



Name: Julian Sidoli

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PRACTICE OVERVIEW

Julian is a civil practitioner who specialises in Personal Injury, Clinical Negligence and Chancery matters appearing in courts throughout England and Wales. Julian combines a detailed grasp of both procedural and substantive law with skilled, measured advocacy and excellent client care. He very often receives repeat instructions and is often involved from the outset of major cases. He is willing to informally discuss cases prior to instruction with professional clients. He also accepts instructions in mediations both representing a particular party and as an appointed third party mediator.

In his spare time, Julian likes cooking, wine (especially Burgundy), rugby (both codes), reading and being dragged by his Sealyham terriers for lengthy country walks. He is also a passionate Cronulla Sharks fan!

CHANCERY AND PRIVATE CLIENT

Julian is a member of the Chancery Bar Association and has particular expertise in traditional chancery law including all aspects of real property, wills and trusts including contentious probate (Inheritance Act / Undue Influence / Capacity cases). He is frequently instructed in claims involving constructive trusts and TOLATA matters. His Chancery practice extends to landlord and tenant, easements and covenants and also related matters including nuisance and boundary disputes where he has lectured and published extensively in these fields. He is happy to advise on preliminary and non-contentious matters as well as contentious. Julian also has significant experience of adjudication and resolution of construction contracts under the Housing Grants, Construction and Regeneration Act 1996. He is also regularly instructed in complex contractual disputes involving construction and engineering issues. He has also completed over a thousand adjudications under the Housing Act 2004. Current and recent instructions include:

Murphy v Butler (2022) Represented the Defendants in a three day trial concerning an express reserved right of way by successfully arguing that the reservation was void for lack of certainty and on the facts was neither an equitable easement nor could estoppel be relied upon.

BNVTA v Hern (2022) King's Bench. Instructed on behalf of the Charity in a claim under Torts (Interference with Goods) Act 1977 in a highly contested claim for the return of the Charity's substantial archive. Injunction successfully obtained preventing dissolution of the archive. Ongoing.

B & C v H (2021) Defending a claim in the tort of deceit. The claim involved significant property assets and chattels – both personal and company – amounting to more than two million pounds. Advice, drafting, representation at prelim hearings. Instructed and briefed for 8 day final hearing. Successfully settled a few days before final hearing.

Re S (2021) successful defence of a claim for extensive costs in a long-running administrative application under Part 64 in a contentious probate claim.

P v R & C (2021) Ongoing. Defence of a claim in civil fraud alleging conspiracy, breach of fiduciary duties, conflict of interest and restitution against a company director and an employee/consultant for more than two and half million pounds.

Re Evans (2021) successful in a fully contested claim for a 'put up and shut up' order in a probate claim including advice, drafting and representation trial. Recovery of costs of the action which is not necessarily common in Part 64 applications.

W v B (2021) Chancery. Successful ten day trial concerning the enforcement of a Tomlin Order for the sale and division of a portfolio of both residential and commercial properties and successful defence of a counter-claim in excess of 750k.

Stoner & Reeve v Crook, Crook & Crook (2020) Represented the claimants in a successful 8 day Chancery division claim heard at the Royal Courts of Justice, widely reported in the national press, where a sister and niece overturned a will on the basis of capacity, want of knowledge and approval and undue influence.

Estate of W (Deceased) v P (2019) Chancery. Successful defence of a dependency claim under the Inheritance (Provision for Family and Dependents) Act 1975.

W v B (2019) Chancery. Successful three day trial concerning the enforcement of a Tomlin Order for the sale and division of both residential and commercial properties and successful defence of a counter-claim in excess of 450k.

Re Estate of St (Deceased) (2018) Chancery. Appointed third party mediator. Successfully mediated a full, comprehensive and final settlement. Issues included devastavit, multiple claimants, contradictory expert evidence, genealogical and handwriting issues.

H v M v H (2018) Chancery. Successful application following trial for removal of executors pursuant to s50 AJA 1985. Issues included time limits in dwelling homes pursuant to s283A Insolvency Act 1986, breaches of obligations under s333 Insolvency Act and actual versus constructive knowledge.

M v E (2018) Chancery. Contested probate claim involving allegations of fraud, expert evidence of forged signatures, issues regarding solicitors benefitting under a will as per *Franks v Sinclair* 2007.

L v B (2018) Chancery. Three day multi-track trial regarding a claim for a constructive trust in a non-matrimonial property in a sole name scenario.

H v R v G v B (2018) Chancery. Contested declaration sought for removal of legal charge over commercial property. Issues included corporate personality, equitable charges, constructive trusts and proprietary estoppel.

I & R v C (2018) 4 day Lands Tribunal case concerning a claim for adverse possession over woodland. Issues included the nature of possession given the nature of the land, reliance on civil evidence act statements, lease versus license.

P v G (2017) High Court (Technology & Construction) Successful claim and defence of substantial counterclaim. Complex matters concerning expert engineering evidence.

Publications include:

(2019) "Implying a term to give commercial sense to a lease" *Landlord and Tenant Review*, Volume 22.6

(2019) "Change of User – Landlord's unreasonable refusal of consent" *Landlord and Tenant Review*, Volume 22.6

(2018) Book – *People and Buildings: Comparative Housing Law* (Edited with M Vols). The Hague: Eleven Publishing

(2017) Book – *Regulating the City: Contemporary Urban Housing Law* (Edited with M Vols and M Kiehl). The Hague: Eleven Publishing.

