

## Helen Evans

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*She provides technically excellent advice and is a real fighter.*

- Legal 500

**Helen Evans is a leading barrister practising in professional negligence, fraud, disciplinary and insurance work.**

Helen is ranked by the legal directories as a leading junior in the fields of professional liability, insurance and professional discipline. In 2019 she was identified by Who's Who Legal as one of the two most highly regarded juniors at the professional negligence bar. Recent comments from the directories include:

- *“Formidable on paper, on her feet, and in cross-examination.”*
- *“Helen Evans stands out as one of the most highly regarded barristers in the field. Peers regard her as “thorough and meticulous”, and say she “can unpick the most complicated of cases”.*
- *“She provides technically excellent advice and is a real fighter.”*
- *“She is an extremely skilled tactician and a joy to watch in court.”*
- *“Very bright and intuitive, she gives solid commercial advice.”*
- *“As an advocate, she has a wonderful ability to drill down to the core facts, paring away all that is irrelevant and presenting things in a clear and reasoned manner.”*
- *“The exceptionally strong quality of Helen Evans’ work stands out to interviewees. They comment that “she is not afraid of standing up and fighting for a point.”*
- *“Highly sought after for her professional negligence expertise and...considered a go-to by solicitors.”*

Helen is particularly known for her expertise in claims against accountants, auditors, other financial professionals and lawyers as well as her fraud and disciplinary work. Her work increasingly has an offshore, corporate or insolvency element.

Accountants, auditors and other financial professionals: Helen's recent experience has included claims about a wide variety of negligent tax, and investment advice and numerous claims against auditors. Helen's professional liability practice sits alongside her disciplinary work in the field, and she has in depth knowledge of both accountancy and financial services regulation.

**Lawyers:** Helen has experience of a variety of claims against solicitors. Many of her cases have a very high value and some involve offshore or cross-border elements. Recent examples of her work include one of the Lawyer's "top 20" cases of 2018 (against a national firm of solicitors), proceedings against solicitors by 4 BVI hedge funds, and several multi-million claims against solicitors arising out of advice on commercial transactions. Helen has acted on a wide range of claims against lawyers and is the co-editor of the solicitors' and barristers' chapters in Jackson & Powell on Professional Liability (with Hugh Evans). She also undertakes disciplinary work, including proceedings before the Solicitors' Disciplinary Tribunal.

**Other professionals and corporate work:** Helen has also handled a broad range of disputes against surveyors and valuers (many of which have involved alleged large scale frauds). She also handles litigation by and against insurance brokers, insolvency practitioners, companies and company directors.

**Civil fraud:** Helen's experience includes complex long running fraud cases as well as numerous urgent applications for freezing and proprietary injunctions, *Norwich Pharmacal* and *Bankers Trust* orders. In 2020 Helen appeared in both the High Court and Court of Appeal on committal proceedings against a solicitor.

**Insurance:** Helen's practice involves a number of insurance disputes but particularly those involving coverage, claims relating to non-disclosure, fraud, and failure to procure adequate cover across a range of different types of insurance.

## Privacy Policy

Click here for a **Privacy Policy** for Helen Evans.

## Areas of Expertise

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### Professional Liability

"She is meticulous and thorough in her approach to cases" – *Legal 500, 2020*

**"She is brilliant at getting stuck into a claim and working as part of a team with solicitors. Her drafting and technical ability are excellent and she never misses a trick."** **"She is very good on the detail, gets to grips with the case quickly, is very good at managing clients and building rapport, and her advice is very commercial and realistic."** – *Chambers & Partners, 2020*

Helen is described by the Legal Directories as *"one of the most highly regarded barristers in the field"*, **"highly sought after for her professional negligence expertise"** and **"considered a go-to by solicitors."** She has been listed as a recommended junior for professional liability work for some years in the Legal 500, Chambers and Partners, Who's Who Legal and Legal Experts. Comments include that Helen is **"not afraid of standing up and fighting for a point"**, that **"she provides technically excellent advice and is a real fighter"** and that she is **"formidable on paper, on her feet, and in cross-examination"**. Her work is described as being of **"exceptionally strong quality"** and **"commercial"**, and she is commended for her **"first-rate service."**

Helen handles a broad variety of claims against solicitors, with recent examples including lost litigation, defective commercial transactions, employment, matrimonial and costs matters in addition to property, chancery and fraud work (including undue influence). Helen has acted in several pieces of large multi-party or managed litigation (involving issues such as the collapse of accident schemes, large frauds and "right to buy" schemes). Helen has also acted in numerous barristers' negligence cases and has experience of wasted costs claims and civil restraining orders. Helen is the co-editor of the solicitors' and barristers' chapters in Jackson & Powell on Professional Liability (with Hugh Evans). She also undertakes disciplinary work and acts in proceedings before the Solicitors' Disciplinary Tribunal and Bar Standards Board.

