



## Paul Newman QC

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QC: 2009

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### Clerks' Details

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### Qualifications and Appointments

- First Class degree in Law, Downing College, Cambridge
- LLM, Harvard Law School

*“Brilliant at finding clever solutions to problems, will always give a clear view and is utterly reliable and user-friendly.”* The Legal 500, 2021

### Memberships

- Association of Pension Lawyers
- Association of Contentious Trust and Probate Specialists

### Publications

- Paul's new book, A Practitioner's Guide to Correcting Mistakes in Pension Schemes, will be published by Bloomsbury Professional in March 2022
- Paul is a contributor to leading practitioners' works on pensions law and on the law of corporate receivers (Lightman & Moss)
- He has written several articles on pensions and financial services topics, including an influential analysis of rectification issues as they relate to pension schemes, published in Trust Law International.
- Paul was responsible for the chapter on expert witnesses in Chambers' Guide to the Civil Procedure Rules.

### Practice Overview

Paul has a litigation and advisory practice concentrating on financial and private client disputes, most notably pensions, financial services and trusts. A substantial proportion of Paul's practice also involves advising on and acting in liability and negligence disputes involving professionals.

As well as representing some of the highest profile pension schemes in the UK and several major life insurers, Paul acts regularly for The Pensions Regulator. He has been heavily involved in advising on, and appearing in cases relating to, various provisions of the Pensions Act 2004, and also has extensive experience of advising and litigating on various public sector and industry-wide pension schemes.

Paul has advised the Royal Bank of Scotland in connection with its successful recovery of pension benefits from Sir Fred Goodwin. He has also advised the Department of Work and Pensions on the age discrimination regulations, and has advised the senior UK judiciary on the effect of the reforms to public sector pensions on the judicial pension schemes.

An increasing amount of Paul's work relates to Self-Invested Personal Pension Schemes, or SIPPs. Paul acts for investors, providers and trustees in respect of claims for mis-selling of SIPPs and mis-investment of investments within SIPPS.

Paul regularly acts in contentious private and commercial trust disputes both in the UK and overseas, particularly Jersey and the Caribbean, involving disputes concerning the role of protectors, claims by beneficiaries and the duties of trustees.

Paul recently appeared in an international arbitration in Bermuda relating to a claim for breach of warranty in a share sale agreement involving a multinational telecommunications company.

Paul has an interest in legal history and is a member of the Selden Society. In his spare time, he is researching for a part-time PhD at the London School of Economics on the topic of law reporting in the Georgian era, for which he has been awarded an AHRC London Arts & Humanities Partnership Research Studentship for his research.

Paul is regularly recommended in the legal directories. Recent comments about Paul in The Legal 500 and in Chambers & Partners include the following: *"He has a first-class mind and is well-known for his courtroom manner and robust pragmatism"; "he provides crystal clear analysis. He's emotionally intelligent and therefore very client-friendly"; "a first-rate litigator"; "a very bright and first-rate advocate, imaginative in finding solutions to extremely complex legal issues, and he does so without losing sight of the underlying legal principles"; "an absolutely outstanding advocate, who fights cases with passion"; and "a superb advocate with a no-nonsense approach."*



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## Professional Liability

Paul has extensive experience of acting for and against professionals in claims concerning the failure to equalise the retirement ages of pension scheme members, relating to schemes operated by companies such as Group 4, Harland & Wolff, MFI, Fujitsu, Life Sciences International, IMG, Hewlett Packard, BNP Paribas, Honda, Siemens and Sopra Steria. Paul has been consistently recommended as a leading silk in Chambers & Partners and is best known for his wealth of experience in handling professional negligence claims relating to pension schemes and other financial services.

The latest edition of Chambers and Partners refers to his *"wealth of experience in handling professional negligence claims relating to pension schemes and other financial services"* and says that *"He gives sound commercial advice, understands the bigger picture and inspires confidence in the client."* The previous edition said that *"his advice is always right on the money"*.

The 2020 edition of Chambers and Partners said that *"he has judges in his thrall and leaves no stone unturned"*. *"He is commercially savvy and understands the wider picture. He doesn't just give you a legally correct answer but one that you can put into action."*

The 2019 edition of Chambers & Partners noted that he is *"very good at not losing sight of the legal issues and finding a solution"*. The 2018 edition described him as *"technically able and very robust in court. He fights his corner with great vigour."* *"He is great with clients and has lots of gravitas."* He is *"an accomplished adviser on allegations of professional negligence"*, *"very committed as an advocate, very confident and energetic"* and *"an absolutely outstanding advocate, who fights with a passion which seems to be lacking in many others"*. In the 2016 edition of Chambers and Partners, he was described as *"a dynamic and well-respected silk"*, *"a passionate and tenacious advocate with terrific experience"*, and *"robust, authoritative and commercial – someone you see consistently in leading cases"*.

He is also consistently recommended as a leading silk for Professional Negligence cases in the Legal 500, the latest edition describing him as having *"incredible experience and knowledge of all pension related matters"* and being *"very sound in his advice."*

The 2021 edition described him as *"clear, concise, commercial and client friendly"*; the 2020 edition described him as *"well-known for his forceful courtroom manner and robust pragmatism"* and the 2019 edition said that he has *"considerable strategic and tactical insight"*, and is *"thoughtful in his responses and giving clients confidence"*.

### Recent/notable cases include:

- Acting for a national firm of solicitors in a dispute with the Pension Protection Fund relating to the drafting of contingent asset documents.
- Acting for a well-known firm of solicitors defending a claim for not identifying a failure by other advisers properly to equalise male and female member pension benefits.
- Acting for a firm of consulting actuaries defending a claim for several million pounds from an employer following the failed conversion of a final salary scheme to a money purchase arrangement, which resulted in a very favourable settlement for the firm.
- Acting for the trustees of a scheme against benefits consultants over the failure properly to implement proposed pension increases, resulting in a settlement worth several millions of pounds to the scheme.
- Acting for the trustees of the Royal Doulton Pension Scheme in a claim for negligence against the scheme actuaries relating to anti-franking legislation.
- Acting for trustees of settlements in negligence proceedings arising out of a failed attempt to secure Beddoe directions for proceedings against former trustees.
- Acting for a policyholder in a £1m dispute with the Prudential Plc, concerning the validity of a deferred annuity contract taken out when the policyholder earned no UK-taxable income.
- Acting for a firm of insurance brokers in a £6m dispute with the actuary of its pension scheme, relating to his mis-calculation of the scheme's FRS 17 liabilities.
- Acting for Stagecoach Group in a dispute with a firm of solicitors regarding advice given on the pension scheme liabilities of a target company.