of approximately £4 million advanced for a commercial property

transaction. Obtained summary judgment for breach of a Quistclose trust. Further related and ongoing proceedings concerning allegations of fraud and enforcement against insurers.

- **West One Loans Ltd v Okroyan [2026] EWHC 1428 (Ch):** Acted for the defendant borrower in substantial High Court proceedings concerning the enforcement of a commercial bridging finance facility. The dispute raised complex issues of contractual interpretation, the application of financial sanctions, the enforceability of lending provisions and the recovery of contractual interest and enforcement costs.
- **Ward and others v Donnellan and others [2026] EWCA Civ 729:** Appeared unled in the Court of Appeal following a 13-day Chancery Division trial concerning alleged partnership arrangements, dishonesty, beneficial ownership and nominee relationships. The appeal addressed the exercise of the court's costs discretion in the context of findings of dishonesty.
- **International distribution dispute:** Instructed in an LCIA arbitration concerning a substantial distribution agreement, involving disputes over contractual pricing, termination and force majeure, including the consequences of Covid-19 and the conflict in Ukraine. The dispute involved approximately £20 million and proceeded to a two-week final hearing in December 2024, including substantial expert accounting evidence.
- **AIM-listed company – commercial and professional negligence litigation:** Instructed in substantial proceedings arising from alleged negligent professional advice provided to an AIM-listed company in connection with its corporate and financing arrangements. The claims involve complex issues of causation, loss of investment opportunities and substantial alleged consequential losses, including lost overseas profits.
- **Commercial contractual disputes:** Advised and acted in disputes concerning franchise agreements, manufacturing and supply arrangements, contractual termination, misrepresentation (fraudulent and negligent), guarantees, factoring arrangements and the enforceability of assignments.

PRACTICE

• Arbitration - International & Domestic • Banking & Financial Services • Civil Fraud • Commercial Litigation • Company, Shareholder & Partnership Disputes • Construction & Engineering • Professional Negligence

Simon is regularly instructed in technically complex commercial disputes involving banks, insolvency practitioners, developers, professional firms, institutional lenders, shareholders, directors and multinational companies.

SELECTED DIRECTORY TESTIMONIALS

- *"Simon comes to things with a very practical approach."* Chambers & Partners (2026)
- *"He is one of the most rounded and commercial barristers at the junior Bar. He is also very responsive and produces great written work."* Legal 500 (2026)
- *"Simon is very attentive, meticulous and comprehensive. He has a calm demeanor."* Legal 500 (2026)

- “Commercially minded.” Legal 500 (2025)
- “A complete command of the law.” Legal 500 (2025)
- “A first-class junior.” Chambers & Partners (2024)
- “A good and extremely helpful advocate; a first-class and highly user-friendly junior who works particularly well with solicitors and clients.” Chambers & Partners (2024)

PUBLICATIONS & SPEAKING

Simon regularly lectures and writes on commercial litigation, banking law, professional negligence, shareholder disputes and construction law. Simon is a contributing editor to the Encyclopedia of Banking Law.

WHY CLIENTS INSTRUCT SIMON

Clients value Simon's combination of rigorous legal analysis, commercial awareness, strategic judgment and persuasive advocacy in legally significant, technically demanding and high-value disputes.

AREAS OF EXPERTISE

ARBITRATION - INTERNATIONAL & DOMESTIC

Selected Recent Experience

- **LCIA arbitration – international distribution agreement, approximately £20 million:** Instructed in substantial international arbitration proceedings concerning a commercial distribution agreement. The dispute involved contractual pricing, alleged breaches of contract, termination and force majeure, including the effects of Covid-19 and the conflict in Ukraine. The arbitration proceeded to a two-week final hearing in December 2024, involving substantial documentary disclosure and expert accounting evidence.
- **International professional services arbitration – exceeding £10 million:** Instructed in an arbitration concerning disputes between an employer and a multidisciplinary professional consultancy providing design and project management services. The claims involved issues of contractual performance, professional responsibility, termination and substantial financial loss.
- **Infrastructure and utility services dispute – exceeding £15 million:** Acted in a substantial dispute between a major contractor and utility services provider concerning contractual and statutory obligations arising from infrastructure works, including issues of liability and the quantification of commercial losses.
- **Professional indemnity and successor practice arbitration – exceeding £10 million:** Instructed in an insurance-related dispute concerning whether a firm of solicitors constituted a successor practice for the purposes of professional indemnity insurance arrangements, raising substantial issues of policy interpretation and liability.

