



## Gabriel Fadipe

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### Clerks' Details

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### Qualifications and Appointments

- BA in Law with French, University of Kent
- Masters in Business Law (First Class), University of Bordeaux
- Gabriel sits on the Bar Standards Board Disciplinary Tribunal
- LLM International Commercial Law (Distinction) 2018

## “Extremely hardworking”

The Legal 500

### Memberships

- Commercial Bar Association
- Chancery Bar Association

### Practice Overview

Gabriel has experience in business and commercial, financial services and property disputes often involving fiduciary relationships with allegations of mis-selling, undue influence claims, and fraud. His experience spans cases involving collective investment schemes, claims involving "Ponzi" schemes, lifetime mortgages or equity release schemes and a range of commercial disputes involving guarantee claims, and contractual issues. His work often has international aspects, with an emphasis on Africa and the Caribbean.

Much of Gabriel's work cuts across traditionally defined disciplines. He combines intellectual rigour and attention to detail with a down-to-earth, common sense approach to litigation. As a result, Gabriel is often praised by clients, solicitors and judges for his ability to think outside the box.

Gabriel has been listed in The Legal 500 as a **"leading junior"** for his civil fraud practice, while The Lawyer magazine has referred to him as one of the **"stars of the Junior Bar"** for his real property work. The Legal 500, 2015 note that **"he has a strong track record in African and Caribbean related fraud cases."**

While a fierce advocate in the courtroom, Gabriel is ever-conscious of the practical and commercial needs of his clients. He is regularly instructed to assist in mediations and other forms of alternative dispute resolution. In addition to advising and appearing as an advocate, Gabriel has been instructed as an expert on English Law and procedure in a dispute between members of an overseas royal family, and as Special Counsel by the indemnity insurer of well-known City-based solicitors investigating suspected fraud by a number of the partners. Gabriel has also sat on the Disciplinary Tribunal of the Bar Standards Board. Gabriel is fluent in French (with a Master's degree in Commercial Law from the University of Bordeaux). He has basic knowledge of Spanish. He has also worked for Simpson Grierson solicitors in New Zealand.



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## Commercial

Gabriel's commercial litigation practice varies from multi-million pound cases between large corporations to disputes between smaller companies, partnerships and individual traders.

Gabriel is frequently instructed to advise and represent clients in personal and corporate insolvency matters, and he regularly acts for company liquidators, administrators and trustees in bankruptcy.

### Recent instructions include:

- Acting for the liquidator of an Isle of Man company run as a collective investment scheme (but wound up for fraud), in the recovery of assets.
- Advising the administrators of a hedge fund in a claim against a foreign bank for failure to honour a commitment to make a loan.
- Acting for various banks and lending institutions in enforcing guarantees and other securities.
- Advising on claims against independent financial advisers
- Advising a bridging finance company as to potential negligence claims against its former advisers (solicitors and valuers)
- Defending a director of a company where fellow directors had defrauded the company's bank through misuse of an invoice-discounting scheme.
- Acting for individuals accused of running a multi-million dollar 'ponzi' scheme
- Advising in an arbitration involving allegations of bribery in the procurement of government contracts in China
- Acting for the franchisee of a major UK car manufacturer, alleging wrongful termination of the dealership.
- Acting for an international automobile distributor in a dispute with a UK wholesaler over supplies of vehicles into the 'grey market', and in a dispute with a major UK bank over alleged improper payments under a standby letter of credit.
- Defending a major UK hotel group against a claim for an indemnity under a sale agreement, following a failed tax avoidance scheme.
- Acting (as part of a team of lawyers in the UK, Gibraltar and South Africa, led by Terence Mowschenson QC) for the defendant companies in claims to set aside a production sharing contract for the exploitation of oilfields in the Democratic Republic of Congo
- Defending a financial adviser against claims of fraud, breach of fiduciary duty and negligence, concerning a series of joint ventures in the UK, US, India and the Caribbean
- Advising (as part of a team of lawyers in the UK and Spain) a former director of a FTSE 250 company over claims arising under a Share Sale Agreement.

## Professional Liability

Gabriel regularly advises and acts for both claimants and defendants in professional negligence cases, particularly claims against solicitors and barristers.

### Recent instructions include :

- A claim against solicitors for negligent advice on conveyancing matters (failure to properly advise on the effect of low cost housing provisions in a residential development scheme).
- A claim against surveyors for the negligent valuation of a commercial property.
- A claim against solicitors and a barrister for the negligent conduct of commercial litigation.
- A claim against solicitors for failing to record properly the respective beneficial interests of the purchaser of a buy-to-let property.



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## Professional Liability continued

- A claim by solicitors for a 'negative declaration', i.e. that they had not been negligent in acting for the defendants in a substantial property transaction.
- A claim against managing agents accused of negligently failing to arrange sufficient insurance cover for a property development.

## Property

Gabriel's practice encompasses all elements of real property including landlord and tenant (both residential and commercial), mortgages, easements and restrictive covenants, boundary disputes and conveyancing. As well as the High Court and county courts, Gabriel regularly appears before the Land Registry Adjudicator and the Residential Property Tribunal.

### Recent instructions include:

- A long-running claim by the landlord of commercial premises for rent arrears, where the tenant alleged that the lease had been surrendered.
- Defending the owners of a substantial flat in London against a claim by the freehold management company for an injunction to force them to undo major refurbishment works.
- A claim for the recovery of service charges for the cost of major works to the Corn Exchange in Manchester.
- Acting for the former director of a property finance company, alleged to have been party to a multi-million pound 'ponzi-style' fraud.
- Various disputes over the beneficial ownership of property, particularly where purchased as a buy-to-let.
- Various landlord-tenant and mortgagee possession claims, many of which involved allegations of mis-selling (particularly with reference to lifetime mortgages or equity release schemes), undue influence (as in *Barclays Bank v O'Brien* and *RBS v Etridge*) or fraud.

## Trusts, Tax, Probate and Estates

Gabriel advises and appears in court on a variety of contentious private client matters, from those involving relatively modest estates to multi-million pound offshore trusts.

### Recent instructions include:

- Assisting counsel in Anguilla with a claim in the Eastern Caribbean Supreme Court against an executor and trustee for wrongly registering estate land as the executor's own, on the grounds that she had been in adverse possession of the same.
- Assisting counsel in Anguilla with another claim in the Eastern Caribbean Supreme Court to remove the administrator of an estate, with associated proceedings for contempt of court against the administrator's solicitors for failing to comply with an undertaking that they would cease acting in circumstances where they had a conflict of interest.
- Acting in divorce proceedings in the High Court for third parties claiming to own the properties (valued in excess of £25m) that the wife alleged her husband owned.
- Defending an executor against allegations by beneficiaries that he acted in breach of duty by failing to convert and distribute trust assets shortly before the start of the global financial crisis.
- A claim by the widow in a polygamous marriage for a share in the UK matrimonial home.
- Defending a claim by the child of parents also in a polygamous marriage to a greater share in the UK family home.
- Various claims under the Inheritance (Provision for Family and Dependents) Act 1975.