Helen has particular expertise in claims against financial professionals, including accountants, auditors, insolvency practitioners and IFAs. Such claims have encompassed a wide variety of negligent tax and investment schemes, due diligence, business valuation and advice about financial products. She has considerable experience of claims with a financial services, insolvency or auditing element. Helen acted for a finance director in proceedings before the FRC arising out of Equity Red Star Financial Reporting Council, and has also represented clients in ICAEW and ACCA matters.

Helen also acts in disputes against surveyors and valuers (many of which have involved alleged large scale frauds). She has represented banks bringing claims a variety of professionals arising out of property frauds as well as for the professional defendants. Her work in this area includes obtaining freezing injunctions and other interim remedies arising from fraud.

## Lawyers

Helen is co-editor of the chapters on solicitors and barristers in Jackson & Powell on Professional Liability, and her lawyers' liability practice has a broad scope:

- Her experience spans a wide range of claims against solicitors, including those involving property and conveyancing, partnership, wills and estates, costs personal injury and a variety of commercial transactions.
- Helen has been involved in several cases involving difficult or controversial issues of limitation. She appeared successfully for the Panel Solicitors in the Court of Appeal in the important post-Sephton case of *Axa Insurance Ltd v. Akther & Darby Solicitors* and has been asked to advise on the impact of the post-Sephton cases in a number of professional indemnity disputes.
- Helen has acted (both led and alone) in a number of piece of large, multi-party managed litigation, including the TAG litigation, the CLE litigation and the Right to Buy litigation (in which she successfully acted for various defendant solicitors seeking to strike out claims against them: *Kirby v Davis Wood, Pringle v Oliver Charles*;
- Helen has dealt with a number of claims against solicitors arising from employment matters (having herself acted in a number of employment disputes over the years). Such claims have a broad span; from Equal Pay, unfair dismissal and discrimination to claims arising from the handling of industrial action or over the application of TUPE. She also has extensive experience of procedural and jurisdictional issues that often arise in employment claims.
- Helen has experience of dealing with cases arising from ancillary relief applications and other aspects of matrimonial work. These cases have involved issues as diverse as assets being dissipated by one spouse, the proper division of assets between spouses, problems arising from settlements and concealment and non-disclosure. She is involved in a number of disputes relating to the valuation of pensions and other assets on divorce. Helen sits as a Deputy District Judge, in which capacity she has first-hand experience of deciding financial remedies on divorce.
- A large number of Helen's solicitors' negligence cases are property or chancery-related, including cases alleged to involve mortgage fraud. She has experience of freezing orders and tracing claims in this context. Helen has been involved in several claims involving fraud or dishonesty. She has experience of breach of trust and proprietary claims.
- Helen has acted in numerous "lost litigation" claims as well as "under settlement" claims. Examples of such lost or under-settled litigation include libel, personal injury and commercial claims.
- Helen has experience of a number of procedural issues arising from solicitors' negligence cases, including security for costs, wasted costs, claims for breach of undertaking, breach of unless orders, striking out and civil restraint orders against litigants. She successfully represented the defendant firm in the post Jackson reforms case of *Hobson v West London Law*. She acts for the defendant firm in the long running proceedings between *French v Carter Lemon Camerons*.
- Helen has also dealt with a number of claims arising from solicitors' regulatory matters, such as the operation of client accounts and matters arising from costs.
- Helen has dealt with "Friday afternoon frauds" and has experience of freezing injunctions, applications to restrain parties from leaving the jurisdiction and Norwich Pharmacal/Bankers Trust orders requiring banks to provide information so that money can be traced.
- Helen has also acted in a number of claims against barristers (arising from both advice and representation). Her work for and against barristers includes a diverse range of cases, including ancillary relief, undue influence claims, costs, and property disputes.
- Helen regularly acts for claimants in claims against solicitors and barristers as well as for defendants. She has also advised insurers and insureds on disputes over professional indemnity policies.