(2017) "Notices of Application—Is Posting Enough?" *Landlord and Tenant Review*, Volume 21.4.155-157 (2017) 'Informal Housing – Plurality in the City' in Nestor Davidson and Nisha Mistry (Eds) in "Law between buildings – Emergent Global Perspectives in Urban Law. Ashgate, UK.

(2017) "Assignment, Parting with Possession and Unreasonably withholding consent" *Landlord and Tenant Review*, Volume 21.3.111-114

(2017) "Break Notices and Limited Partnerships" *Landlord and Tenant Review*, Volume 21.2.64-67

(2016) "Notices and the formality of Landlord and Tenant," *Landlord and Tenant Review*, Volume 20.3

(2015) "Selective Licensing – Challenging the Consultation Process" *Landlord and Tenant Review*, Volume 19.5

(2015) "Costs, Conditions and Consultations: Recent Developments in Selective Licensing" *Journal of Housing Law*, Volume 18.5. 96-101.

(2015) "The Landlord's Intention to Redevelop" *Landlord and Tenant Review*, Volume 19.2.71-73

(2015) "Landlords and the Law of Nuisance" Landlord and Tenant Review, Volume 19.1.1-5.

(2015) "Costs, mediation and the Judiciary" The International Journal of Arbitration, Mediation and Dispute Management, Volume 81.1.105-108.

(2014) "Statutory periodic tenancies and the Housing Act 2004." Landlord and Tenant Review, Volume 18.5.191-193.

(2014) "Substance over form – the wording of Section 8 Notices" Landlord and Tenant Review, Volume 18.4.148-150.

(2014) "Liability for Council Tax – Statutory Periodic Tenant – CT v Horsham District Council", Landlord and Tenant Review, Volume 18.3.107-109.

(2013) "Mediated settlements and Enforceable settlements: Frost v Wake Smith' Arbitration: The International Journal of Arbitration, Mediation and Dispute Management, Volume 79.4.467-470.

(2013) "Rent in advance is not a tenancy deposit: Johnson v Old" Landlord and Tenant Review, Vol 17.4.137-139.

PERSONAL INJURY AND CLINICAL NEGLIGENCE

Julian's accepts PI and clinical instructions primarily on the Multi-Track. He has particular expertise in industrial injury claims including deafness as well as fatal accidents, PTSD and complex holiday claims. His clinical negligence expertise includes serious brain injuries, surgical negligence including damage to major internal organs, nerve damage claims, dental negligence and those which result in a substantial psychological element. A large number of his cases have been published by Lexis Nexis. He is happy to draft and advise on quantum and liability matters at any stage of the proceedings and has significant experience in the valuation of damages for multiple injuries following Sadler v Filipiak and another (2011) and also those involving PTSD and other psychiatric injury. Current and recent cases include:

K v S v C v M (2021) Queen's Bench. Representing the Defendant in a plus 4 million pound claim. Liability, contributory negligence and quantum all in dispute. Complex issue of insurance coverage including alleged insurance mis-selling. Settled successfully with full costs awarded on the eve of the trial.

B v Southend University Hospital Trust (2020) Clinical Negligence. Major infant brain damage case due to negligent delivery. The most serious disability and lifelong care. Pleading above 10 million pounds. Lead by Lloyd Williams KC. Ongoing.

W v S v A (2019) – Clinical negligence. Issues included concussion/brain injury, duty of care, loss of earnings/loss of congenial employment. Represented the claimant (Lead by David Berkley QC). Settled shortly before trial.

G v A & Ors (2019) Multitrack. Serious PI resulting from alleged assault by doormen at a popular evening venue. Respresenting the Defendant. Initial advice and drafting defence. Successfully concluded.

D v Southend University Hospital NHS Foundation Trust (2019) Clinical Negligence. Negligent treatment concerning an amputation. Initial advice, drafting, advice on settlement and schedule of loss, Successfully settled.

P v B (2019) Clinical negligence. Perforated rectum following negligent hysterectomy. General damages plus special damages for lifelong care, home adaptation, et cetera. Advice from initial claim to settlement, prepared opinion on quantum, schedule of loss and represented at JSM where the matter was successfully settled.

S v 1st Central Insurance (2019) Personal Injury. Multi-track. Catastrophic injury, multiple injuries to chest, leg, face plus issues with sight and serious, permanent PTSD. Significant issues of contributory negligence. Advice from initial claim to settlement, drafting of particulars, schedule of loss, advices on liability and quantum. Successfully settled on behalf of Claimant.

M v B Ltd (2018) Personal Injury. Serious accident at work, subsequent disability, damages pleaded at over £400,000 including general damages and future loss of earnings. Initial advice, conference, opinions on liability and quantum, advice on settlement, JSM. Settled successfully at JSM on behalf of claimant.

A v D (2017) Personal injury. Damages pleaded at over 200k, complicated and contradictory medical advice, important issues of mental health and unwillingness to undergo treatment. Successfully settled on eve of trial on behalf of Claimant.

P v H (2017) Multi-track, damages pleaded at over 250k, Claimant with extensive pre-existing medical conditions. Numerous conferences, opinion on liability, opinion on quantum. Successful settlement before trial.

QUALIFICATIONS, MEMBERSHIPS AND APPOINTMENTS

PhD

BA (University College London) MSc

Member of the Chancery Bar Association

Member of the Contentious Trusts Association

Member of the Bar Liaison Committee (Inner Temple)