

Greg Plunkett



Call 2013



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Memberships

Commercial Bar Association

Chancery Bar Association

Member Chartered Institute of Arbitrators

Gray's Inn

Professional Negligence

Greg has been engaged in both the defence and pursuit of professional negligence claims from the outset of his legal career. As a junior lawyer in the late 1980s he was one of only a small number of solicitors in England and Wales who were instructed in relation to claims brought against solicitors, who at that time insured through the Solicitors Indemnity Fund.

Greg has acted for and against a wide range of professionals including accountants, actuaries, engineers, insurance brokers, IFAs, surveyors and solicitors.

He is often consulted by professionals who require advice independently from their professional indemnity insurers and is he is able to provide support and guidance when such professionals feel particularly vulnerable and uncertain as to their legal position.

In recent years Greg has acted for a variety of financial institutions pursuing “lender claims” which, in addition to issues of negligence and breach of contract, also give rise to more complex issues of breach of trust, fraud (including sales by imposters), breach of warranty of authority and breach of undertakings. He has assisted lenders recover many millions of pounds.

Professional Negligence Cases

Recent cases include:

- Acting for a bridging finance company in a claim, worth in excess of £1 million, arising from alleged breach of contract, breach of trust and breach of undertakings. The claim is against the claimant’s own solicitor and the borrower’s solicitor. It relates to a loan to charity trustees and involves the dissipation of the loan monies to unknown third parties. The Attorney General

intervened and parallel legal proceedings were brought by a receiver appointed by the Charities Commission resulting in a trial (at which Greg appeared for the respondent) in the Lands Tribunal to determine the validity of the legal charge and rectification of the Land Register.

- Acting for a claimant against a barrister who allegedly failed to advise in relation important legal principles which undermined the merits of the claim resulting in failed TCC High Court action and the claimant being ordered to pay substantial legal costs to the defendant, a national housebuilding company.
- Acting for a police informant suing his legal advisers, who allowed his claim against a police force to be struck out. The claimant had sued the police force for breach of contract for failing to pay him for information he had supplied in relation to high profile criminals of national notoriety.
- Acting on behalf of various claimants who purchased rural properties serviced by septic tanks and whose conveyancing solicitors failed to advise on relevant environmental legislation. This has resulted in the claimants incurring the expense of installing new sewage treatment and drainage systems.
- Acting for a claimant in claim against matrimonial solicitors who failed to advise her correctly regarding her entitlement to a share of ex-husband's pension fund.
- Acting for central London property owner against a solicitor who failed to advise the property did not have the benefit of off-road parking, which was only identified some years after acquisition of the property and is impeding the sale of the property.
- Acted for successful claimant restaurateur in claim against his commercial insurance broker, which failed to obtain adequate business interruption cover in respect of flood damage, leading to closure of his restaurant for extended periods. The case settled shortly before the commencement of a five-day High Court trial.
- Acted for successful claimant against solicitors who failed to advise about the implications of the Green Deal Energy Efficiency Scheme when property purchased.
- Acted for successful claimant against solicitors who failed to warn claimant that the legal proceedings he had issued regarding a boundary dispute had no realistic prospect of success and resulted in an adverse costs order.
- Acted for successful claimants who purchased new build properties on a residential housing estate, whose solicitor failed to ensure planning permission and building regulation controls had been complied with.
- Acted for successful claimant (following 3 day trial) against a solicitor who failed to advise properly in relation to the issue of co-ownership and the requirement for a declaration of beneficial interest to reflect the claimant's greater contribution to the purchase price of the family home.
- Acted for successful claimant finance company against a solicitor for breach of trust and undertakings arising from substantial

mortgage fraud perpetrated by an impostor, who claimed to be the owner of property in which he had no legal or beneficial interest.

- Acted for successful claimant bridging finance company against solicitors, who had pursued High Court proceedings on its behalf alleging negligence against a surveyor in respect of two substantial unconnected commercial property transactions. The solicitor had allowed the limitation period to expire in both actions against the surveyor. The factual matrix was further complicated by the involvement of fraudsters, who duped the lenders and the solicitors. The fraudsters involved were jailed.
- Acted for successful claimant tenant against its solicitors for failing to serve correct and timely tenancy notices to the commercial landlord in respect of city centre bar, which had resulted in temporary closure and relocation of a thriving business.
- Recovered in excess of £1 million for claimant lender against its solicitor who, in breach of trust, paid the loan monies to a third party instead of solicitors acting for the borrower.
- Recovered over £750,000 for finance company from a solicitor whose employee was engaged in criminal conspiracy with a borrower, who fraudulently represented that he was the owner of the property used as security for the loan.
- Acted for successful landlord against a solicitor who allowed claimant's claim against a builder to become statute barred. The underlying claim went to trial. The solicitor failed to collate necessary evidence and delayed in progressing the claim, which resulted in the physical deterioration of the property resulting in its diminution in value and loss of substantial rent over a period of years.
- Acted for successful claimant against a solicitor who failed to give correct advice regarding rent review provisions and encouraged the claimant to pursue arbitration proceedings which had no real prospect of success, resulting in substantial adverse costs order against claimant.
- Acted for successful claimants against surveyor who failed to identify significant structural defects in expensive London property resulting in inflated valuation of the property purchased by the claimants.

Recommendations

“He is the perfect advocate for legally complex and challenging cases that require a quick and efficient response in difficult circumstances.”

“He is a brilliant tactician who can turn a case around when your back is to the wall.”

“Greg is the barrister we go to when we have demanding cases because of his intellectual grasp and his strategic awareness. He is excellent with clients and works extremely hard to ensure the best possible results”.

“Greg has an impressive ability to construct a compelling argument regardless of the apparent merits of a case. He is an excellent and fearless advocate who is always well prepared.”

“He is outstanding; professional yet down to earth, giving 100% to every case.”

“Greg was instructed extremely late in the day but his ability to grasp so very quickly the complex issues the case gave rise to and absorb the immense amount of material deployed was extremely impressive.”

“I knew very quickly at our first meeting he was the counsel who could turn our struggling case around, which he did with great skill. He achieved a result which far exceeded our expectations.”

“He is extremely able and an invaluable asset to any litigation team. Greg works extremely hard to look after the interests of his client.”

“Greg is a thoroughly impressive Professional Negligence Counsel, remarkably diligent in his preparation and very astute tactically. He is unafraid to pursue difficult cases with force and he is able to take a sensible commercial approach when appropriate”.