## Accountants, Auditors & Actuaries

Helen has extensive experience of claims involving accountants and auditors, which has included the following:

- A wide-range of auditors' negligence cases, involving issues such as inadequate planning, inadequate conduct of an audit and complex causation, loss and damage points. Helen's experience of auditors' negligence work also encompasses failure by auditors to spot fraud perpetrated by directors or employees. In this regard, Helen is currently involved in several large

claims against large national and high street firms arising from allegedly negligent audits (including allegations of undetected fraud);

- Litigation by insolvency practitioners against directors and officers (often involving onward claims against auditors and accountants);
- A number of disputes relating to the preparation of accounts and tax returns (in relation to individuals, companies and partnerships). These disputes have included issues such as late submission of accounts, incorrect advice on overdrawn directors' loan accounts, incorrect treatment of dividends, incorrect advice on business expenses, negligent exposure to a tax investigation and inadequate handling of a tax investigation;
- Claims arising from negligent corporate tax planning, including CGT roll over relief, capital allowances, and the incorporation of a business formerly run as a partnership (which failed because of the existence of connected businesses under common control).
- Litigation arising from negligent individual tax planning, including in relation to inheritance tax;
- Claims relating to alleged tax avoidance schemes (including stamp duty avoidance and multi party litigation concerning failed film finance schemes, including complex financial services regulation issues);
- Claims arising from niche areas of advice, such as the taxation aspects of a yacht purchase and management agreement, the proper treatment of farming losses under s. 397 of ICTA, roll over relief on compulsory purchase, or a large scale profit related pay scheme (*University of Keele v Price Waterhouse* [2004] PNLR 8);
- Disputes over the valuation of businesses (e.g. in the context of shareholder disputes or sales);
- Litigation relating to negligently prepared management accounts which allegedly masked the poor performance of a business;
- Helen also has experience of dealing with claims involving complicated accountancy and actuarial expert evidence, such as valuing lost profits, identifying increased costs, valuing assets and businesses and tracing misappropriated funds. Helen has also advised in relation to the potential liabilities of accountants acting as expert witnesses.

## Financial Services Professionals

Helen has been involved in a number of claims against independent financial advisors including claims arising from a range of financial products such as equity release schemes and various mortgage, insurance and pension vehicles as well as offshore investments and tax schemes. She has also been involved in cases of allegations of mis-selling as well as negligent advice and investment strategy.

Recent examples of her work include:

- Involvement in several multi-million pound and multi-party claims (and potential claims) relating to alleged Unregulated Collective Investment Schemes;
- Proceedings arising from allegedly negligent structuring of a tax-efficient income scheme;
- Various substantial claims relating to mis-selling of geared traded endowment policies;
- Litigation arising from interest rate swap products;
- Several pieces of litigation arising out of inadequate or inappropriate inheritance, income or corporation tax mitigation advice;
- Litigation arising out of the sale of inappropriately risky investment products;
- Litigation against directors and officers (including under the Insolvency Act 1986);
- Advising on complaints to the Financial Ombudsman's Service or Financial Services Compensation Scheme.

## Directors and Officers

Helen has acted in a number of disputes involving the alleged wrongdoing of directors and officers. Recent examples of her work include

- A claim by a company against a former director for breach of duty to the company plus involvement in an unlawful means conspiracy and breach of trust;
- A claim against directors of a BVI company for diversion of income;
- Advising auditors on claims against directors of a company relating to inadequate internal controls and fraud by an employee;



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- Acting for the financial director of a company in relation to disciplinary proceedings against him brought as a result of his status as a qualified accountant;
- Advising directors and officers on the D&O insurance aspects of an unfair prejudice petition brought by a member of a company relating to directors' alleged breaches of the Companies Act 2006.

## Insolvency Practitioners

Helen has experience of defending insolvency practitioners from claims arising out of the allegedly negligent conduct of administrations or liquidations. Such claims have involved issues such as:

- The alleged failure to pursue claims against or to restrain the activities of directors;
- A failure to realise the company's assets and/or under-valuation of assets;
- Negligence regarding the novation of an insolvent company's contracts to a new company;
- Pursuing litigation against professional advisers tainted by the fraud of directors.

