

# Fiona Whiteside

CALL: 2017

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Languages: German (proficient)



## Overview

Fiona is a versatile barrister with a broad commercial practice and is regularly instructed as led and unled counsel in cases of the utmost importance, including in the Supreme Court. Her practice encompasses contractual, international trade, civil fraud, banking/fintech, construction/energy, jurisdictional and company/insolvency disputes.

Fiona regularly advises in her own right and appears as a sole advocate in the High Court and County Court, including on appeal. Highlights of her recent litigation and arbitration experience include successfully defending a test case for the business model of an energy broker client, obtaining injunctive relief on behalf of a partnership to enforce post-termination restrictive covenants against a departing partner, and succeeding in a sale of goods dispute which turned on a complex construction argument about the meaning of "Insurance Total Loss".

Fiona is a confident and experienced advocate who has received praise from judges for the quality of her submissions in both the High Court and County Courts, for example, while acting for a global bank defending an appeal about the legal requirements for a binding settlement agreement, and while acting pro bono to resist an injunction in order to prevent a family losing their home.

Before joining Chambers, Fiona was a policy advisor to the UK government, where she led a complex IT procurement project and the commercialisation of a multi-billion-pound government programme. She also taught law at a leading German university (world trade law, EU law and English public law).

## Publications

- Lexis Nexis *Lexis PSL* case analysis panel member.
- Supporting editor of the *White Book 2019* (sections on service overseas and European jurisdiction).
- Supporting editor of fifth supplement to the current edition of *Dicey, Morris and Collins on the Conflict of Laws* (Sweet & Maxwell, 2019).
- Research assistant on *Freedom of Information in the UK* (Thomson Reuters, 2019).
- Supporting editor of *European Yearbook of International Economic Law* (Springer 2014).

## Lectures / talks

- Lecture on arbitration, jurisdiction and interim remedies for the International Commercial Law course at University College London (2022)
- Qualifying Session lecture on equalities law and the Code of Conduct, Lincoln's Inn (2022)

An active publisher, Fiona has contributed to the foremost authority on the conflict of laws, Dicey on Conflicts. She also contributed to the White Book 2019 on issues of European jurisdiction and service, and Cullen on Freedom of Information in the UK.

Fiona prides herself on being a flexible, personable barrister who is quick to grasp points and easily able to integrate into teams. She also accepts arbitral appointments.

## Education

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- City Law School, Bar Professional Training Course, Outstanding (2017)
- University of Passau, Germany, Master in deutschem Recht für ausländische Studierende (Master's in German Law), Summa Cum Laude (2014)
- University College London, Law with German Law LLB (with one year at Ludwig Maximilian University, Munich), First Class (2013)
- INSOL International, Foundation Certificate in International Insolvency Law (2022)

## Awards / prizes / scholarships

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- Lincoln's Inn Crowther Shield for advocacy in 2017.
- Various academic prizes, scholarships and professional awards, including the Buchanan Prize, Shelford Scholarship and Pupil Accommodation Award, awarded by Lincoln's Inn in 2017.

## Commercial

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- *Finastra v CRDB Bank plc*: led by Lawrence Akka KC acting for the claimant in a licensing dispute about banking software.
- *Export-Import Bank of India v Arcelormittal Nippon Steel Middle East FZE*: Led by Rishab Gupta defending claims for payment under loan agreements.
- *The British Broadcasting Corporation v Arqiva*: led by Lawrence Akka KC acting for the claimant in a non-performance dispute about television and radio transmission services.
- *A v B* (ad hoc arbitration): led by Robert Howe KC and Christopher Newman, we successfully obtained injunctive relief enforcing post-termination restrictive covenants against a departing partner from one of the Big Four accountancy firms.
- *A v B* (DIFC-LCIA arbitration): led by Harris Bor acting for the claimant in a dispute over breach of a joint venture agreement.
- *A v B* (LCIA arbitration): acting for the claimant in a dispute arising out of a share purchase agreement.
- *Sports Structures Education Community Interest Company v Bluebank Solutions Ltd t/a Select Energy Direct*: successfully defended a test case for the business model of the defendant energy brokerage. The claim was discontinued. The claim alleged breaches of fiduciary, tortious, contractual and regulatory duties.
- *DIT SA v Cameroon Quality Products Ltd and others*: currently acting for the respondents to an arbitration appeal under sections 67, 68 and 29 of the 1996 Act.
- *Ample Speed Ltd v Grain-Trans Ltd* (British Virgin Islands, Commercial Division of the High Court): currently acting in a \$1.8m debt claim in the British Virgin Islands.
- *Clutch Consulting UK Ltd v DDI Holdings Ltd and others*: currently acting for the claimant e-discovery provider in a QBD claim to recover unpaid fees and defend a breach of contract counterclaim.
- *Gama Aviation (UK) Ltd v Taleveras Petroleum Trading DMCC* (unrep., Commercial Court): partially resisted summary judgment in a dispute arising out an aircraft lease agreement.

