

## 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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### 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;
- 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 consequences 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.



NEW SQUARE

## **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.



NEW SQUARE

## **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