Helen has extensive experience of defending professionals against claims initiated by insolvency practitioners, including direct claims and misfeasance proceedings under the Insolvency Act. She has acted both for and against trustees in bankruptcy and her recent article on the liability of trustees in bankruptcy can be found [here](#).

## Valuers

Helen has acted on a number of claims both for and against valuers, involving residential and commercial premises (and both one-off and portfolio valuations);

Recent examples of Helen's work include the following:

- Acting successfully at a 6-day trial for a mortgage lender suing a national firm of surveyors with regard to the valuation of domestic property in South Wales. The case involved allegations of negligent lending practices as well as valuation issues, and entailed detailed cross-examination of expert witnesses over several days;
- Advising a bank with regard to a claim for negligent valuation of retail premises (including issues of overvaluation based on yield);
- Advising various lenders with regard to claims for alleged breaches RICS Red Book guidelines on valuing new build properties;
- Acting for mortgage lenders with regard to the involvement of panel valuers in large-scale fraudulent property transactions relating to new build property (including allied applications for *Norwich Pharmacal* relief relating to funds passing between other parties allegedly involved in the fraud).
- Advising various lenders and firms of surveyors with regard to claims for negligently overvalued commercial and residential property (including claims arising out of large investment portfolios).

## Insurance Brokers & Agents

Helen also has experience of claims both for and against insurance brokers, from disputes arising over one-off policies to placing larger insurance schemes. Her work involves a wide range of insurance products, from property and professional indemnity insurance to medical and disability insurance.

Recent examples of Helen's claims include:

- Numerous pieces of litigation against brokers for inadequate explanation of terms/procuring inadequate cover (and failing to appreciate the exclusions or conditions of a policy);
- Allegations of fraud/breach of fiduciary duty against brokers based on their alleged mis-representation of cover allied with their desire to earn commissions;
- Claims against brokers for giving negligent advice about an insured's duty of disclosure;
- Several sets of proceedings involving brokers allegedly misrepresenting the nature of a risk to insurers, failing to pass on material facts or and concealing material facts from insurers;



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- Coverage litigation arising from brokers' professional indemnity insurance and whether brokers were acting pursuant to an undisclosed binding authority;
- Claims relating to failure to notify and late notification.

Helen also has experience of claims against insurance claims handling agents and was involved in two large Commercial Court disputes relating to motor insurance agents. She also has considerable first-hand trial experience (led and un-led) in brokers' claims.

## Surveyors

Helen's work has involved a broad range of surveys, including specialist surveys (such as asbestos surveys), as well as surveys in standard residential conveyancing transactions. Her experience covers a spread of issues, from subsidence and heave, to a range of building defects, through to advice on value, rectification works and insurance coverage;

Recent examples of Helen's work include claims relating to:

- Structural damage to a property in a coal mining area,
- Failure to spot single-skin brickwork in alleged breach of a bank's lending criteria, and
- Failure to follow a "train of enquiry".

## Insurance & Reinsurance

Helen is recommended for her insurance work in the Legal 500. They comment that she is **"able to cut through large volumes of material and get to the nub of the problem"**.

Helen's recent experience of insurance work covers the following issues:

- Policy coverage issues (including the interpretation of a range of policy terms and disputes between insurers as well as between insurer and insured). Recent examples of such work include advising on brokers', D&O and other management liability, IFA, accountants' and solicitors' professional indemnity cover;
- Coverage disputes relating to business interruption and credit risk insurance;
- Helen is currently instructed in relation to numerous business interruption claims arising from Covid-19;
- Disputes arising out of aviation hull and liability insurance (including freezing injunctions in that context);
- Subrogated recovery claims on behalf of insurers (e.g. involving fire and flood damage);
- Disputes involving brokers. Recent examples include disputes over secret commissions, the appropriateness of cover procured by brokers, and allegedly negligent advice by brokers on what should be disclosed to insurers;
- Claims against coverholding or other insurance agents. Helen has acted on two large-scale claims by insurers against claims handling agents, involving the handling of thousands of underlying motor insurance policies across a number of years;
- Claims relating to legal expenses insurance. Helen has acted in relation to claims brought by litigants against legal expenses insurers and also has extensive experience of issues arising from policies of "after the event" insurance;
- Claims against professional advisers for prejudicing a client's insurance cover or delaying insurance claims;
- Disputes over whether insurers have "maintained" litigation and exposed themselves to costs liability as a result.