- **International construction and engineering disputes:** Instructed in disputes concerning major construction projects involving overseas parties, including issues of defective design, engineering performance, delay, professional consultancy obligations and contractual remedies.

BANKING & FINANCIAL SERVICES

Selected Recent Experience

- **West One Loans Ltd v Okroyan [2026] EWHC 1428 (Ch):** Represented the defendant borrower in reported High Court proceedings concerning the enforcement of a substantial bridging finance facility. The proceedings involved the interpretation and operation of lending provisions, sanctions-related issues, alleged material adverse change, retained interest and contractual enforcement costs.
- **Whitehall – commercial lending and secured transactions:** Acted successfully for a commercial bridging finance lender in litigation concerning approximately £4 million advanced for the acquisition of commercial property. Obtained summary judgment in proceedings arising from the misapplication of completion funds and the operation of a Quistclose trust.
- **Unauthorised collective investment schemes – overseas property investments:** Advised an overseas investor concerning multiple investments in substantial real estate developments, including whether the arrangements constituted unauthorised collective investment schemes under the Financial Services and Markets Act 2000 and the potential civil consequences of regulatory non-compliance.
- **Structured foreign exchange derivatives:** Instructed in litigation involving the alleged mis-selling of complex foreign exchange products, including the operation of derivative contracts, contractual close-out provisions, alleged misrepresentations and associated claims for financial loss.
- **Financial services law reform:** Instructed alongside a magic circle law firm to advise on proposed reforms to the financial services regulatory regime, including regulatory accountability, the development of a voluntary financial adjudication process and proposals for a specialist financial services tribunal.

CIVIL FRAUD

Selected Recent Experience

- **Whitehall – Quistclose trust and misapplication of funds:** Successfully represented a commercial lender in proceedings arising from the misapplication of approximately £4 million intended to finance a property acquisition. Obtained summary judgment for breach of trust against the recipient solicitors, including determination of issues concerning equitable remedies, interest and statutory relief from liability.
- **International commodities fraud – US\$1.5 billion proceedings:** Acts for the joint liquidators of a global commodities enterprise in substantial proceedings against its former auditors arising from an alleged sophisticated international fraud. The underlying allegations involve fraudulent invoicing, complex international transactions and the alleged failure of professional advisers to identify financial irregularities.
- **Ward v Donnellan – dishonesty and beneficial ownership:** Acted in substantial Chancery litigation involving competing claims to beneficial ownership of valuable property interests,

alleged partnership arrangements, nominee relationships and findings of dishonesty. Appeared unled in the subsequent Court of Appeal proceedings concerning the appropriate costs consequences of dishonest conduct in litigation.

- **Breach of fiduciary duty and trust – approximately £14 million:** Acted for a defendant facing substantial allegations of breach of fiduciary duty and breach of trust. The proceedings raised issues concerning the existence and scope of fiduciary obligations, the characterisation of commercial relationships and the availability of equitable remedies.
- **Fraudulent share transfers – approximately £1.5 million:** Acted for a shareholder in proceedings against a share registry services provider concerning the suspected fraudulent transfer of a substantial shareholding in a public company. The claim involves the duties of share registrars, alleged failures in transfer procedures and the statutory framework governing uncertificated securities

