

WILLIAM CLERK

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Practice Overview

William's practice has a commercial focus. He deals with a wide range of commercial work concerning general contractual disputes, commercial agency, insurance and reinsurance, professional negligence, commercial fraud and sports disputes. He has already developed a reputation for dealing efficiently and effectively in fast moving litigation particularly in relation to interim applications and injunctive relief.

William is regularly instructed to advise and appear as sole counsel in cases concerning breach of contract, property damage, the Sale of Goods Act, the Supply of Goods and Services Act, bailment, asset finance, guarantees and indemnities.

In addition, he is developing a strong practice as junior counsel in larger disputes involving significant volumes of detailed and specialist technical evidence.

Commercial Dispute Resolution & Arbitration

William has a busy commercial practice, and accepts instructions as sole or junior counsel in cases concerning all aspects of commercial dispute resolution. He has a particular interest and aptitude in cases dealing with specialist technical evidence.

Current and Recent Work

Meadowbank Vac Alloys Limited v. Eurokey Recycling Limited (2015/Present) – instructed as sole counsel for the Defendant in this Mercantile Court dispute over shipments of scrap metal to India and Pakistan.

Practice areas

Commercial Dispute Resolution
Commercial Fraud
Insurance & Reinsurance
Life & Health Insurance
Property Damage
Sport

Memberships

COMBAR
TECBAR
LawInSport
BASL

Qualifications

BA (First Class Honours)
Graduate Diploma in Law
(Distinction)
BPTC

Education

Christ Church, Oxford University
City Law School, London



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Kiril Mischeff Ltd v. Osman (2015/Present) – acting as sole counsel for the Claimant company in High Court proceedings arising from the Defendant's fraudulent misappropriation of sums from the Claimant.

KLM v. Global Invacom Ltd [2015] LTL 5/08/2015 (Lawtel Document AC9301600) – instructed as junior counsel for the Claimant, led by Stuart Benzie (2TG), in these Mercantile Court proceedings arising out of the wrongful termination of a long term supply agreement.

X v. Y (2015/ongoing) – acting for the Claimant in confidential arbitration proceedings concerning a partnership dispute.

McLinden v. Isle of Wight Council (2015) – acting for the Defendant in a claim alleging negligent misrepresentation of information by the Defendant council in the context of a significant commercial property investment.

X v. Y v. Z (2014) – instructed on behalf of a major UK Oil and Gas Project Management company as junior counsel (led by Andrew Miller QC of 2TG) in a US\$53m claim arising out of the drilling of a prospective well in West Africa. The matter settled shortly before a six-week trial in the TCC.

Lloyds Bank Plc v. X (2014) – advising and acting on behalf of the Defendant in a claim brought by the Claimant bank pursuant to personal guarantees allegedly given by the Defendant.

Specialist Site Services Wales Ltd v. Investec Asset Finance Plc (2014) – acting on behalf of the Defendant, Investec, in a claim concerning the non-payment by the Claimant of sums due under a finance agreement. On application, the claim was struck out and summary judgment was granted on the counterclaim in full with Investec recovering its costs on an indemnity basis.

R.S. Brookhouse Engineering(Evesham) Ltd v. Willbros Construction (U.S.) LLC (2013)- instructed as junior counsel (led by Stuart Benzie of 2TG) in this three week trial in the TCC concerning a dispute over contracts for hire of mechanical plant used for laying oil-pipelines in the USA. As well as raising issues relating to contract formation, and the burden of proof within actions for bailment, the case was one of the first major commercial cases to hear concurrent expert evidence ("hot-tubbing").

Key Waste Solutions Ltd v. UK Shred Ltd (2013/14)– William advised and acted for the Defendant in this dispute concerning the provision of (allegedly) defective heavy machinery to a waste management business.

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Commercial Fraud

William has experience of several claims concerning commercial fraud particularly of interlocutory hearings for interim relief such as freezing, search, delivery up, and disclosure orders.

He also deals with, and has a particular interest in, contempt of court claims. He accepts instructions to act either as sole or junior counsel.

Current and Recent Work

X v. Y (2015/Present) – acting as sole counsel in High Court proceedings arising from the Defendant's (alleged) misappropriation of sums via fraudulent expense claims over a significant period of time.

Kiril Mischeff Ltd v. Osman (2015/Present) – acting as sole counsel for the Claimant company in High Court proceedings arising from the Defendant's fraudulent accounting and misappropriation of sums from the Claimant. The case raises issues of enforcement including the interplay between confiscation orders in criminal proceedings and enforcement in linked, civil proceedings.

Flogas Britain Ltd v. McNicholas (2015/Present) – acting as sole counsel for the Claimant in this claim concerning the termination of a distributorship agreement and allegedly wrongful detention of the Claimant's property.

Bradley v. Jones (2015) – acting successfully as sole counsel on behalf of the Claimant in this action concerning enforcement of an unpaid Financial Ombudsman Service award. The claim required an urgent application for an injunction prohibiting the Defendant from disposing of his interest in a property pending entry onto the register of a charging order over the same.

VKB v. Y (2014)– acting as sole counsel for the Claimant in these proceedings relating to the alleged misappropriation of significant sums from a company by a previous director.

Flogas Britain Ltd v. Jones & Ors (2014) – (as junior counsel) a successful, without notice application for a search order granted against Respondents already subject to committal proceedings.

F.W. Farnsworth Ltd & Anor v Lacy & Ors (2013) – (as junior counsel) a successful application to commit the Defendants for contempt of court following the breach of a consent order to enforce a restrictive covenant.