## Professional memberships

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- Lincoln's Inn Equality, Diversity and Inclusivity Committee member (formerly the EDI Steering Group) (2019-present)
- Bar Council, Legal Services Committee Member (2019-present)
- Lincoln's Inn, Junior Members' Association, President (2017-18)
- Commercial Bar Association (COMBAR)
- London Common Law and Commercial Bar Association

- *Donutterie Ltd v Loose Brands Ltd*: acting for the claimant to recover unpaid sums under a supply and franchising agreement, and defend a breach of contract counterclaim.
- *Corinna zu Sayn-Wittgenstein-Sayn v Casimir zu Sayn-Wittgenstein-Sayn* (two claims, KBD): counsel for the claimant in claims to recover unpaid loans.

## Shipping and international trade

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- *Palmali Shipping SA v Litasco SA*: led by John Russell KC and Jessica Wells (previously led by Nathan Pillow KC) instructed by the claimant in a \$2 billion contract of affreightment dispute. The matter is listed for a ten-week trial in the Commercial Court in 2024.
- *A v B v C v D* (LMAA arbitration): acting for disponent owners in a five-day hearing arising from cargo contamination.
- *A v B* (non-contentious): led by Oli Caplin, advising on potential claims worth £345 million in relation to defective goods.
- *A v B* (LMAA arbitration): led by Michael Ashcroft KC defending alleged underperformance of an innovative vessel designed to support fish farming operations.
- *A v B*: led by Tim Young KC advising on issues arising from the catastrophic collapse of a vessel's crane.
- *A v B* (LMAA arbitration): acting for the claimant in a dispute over damage to cargo during ocean passage.
- *A v B v C* (LMAA arbitration): Led by Tim Young KC acting for the respondent/counterclaimant in a dispute arising from the grounding of a bulk carrier in Russian waters.

## Civil fraud

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- *Kings Security Systems Ltd v King* [2021] EWHC 325 (Ch): led by Robert Howe KC and Christopher Newman acting for the defendant in a bribery action with a tortious abuse of process counterclaim.
- Pre-proceedings work on a £84 million civil fraud claim against two company directors, led by Blair Leahy (proceedings would have been in the Commercial Court in the British Virgin Islands).
- Assisting with expert advice for a foreign court in proceedings relating to an €86 million fraud. Advice dealing with breach of confidence, misuse of personal information, data protection law and the admissibility of covert recordings under English law.

## Insurance

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- *Potter v Canada Square Operations Ltd* (UK Supreme Court): Led by Charles Kimmins KC and Sean Snook acting for the respondent bank. Arguments relating to statutory construction, in particular, the distinction between deliberateness and recklessness.
- *Tighe v Canada Square Operations Ltd* (on appeal at Hull County Court): acting for the respondent bank on arguments relating to the legal requirements for a binding settlement in respect of claims under sections 140A-C of the Consumer Credit Act 1974.
- Advice on the scope of a professional indemnity insurance policy in a professional negligence dispute.
- Advice on various insurance disputes for two large property development groups, relating to damage to luxury residential developments in central/west London alleged to arise from construction defects.
- *Thames Water Utilities Ltd v Eco Drill (England) Ltd v Natta Building Company Ltd*: acting for the insurer of the Part 20 Defendant in a dispute about damage to a sewer.

## Energy and Construction

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- *A v B* (UNCITRAL arbitration): Acting for the respondent to claims exceeding £1 billion arising from coalbed methane extraction licenses.
- *A v B* (ICC arbitration): led by Wendy Miles KC and Angharad Parry in a Middle Eastern construction dispute comprising non-payment claims and design counterclaims.
- *A v B* (LCIA arbitration): acting for the claimant in a dispute over breaches of a drilling subcontract in an oil well project.
- Advice on the scope of obligations under a construction contract and whether the client is liable to carry out remedial

works.

## Jurisdiction, conflict of laws and injunctions

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- *A v B* (LCIA arbitration): advice on the conflict between the illegality of a payment mechanism as a matter of local law in an African jurisdiction and the English governing law of the contract.
- *CEX.IO Ltd v Winners Digital Ltd* (unrep., Queen's Bench Division): acting for the respondent resisting a disclosure application and *de facto* freezing injunction application.
- *Eastern European Engineering Ltd v Vijay Construction (Pty) Ltd* [2018] EWHC 1539 (Comm): as a pupil led by David Lewis KC resisting a worldwide freezing injunction.
- *Sabbagh v Khoury* [2018] EWHC 1330 (Comm): as a pupil assisting Philip Edey KC and Andrew Fulton resisting an anti-arbitration injunction.

## Recommendations

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Technically excellent, responsive and a real pleasure to work with. [Stephen Inglis, Solicitor Advocate, Claremont Litigation](#)

Fiona Whiteside is an able young barrister whose submissions are concise and tightly drafted. She has a good knowledge of the law, is efficient and responds promptly within the timelines she advises. Fiona is also approachable and a pleasure to work with. [Client](#)