COMMERCIAL LITIGATION

Selected Recent Experience

- **Whitehall – substantial commercial trust litigation:** Successfully acted for a bridging finance lender in proceedings concerning the misapplication of approximately £4 million advanced for a commercial property transaction. Obtained summary judgment for breach of a Quistclose trust, with associated issues concerning compound interest, relief from liability under the Trustee Act 1925 and costs. Further related proceedings have involved allegations of fraud and the enforcement of liabilities against insurers.
- **West One Loans Ltd v Okroyan [2026] EWHC 1428 (Ch):** Acted for the defendant borrower in substantial High Court proceedings involving the enforcement of a commercial bridging finance facility. The dispute raised issues of contractual interpretation, financial sanctions, alleged material adverse change, retained interest and the recoverability of contractual enforcement costs.
- **Ward and others v Donnellan and others [2026] EWCA Civ 729:** Appeared unled in the Court of Appeal following complex Chancery proceedings involving disputed partnership arrangements, beneficial ownership, nominee relationships and findings of dishonesty. The appeal concerned the proper exercise of the court's costs discretion where both the unsuccessful claimant and successful defendants had advanced dishonest cases.
- **International distribution dispute – LCIA arbitration:** Instructed in an arbitration valued at approximately £20 million arising from an international distribution agreement. The dispute concerned contractual pricing, termination, force majeure and the commercial consequences of Covid-19 and the conflict in Ukraine. The proceedings included a two-week final hearing involving extensive documentary and expert accounting evidence.
- **AIM-listed company – commercial and professional negligence litigation:** Instructed in substantial proceedings concerning alleged negligent professional advice provided in connection with an AIM-listed company's corporate and financing arrangements. The claim involves complex issues of causation, lost investment opportunities and substantial alleged consequential losses, including lost profits from overseas operations.
- **International commodities enterprise – substantial commercial litigation:** Acts for the joint liquidators of a global commodities business in proceedings exceeding US\$1.5 billion against its former auditors following the discovery of an alleged international fraud. The proceedings involve

complex financial arrangements, international transactions, extensive documentary and expert evidence and substantial issues of professional responsibility, causation and loss.

COMPANY, SHAREHOLDER & PARTNERSHIP DISPUTES

Selected Recent Experience

- **Ward and others v Donnellan and others [2026] EWCA Civ 729:** Acted in substantial Chancery proceedings concerning the alleged existence of a property development partnership, competing claims to beneficial ownership, nominee arrangements and allegations of dishonesty. Appeared unled in the Court of Appeal in proceedings concerning the costs consequences of the parties' conduct and the proper exercise of judicial discretion.
- **Complex partnership and beneficial ownership dispute – approximately £8.5 million:** Instructed in substantial litigation concerning disputed partnership arrangements, beneficial ownership of property and business assets, nominee and trust relationships, fiduciary obligations and limitation.
- **International corporate insolvency – US\$1.5 billion auditor negligence claim:** Acts for joint liquidators of an international commodities enterprise in substantial proceedings against its former auditors arising from the collapse of the business and the discovery of an alleged large-scale fraud. The dispute involves multiple jurisdictions, complex financial transactions and substantial claims for damages.
- **Share registrar negligence – approximately £1.5 million:** Acts for a shareholder in proceedings concerning the allegedly unauthorised transfer of a substantial shareholding in a public company. The proceedings involve questions of share ownership, alleged fraudulent transactions and the duties owed by registry services providers.
- **AIM-listed company – corporate advisory and financial losses:** Instructed in litigation concerning alleged negligent advice provided to an AIM-listed company in connection with corporate financing and listing arrangements, including the consequences of allegedly lost investment opportunities and trading profits.
- **Corporate fiduciary obligations – approximately £14 million:** Acted in substantial proceedings involving allegations of breach of fiduciary duty and breach of trust, raising issues concerning the nature of commercial relationships, the scope of equitable obligations and available remedie

CONSTRUCTION AND ENGINEERING

Selected Recent Experience

- **Placefirst Construction Ltd v CAR Construction (North East) Ltd [2025] EWHC 100 (TCC):** Acted for the subcontractor in reported Technology and Construction Court proceedings concerning the enforcement of an adjudicator's award and the validity and timing of payment notices and pay less notices under an amended JCT subcontract. The proceedings involved Part 7 enforcement and Part 8 declaratory claims and raised important questions concerning the statutory payment regime.
- **Building safety litigation – approximately £4.5 million:** Instructed in substantial proceedings involving alleged design and construction defects and statutory duties under the Defective Premises Act 1972 and Building Safety Act 2022, including issues of liability across the

development and construction supply chain.