## Disciplinary

**"An extremely bright junior who easily inspires clients' confidence."** – *Legal 500, 2020*

Helen's disciplinary and regulatory practice is primarily focused on lawyers, accountants and auditors. She is recommended in the Legal 500 for her disciplinary work. Comments in the directories include **"she knows her stuff in regulatory issues like no one else and adds a lot of value"** and **"hardworking, good with clients and has a good grasp of the detail"**.

Helen has been involved in cases before the major accountancy regulators and the Solicitors Disciplinary Tribunal and is a member of the Bar Standards Board's Panel of Prosecuting Counsel.

Recent examples of her work include:





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- Acting for the finance director of the Equity Red Star Lloyd's Syndicate in long-running proceedings before the Disciplinary Tribunal of the FRC relating to the adequacy of the Syndicate's reserves (*FRC v KPMG and Morgan*);
- Acting in multiple sets of SDT proceedings relating to the involvement of solicitors in alleged collective investment schemes;
- Acting for a partner of a prestigious city firm in SDT proceedings involving serious breaches of the Solicitors Accounts Rules (including in relation to the settlement of those proceedings);
- Applying to strike out SDT proceedings on grounds of procedural unfairness;
- Securing the suspension of barrister for failing to represent his client properly in Court of Appeal (Criminal Division) proceedings (*BSB v Matthew Boyden*);
- Advising on charges and evidence in numerous BSB prosecutions;
- Advising a partner in a Big 4 firm in relation to proceedings before the ICAEW;
- Advising accountants on proceedings brought by an overseas financial authority;
- Defending two audit firms in separate proceedings before the ACCA regarding inadequate audits and defective reports to the SDT about solicitors' accounts (*ACCA v Woodhouse* and *ACCA v Mungur*).

Helen is co-editor of the chapters on solicitors and barristers' negligence in Jackson & Powell on Professional Liability and therefore has in-depth knowledge of lawyers' practices and regulatory rules.

Helen also has extensive experience of accountants' and auditors' negligence cases, tax and financial services regulation, which provides an ideal backdrop for financial disciplinary work. She is often involved in cases focusing on the interplay between financial services regulation and the role performed by professionals such as accountants (e.g. pursuant to ICAEW rules) and solicitors.

Helen also advises in relation to the early stage of complaints against solicitors and a range of regulatory issues arising from solicitors' practices (including the Solicitors Accounts Rules).

Helen is a member of the Association of Regulatory and Disciplinary Lawyers. Helen regularly writes on disciplinary matters: recent examples include articles entitled Privilege and Maxwellisation, professional regulatory aspects of GDPR and What can the collapse of Carillion teach us about the overlapping web of powers available against companies, their directors and auditors?

## Civil fraud

Helen is sought after for her extensive experience in numerous multi-million pound claims arising from solicitors' misappropriations of client funds. In 2017-2018 Helen acted on complex litigation against multiple recipients of monies misappropriated by a rogue conveyancing solicitor. Helen is currently involved in two large sets of proceedings against solicitors for knowing receipt of trust funds, dishonest assistance in a breach of trust and abusing executors' powers (one of which led to the committal to prison of the solicitor involved). She is also involved in a high value insurance coverage dispute arising out of an underlying large-scale fraud.

Helen regularly advises on the liability of accountants, auditors, directors, insolvency practitioners and others for frauds. Her cases often involve a company law or insolvency element and she is experienced at dealing with fraud in both the corporate and partnership context. She is adept at dealing with complex forensic accountancy evidence. Helen has extensive experience of obtaining urgent orders, including freezing injunctions, proprietary injunctions, orders to restrain parties from leaving the jurisdiction, committal and *Norwich Pharmacal* and *Bankers Trust* orders. She often handles multiple connected applications in quick succession. She is calm under time pressure and strategic in her approach.

