



## Nicholas Bard

Year of Call: 1979

Nicholas Bard is a specialist in civil and commercial law, with particular emphasis on professional negligence, as well as disputes involving contractual, property and construction issues.

He has considerable experience in mortgage-based claims, both against valuers and solicitors (negligence) and against borrowers (construction of mortgages, undue influence, etc). His practice spans a broad range of experience in civil litigation generally.

Nicholas possesses well-honed analytical skills and takes a pride in speedy absorption of facts. He is known for his pragmatic, client-friendly and down-to-earth approach as much as his ability to grasp detail and to see the wood for the trees.

### Recent notable cases:

- *Platform v Anderson Associates* (QBD, trial Jan 2012) – valuers' negligence
- *HSBC v Gardner* (2012) – limitation, construction of guarantee to bank
- *Nahome v Last Cawthra Feather Solicitors* [2010] P.N.L.R. 19 (Ch Div) – solicitors' negligence in renewal of LTA 1954 lease, assessment of damages
- *Vinden v Turner* (2009) – dispute involving property, undue influence, assault and harassment, forgery of documents, and assessments of damages
- *Walker v Kenley* Ch D [2008] 1 P. & C.R. DG 21 – claim for overage following sale of property
- *Gilboy v Kindercare* (QBD, April 2007) - specific disclosure in libel action
- *Emriclands v Southerington* (2006 – County Court + briefly in Court of Appeal) – mortgage borrower's claim to have been acting under undue influence
- *Courtney v Corp Ltd* (trial, + Court of Appeal 2006) – damages for breach of contract to lend money
- *LTE Scientific Ltd v Thomas* QBD (2005) – restrictive covenant, contempt of court for breach of injunction
- *Keynejad v Keynejad* Ch Div (2004) - property and trust dispute between family members
- *Nathan v Smilovitch* (No.3) Ch Division (2002/3) – detailed account in dispute arising out of a joint venture to acquire and develop property
- *Somerfield Corporation v. Heneghan* - [2000, Ch D] – obtained award of damages pursuant to a *Mareva* cross-undertaking

### Recommendations

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**Deep knowledge of law within his stated practice areas. He delivers an exceptional high quality of service both on paper and in Court. Very user friendly, much liked by clients.** - *Stephen Chadwick, Associate, Browne Jacobson LLP*

## **Professional Negligence**

Particularly in relation to mortgage loans (solicitors and valuers), and associated transactions; solicitors and barristers generally (including conduct of litigation); surveyors, architects, engineers, insurance brokers and some accountants. Some disciplinary work (solicitors and barristers).

## **Commercial Litigation and Disputes**

### **Property**

Mortgage loans (including possession, undue influence), landlord and tenant, boundary disputes and easements

### **Building & Construction**

Litigation and arbitration work including commercial and residential projects

### **Defamation**

14 years as panel libel reader for *The Observer*; some libel and slander disputes and litigation, including jury trial.

## **Insurance & Reinsurance**

Predominantly claimants' work in insurance claims, including property damage and loss of business cover. Includes professional negligence claims against insurance brokers.

## **Partnership**

General disputes, including those between professional (solicitors, doctors) – construction of agreements; breaches of duty; damages and accounts.

## **Commercial Litigation**

Including civil litigation, general contractual and tort disputes, which have included sale of goods (and machinery), guarantees, insurance claims, funding of legal disputes, enforcement of foreign judgments, assault and harassment. Emergency remedies, including freezing and search orders.

## **Additional Information**

Nicholas has provided seminars on:

- Choice of jurisdiction clauses in international contracts, at the Brussels Convention.
- Malicious falsehood/trade libel.

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- Interim Remedies under the CPR.

Nicholas also lectures and provides tutorial sessions on High Court advocacy.

### **Appointments**

Deputy Master, King's Bench Division – appointed 2003

Deputy District Judge (Civil) – appointed 2003

### **Memberships and Associations**

PNBA, COMBAR, LCLCBA

Before joining Devereux, tenant at Chambers of Richard Slowe, 4 Kings Bench Walk (1981-1988)

### **Awards and Scholarships**

Brackenbury (Open) Entrance Scholarship – Balliol College, Oxford

### **Academic**

MA (Oxon) in P.P.E.

Clifton College, Bristol

Balliol College, Oxford

### **Personal Interests**

Music, theatre, bridge, chess