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MWUK Ltd v. Martin (2013) – (as junior counsel) a successful, without notice application for a “door-step” delivery-up order.

Insurance & Reinsurance

William is instructed in matters relating to coverage and policy interpretation, and has a particular interest in claims raising issues of fraud and exaggeration. He is also developing a practice in claims concerning life and health insurance claims.

Current and Recent Work

A v. B v. C (2015) – advising the proposed Claimant’s insurers on the merits of a subrogated action against the proposed Defendants following extensive subsidence damage sustained as a result of adjacent building works. The proposed claim involved, in the first instance, a challenge to the validity of a Party Wall Act 1996 award.

X v. Y (2014) – advising the United States Air Force’s group insurer on issues of coverage, and in particular the question of double insurance, arising out of an accident on a United States Air Force base in the UK involving a lease vehicle with separate insurance.

Clifford v. Amtrust (2014) – advising and acting successfully for the Defendant in this matter relating to a policy of equine insurance. The claim was discontinued shortly before trial.

Willsher v. Friends Life Ltd (2013) – William was instructed as junior counsel (led by Caroline Harrison QC and Sonia Nolten of 2TG) by the Defendant insurers in this significant permanent health insurance claim arising out of alleged psychiatric illness; in addition to raising complex medical issues, given the largely subjective nature of the illness the claim turned on credibility. It was discontinued on the second day of trial.

Life & Health Insurance

Current and Recent Work

Willsher v. Friends Life Ltd (2013) led by Caroline Harrison QC and Sonia Nolten; acting for Defendant insurers in significant permanent health insurance claim, discontinued on the second day of trial.

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Clifford v. Amtrust (2015) – acting for Defendant insurers in a claim for permanent loss of use under a Policy of equine insurance.

Ribnikov v. ACE (present) acting for Defendant insurers in a claim for permanent total disablement under a Policy of personal accident insurance.

Thomas v. AIG (present) acting for Defendant insurers in a claim for permanent total disablement brought by an ex-serviceman under a Policy of personal accident insurance.

Property Damage

William's practice in this area concerns damage to private property, construction or utilities projects caused by fires, floods, subsidence and explosion. Such claims frequently feature allegations of breach of contractual duties by sub-contractors during construction works.

In addition, William has a particular experience and expertise in claims regarding diminution in value of chattels or property (which themselves often involve issues of bailment), in which he is regularly instructed to appear on behalf of asset finance companies.

Current and Recent Work

Drury v. Kier Group Plc, Adstone Construction Ltd & Building Design Partnership (2015/Present) – acting as sole counsel for the Third Defendant in these TCC proceedings concerning allegedly defective design and construction of a steel canopy superstructure.

Harding v. Nautic & Mapfre (2015) – acting for the Claimant in this dispute concerning allegedly defective maintenance, service and repair of a boat in Spain which it is claimed led to irreparable damage to the boat's engine.

Amar v. Notley Investments Ltd (2015) – acting successfully for the Claimant in an action in nuisance and/or negligence arising from an inundation to the Claimant's flat. The claim settled shortly after the Particulars of Claim were served.

Gibbons v. South East Water (2013) – acting successfully for the Defendant in this claim concerning damage to the Claimant's property as a result of flooding alleged to have been caused by faulty water supply pipes.

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R.S. Brookhouse Engineering (Evesham) Ltd v. Willbros Construction (U.S.) LLC (2013)- William was instructed as junior counsel (led by Stuart Benzie of 2TG) in this three week trial in the TCC. The key issue at trial was whether, pursuant to the contract of bailment, the damage sustained to the mechanical plant used for laying oil-pipelines constituted fair wear and tear, or whether it went beyond fair wear and tear evidencing breach of contract; the case turned on a significant volume of expert engineering evidence.

Sport

William is rapidly developing a busy sports practice with a strong focus on the commercial, disciplinary, and regulatory aspects of sports disputes across all major sports. He is frequently instructed to advise on the interpretation and application of sports bodies' regulations.

William also has a particular interest in the (mis)management of concussion injuries in sport – not only in the player-welfare issues that arise, but the attendant commercial and/or insurance implications.

He was appointed to the Sports Resolution UK Pro Bono Legal Service in July 2015. This service is made up of lawyers who are willing to provide pro-bono legal advice and representation to athletes, coaches, team officials, and other individuals appearing before sport-specific tribunals: see www.sportresolutions.co.uk for further information.

Current and Recent Work

X v. Y (2015/Ongoing) – acting for a respondent in confidential disciplinary proceedings brought by the governing body of a major sport concerning match-fixing allegations.

Schwartz v. OUPC (2016) – acting successfully for the Defendant OUPC in a claim brought by an ex-member, raising issues of the scope of the Court's supervision of and jurisdiction over unincorporated associations in a sporting context. Summary judgment was entered following a successful application.

National Ice Skating Association (UK) Ltd v. X & Y (2015) – acting for NISA in disciplinary proceedings and successfully securing sanctions against each of the Respondents.

X v. RFU (2015) –instructed to appear on behalf of the appellant National League 1 Rugby Club in this appeal against a decision of the NCA against the club.

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X v. Y (2015) – advising a Premiership rugby club in relation to a threatened claim by an agent for non-payment of allegedly outstanding transfer fees. Following robust pre-action correspondence, the claim was never issued.

In re: A (2014) – advising a young Formula 4 driver in relation to a sponsorship agreement.

X v. Y v. Z (2014) – advising a semi-professional rugby player on the merits of an action against a fellow semi-professional player and an amateur club (including advising on issues relating to coverage and policy interpretation) arising out of injuries sustained during an on-pitch assault.

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