Recent examples of her urgent application work include:

- Obtaining back-to-back proprietary injunctions, freezing injunctions, and *Norwich Pharmacal* relief in multiple cases involving frauds on solicitors' client accounts;
- Appearing in the High Court and Court of Appeal on the committal of a solicitor to prison for contempt of court: *Law House v Adams* [2020] EWHC 2344 (Ch);
- Advising solicitors and accountants about injunctive relief in relation to a "Friday afternoon frauds" by email impersonation;
- Obtaining *Norwich Pharmacal* orders to assist with tracing the proceeds of a large-scale property fraud;



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- Advising a charity on obtaining injunctive relief in relation to moneys paid to a third party by mistake;
- Acting for a defendant on the return date of a freezing injunction arising out of an alleged breach of trust;
- Dealing with an application to restrain a defendant from leaving the jurisdiction and requiring the surrender of their passport;
- Acting for insurers on a coverage dispute arising out of a large underlying fraud.

## Qualifications & Memberships

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M.A. (Oxon.) (First Class) C.P.E. (City) (Distinction) M.A. Administrative Law (City)

Prior to joining chambers, Helen read English Literature at New College, Oxford, where she was Galsworthy scholar and obtained a first class degree. She then spent a year at the University of Aix-Marseille III in France. Helen studied law at City University, where she gained a distinction in the CPE exams. During her Bar School year, Helen was Astbury Scholar of the Middle Temple, won the Inn's Helena Normanton QC Prize for her performance in the Bar Vocational Course and also obtained an MA from City University. In 2004 Helen was awarded a Pegasus scholarship to work at Gowlings in Toronto, Canada.

Helen sits on the Pro Bono Committee of the Chancery Bar Association and participates in the Chancery Litigant in Person Scheme. She is a Deputy District Judge (a role which she performs for 3 weeks a year). She also participated in the Bar Council's Professional Indemnity Insurance Working Party in 2018 and is a member of the Bar Standards Board's Panel of Prosecuting Council for disciplinary proceedings. She regularly publishes articles on legal matters.

## Insights

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### Why is the “illegality” defence back in the spotlight?

4 May 2020

It is not uncommon for defendants to professional negligence claims to argue that the claimant should be barred from recovering damages because his or her cause of action is tarred by illegality. However, over recent years, the law has taken a variety of approaches to when illegality will provide a defence. With the issue about to come before the Supreme Court again, Helen Evans and Ian McDonald of 4 New Square explain.

### Professional liability round up of 2019

7 January 2020

Helen Evans, Pippa Manby, Anthony Jones and Seohyung Kim of 4 New Square Chambers explain what the 2019 cases tell us, how the various strands of development interact, and what trends are evident as we go into 2020.

### The new SRA Standards and Regulations: Greater freedom for solicitors?

21 October 2019

In this article, Helen Evans and Clare Dixon of 4 New Square review whether the new principles, codes of conduct and disciplinary procedure rules wholeheartedly reflect a relaxation of the SRA's grip, or whether competing forces are apparent. They also consider whether one of the unintended consequence of some of the liberalisation is to introduce a two-tier regulatory system for solicitors practising within regulated entities (such as firms) and those outside that structure.

### Creative remedies in unfair prejudice petitions

17 July 2019

In this article, prompted by the recent quantum decision in *Re Edwardian Group Ltd* [2019] EWHC 873 (Ch) Helen Evans and Anthony Jones of 4 New Square consider the range of valuation approaches available to a judge when ordering a share purchase.

### Introduction to “Demystifying Shareholder Disputes”, a series of articles by 4 New Square

2 July 2019

Throughout July 2019, 4 New Square will present a series of articles from specialist contributors on shareholder disputes.

### Limitation and the stroke of midnight: *Matthew v Sedman* [2019] EWCA Civ 475





20 March 2019

When does the limitation period expire when the cause of action accrues at the “stroke of midnight”? The Court of Appeal has today provided guidance on this issue in *Matthews v Sedman* [2019] EWCA Civ 475. Clare Dixon and Nicholas Broomfield acted for the successful defendants. Helen Evans analyses the Court of Appeal’s decision.

## **Honesty and “counterfactuals” in lost litigation cases – what has the Supreme Court judgment in *Perry v Raleys* got to tell us?**

14 February 2019

Helen Evans and Simon Teasdale of 4 New Square examine yesterday’s Supreme Court judgment in *Perry v Raleys Solicitors* (available here) and explain what light it sheds on the proper approach to the trial of “lost litigation” claims. Is the law more defendant friendly as a result of the Supreme Court’s judgment?