- **Professional consultants' certificates – claims exceeding £4 million:** Instructed in substantial professional negligence litigation against architects concerning the issue of professional consultants' certificates for residential property, alleged negligent statements, compliance with Building Regulations and duties under the Defective Premises Act 1972.
- **Complex cladding and façade defects – exceeding £10 million:** Instructed in multi-party proceedings concerning allegedly defective external wall and cladding systems, involving substantial remedial works claims, professional design responsibilities, technical expert evidence and insurance-related issues.
- **MG Scaffolding (Oxford) Ltd v Palmloch Ltd [2019] EWHC 1787 (TCC):** Acted in reported adjudication enforcement proceedings concerning the identification of the correct contracting party, the interpretation of adjudication notices and jurisdictional objections arising from the use of a trading name.
- **Maftoon v Sayed [2020] EWHC 1801 (TCC):** Successfully represented the claimant in Part 8 proceedings concerning the identification of the contracting party to a construction agreement and whether an individual had contracted personally or on behalf of a limited company.
- **Construction adjudications – professional fees and payment disputes:** Instructed in concurrent adjudications concerning additional design fees, contractual entitlement and the valuation of professional services, as well as disputes concerning final accounts, payment notices and the enforcement of adjudicators' decisions.
- **Engineering and renewable energy disputes:** Advised and acted in disputes concerning alleged defective engineering design and installation, including electrical installations at renewable energy developments and associated claims concerning contractual performance and professional responsibility.

PROFESSIONAL NEGLIGENCE

Accountants, Auditors & Financial Professionals

- **International auditor negligence proceedings – exceeding US\$1.5 billion:** Acts for the joint liquidators of a global commodities enterprise in substantial proceedings against its former auditors, arising from an alleged failure to identify a sophisticated international fraud. The litigation involves complex accounting issues, audit obligations, extensive expert evidence, limitation, causation and the assessment of substantial financial losses.
- **AIM-listed company – corporate and financial advisory negligence:** Instructed in proceedings against former professional advisers concerning allegedly negligent advice in connection with an AIM listing and related corporate financing arrangements. The claims include alleged loss of investment opportunities, reduced bond subscriptions and substantial consequential losses, including overseas trading profits.

Solicitors' Professional Negligence

- **Commercial property financing and misapplication of funds:** Acted successfully in multi-million-pound proceedings against solicitors arising from the misapplication of funds advanced for a commercial property transaction, including claims founded upon breach of trust and related equitable obligations.

- **Overseas property investors – solicitors’ negligence:** Represented multiple overseas investors in proceedings against solicitors concerning off-plan residential property investments. Appeared unled in separately constituted claims case-managed together in the Chancery Division, including proceedings prepared for a substantial multi-week trial and subsequently resolved through mediation.
- **Negligent conduct of litigation:** Represented a firm of solicitors in the defence of allegations of professional negligence arising from its conduct of commercial lease renewal proceedings, including advocacy at a contested multi-day trial.

Architects, Engineers & Construction Professionals

- **Multi-million-pound claim involving professional consultants’ certificates:** Instructed in substantial proceedings against an architect concerning certification of a residential property, alleged negligent misstatement and duties under the Defective Premises Act 1972. The claims raise complex issues of reliance, causation, the effect of building control certification and the assessment of financial loss.
- **Building safety and statutory liability – approximately £4.5 million:** Instructed in substantial proceedings arising from alleged building defects and breaches of statutory obligations, including claims under the Defective Premises Act 1972 and issues concerning the Building Safety Act 2022.
- **Architects’ design negligence and third-party liability:** Acted in professional negligence proceedings concerning alleged design defects, construction failures and the liabilities of architects and contractors, including associated insurance and contribution issues.
- **Quantity surveyors – negligent valuation:** Successfully represented a quantity surveyor in two adjudications concerning allegations of negligent interim valuations arising from a contractor’s insolvency.

QUALIFICATIONS

- 1992 – 1995 University of Lancaster, Law and Economics (2:1)
- 1995 – 1996 College of Law, Legal Practice Course
- 1998 – admitted as a solicitor
- 2016 – Higher Rights of Audience (civil)

MEMBERSHIPS

- Professional Negligence Bar Association
- North Eastern Commercial Bar Association
- North Eastern Circuit
- The Society for Construction Law
- TECBAR