## **Professional negligence round up of 2018**

7 January 2019

2018 was another significant year for professional liability cases. The key developments have fallen into two broad areas. The first is liability. A wide range of questions relating to the responsibilities owed by professionals has come before the courts this year. To whom do professional people owe duties? For whose acts can they be held to account? What is the proper scope of professionals’ responsibilities and who is to judge the appropriate standard? The second area is “loss of a chance.” Aspects of this issue went before the Supreme Court in late 2018 but it is likely to remain a “hot topic” for the foreseeable future.

## **Privilege and Maxwellisation – what can we learn from recent FRC cases?**

11 December 2018

In this article, Jamie Smith QC and Helen Evans of 4 New Square explain how these two issues have arisen in the context of disciplinary investigations and proceedings undertaken by the Financial Reporting Council (FRC), which plays an important role in the regulation of accountants.

## **What's going on with lost litigation claims?**

28 August 2018

Helen Evans of 4 New Square examines the recent authorities looking at negligently conducted litigation, and asks if change is in store when the topic reaches the Supreme Court in late 2018.

## **Professional Negligence Claims arising out of GDPR**

14 May 2018

The penultimate instalment in 4 New Square’s GDPR series- what happens when professionals get their GDPR advice wrong? Inevitably it will transpire that mistakes will have been made by professionals giving (often very expensive) guidance on GDPR compliance. Their clients will want to consider whether a claim for professional negligence can be made. In this article Neil Hext QC, Stephen Innes and Helen Evans of 4 New Square discuss some of the issues which are likely to arise in such claims.

## **Civil liability of non-medical professionals for personal data breaches**

4 May 2018

Civil liability of non-medical professionals for personal data breaches. Will the new rules alter the traditional relationship between professional and client as the balance of power over personal data shifts in favour of the client? Paul Mitchell QC, Stephen Innes and Helen Evans examine:

## **Professionals, their regulators and personal data breaches: who is in charge of policing the GDPR?**

1 May 2018

The spotlight on the consequences for professionals of data or confidentiality breaches will only intensify once the GDPR comes into force. Paul Mitchell QC, Stephen Innes and Helen Evans of 4 New Square examine what those consequences are likely to be from a professional regulatory perspective.

## **Forthcoming series: what litigators need to know about GDPR, by 4 New Square**



30 April 2018

Over the next couple of weeks, 4 New Square will present a series of articles from specialist contributors on different areas of litigation and professional practice where GDPR is likely to have a significant impact. The articles will be posted on LinkedIn and 4 New Square's website every couple of days.

## **What can the collapse of Carillion teach us about the overlapping web of powers available against companies, their directors and auditors?**

20 March 2018

Carillion PLC collapsed in January 2018. By the end of March 2018, at least three strands of regulatory or disciplinary procedures were being pursued as a consequence of the way the company had allegedly been conducted. The Financial Conduct Authority ("FCA") quickly announced that it was launching an investigation based on Carillion's market updates. In late January 2018, the Financial Reporting Council ("FRC") announced that it was investigating Carillion's auditors.

## **"Standard disclosure will disappear": how is the impending disclosure pilot scheme likely to affect professional negligence cases?**

2 March 2018

Just as the criminal courts are getting to grips with the consequences of documents not being disclosed, the Business and Property Courts are setting about embarking on a pilot scheme to water down disclosure. Helen Evans explores the reasons for the pilot scheme, explains what cases will fall within the pilot scheme, summarises the scheme itself and looks at some of the problems that are likely to emerge in professional negligence claims.

## **Professional negligence round up: what were the key areas of development in 2017 and what are the battlegrounds for the future?**

4 January 2018

Article written by Helen Evans, Thomas Ogden and Marie-Claire O'Kane discussing the key areas of development in 2017 for professional negligence and the battlegrounds for the future.

## **More transparency needed in FRC proceedings**

11 July 2017

Accountancy Magazine

## **Is there a difference between dishonesty and lack of integrity?**

22 May 2017

Solicitors Journal (with Ben Hubble QC)

## **Jackson & Powell on Professional Liability 8th edition**

27 October 2016

Co-editor of the Solicitors and Barristers chapters