

Lucy Colter

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Destined to be one of the stars of the English Bar

- Legal 500

Lucy Colter's practice is focused on the core areas of commercial litigation (including offshore work), professional liability claims, and construction.

Lucy is ranked as a leading junior in the Legal 500 for Commercial Litigation, Offshore, Construction and Professional Negligence and in Chambers & Partners for Construction, Professional Negligence and Professional Negligence: Technology and Construction. She is currently nominated for the 2020 Chambers & Partners *Construction Junior of the Year* award.

Lucy has been described as "Destined to be one of the stars of the English Bar - she is extremely bright, personable and tactically incisive", "perfect with clients and one of the cleverest barristers I have worked with." "She provides consistently excellent service and understands entirely what we and our insured and insurer clients want", "first-rate - someone who works hard under difficult circumstances and is very approachable and normal", "she is excellent, good at the detail, very positive and has a good knowledge of the law", "extremely hard-working, very bright and has an exceptional mastery of the detail of complex matters. She provides invaluable input" and "a good team player who is insightful and responsive."

In 2017, Lucy was identified as one of just twelve "Stars of the Bar" under 10 years' call by Legal Week.

Commercial litigation

Lucy's practice is dominated by large-scale litigation particularly with a Russian/CIS connection. Led by Justin Fenwick QC, she has represented Oleg Deripaska in recent arbitral, High Court and Court of Appeal proceedings against Vladimir Chernukhin.

Professional Liability

Lucy acts in challenging and high-value claims, both for and against professionals. She is presently instructed (led by Ben Hubble QC) by an ultra high-net worth client bringing lost litigation claims worth US\$500 million+ against a leading City firm of solicitors in respect of claims arising out of a failed joint venture and the extraction and dissipation of the client's interests and funds worldwide. She was recently instructed (led by Graeme McPherson QC) in a claim against a senior tax barrister instructed as an expert in respect of the demerger of a property empire, involving allegations of conflict and bias.



Construction & Engineering

Offshore

Lucy's practice involves substantial and diverse offshore work in particular in the Channel Islands and Cayman. She is instructed in trust matters and litigation; construction matters concerning offshore arbitration or claims in the Royal Court; contractual disputes. Her commercial litigation practice very frequently involves an offshore element, in particular Cyprus, Cayman and the BVI.

Details of Lucy's practice in each area can be found below.

Privacy Policy

Click here for a [Privacy Policy](#) for Lucy Colter.

Areas of Expertise

Professional Liability

“Fantastic on the detail, and produces very good advocacy.” “She’s very able and gives very pragmatic advice.” – *Chambers & Partners, 2022*

“She is on a different planet in terms of brains and the ability to absorb vast quantities of information quickly. She does all of that but she’s also great with clients, which is a rare combination.” – *Chambers & Partners, 2022 (Professional Negligence: Technology & Construction)*

“She is very bright and has great attention to detail. Calm under fire.” – *Legal 500, 2021*

“Provides very quick and commercially focused advice, and inspires confidence in clients.” – *Legal 500, 2019*

“She is very user-friendly and approachable.” – *Chambers & Partners, 2019*

“Perfect with clients and one of the cleverest barristers I have worked with.” “She provides consistently excellent service and understands entirely what we and our insured and insurer clients want.” – *Chambers & Partners, 2018*

“She is user-friendly and her advice is always very clear and concise.” “She is extremely hard-working, very bright and has an exceptional mastery of the detail of complex matters. She provides invaluable input.” – *Chambers & Partners, 2016*

Ranked as a Leading Junior in both Chambers & Partners and the Legal 500, Lucy is praised for being “good at the detail, very positive and has good knowledge of the law.”, “she works hard under difficult circumstances and is very approachable and normal.”

Lucy is very experienced in the most large-scale and challenging professional liability matters, including claims alleging fraud, and high-value matters with a commercial or international angle or context. She has particular experience of acting for claimants in such litigation.

She acts for and against solicitors, barristers, accountants, valuers, and financial advisors (and other professionals). She also has particular expertise in technology and construction related claims against professionals.

Lawyers

A flavour of Lucy’s experience in relation to lawyers’ negligence is provided by the following:

- Acting on highly sensitive claims against a well-known City firm of solicitors worth US\$500 million+ arising out of a dispute over industrial interests between ultra-high net worth individuals involving allegations of fraud and conspiracy. Proceedings issued in January 2020. (Led by Ben Hubble QC).
- Acting on behalf of the defendant solicitor/company director in a claim pleaded at £20 million arising out of the claimant's conviction for large-scale VAT fraud and the subsequent restraint and confiscation of his assets. It was alleged that valuable real estate was sold against the claimant's interests as sole and controlling shareholder. Lucy represented the defendant in a successful application in December 2019 to have the claims against her client struck out.
- Acting for a leading tax barrister in unusually complex civil proceedings including allegations of fraud, collusion, bribery and bias, in circumstances where he had accepted instructions to act as an expert in the demerger of a London property empire. Proceedings were eventually struck out, and disciplinary proceedings heard in 2018. (Led by Graeme McPherson QC). See *Joseph Ackerman v (1) Andrew Thornhill QC (2) Naomi Ackerman (3) Barry Ackerman (4) Bana One Limited* [2017] EWHC 99 (Ch).
- Acting for the claimants, a Bulgarian company and wealthy businessman, in an action against their former solicitors for £20 million+. The claimants alleged negligence, breach of fiduciary duty and breach of trust in respect of substantial loans made to insolvent companies running adult gaming centres. The claimants successfully applied for the first defendant's defence to be struck out.
- Instructed in a Commercial Court claim by a syndicate who had invested in an Enterprise Zone developed located in Scotland, and who alleged that the defendant firms of solicitors had failed to advise them of the investment's conflicts of interest. (Led by Roger Stewart QC and Graham Chapman QC).
- Acting on behalf of a company in liquidation in its claim against its former solicitors, for mishandled litigation in the context of alleged conflict of interest and breach of fiduciary duty. This complex matter ended in a 7 day trial in the Chancery Division in respect of the enforceability of a contingency fee agreement: *Rees v Gateley Wareing (A Firm)* [2013] EWHC 3708 (Ch.) Lucy also represented the successful appellants in the Court of Appeal: [2014] EWCA Civ 1351. (Led by Justin Fenwick QC).
- Instructed in a claim against a firm of solicitors (and land agents) in respect of the sale of development land under an allegedly defective agreement. Led by Justin Fenwick QC. This matter also gave rise to issues in respect of a party's entitlement to change expert, in which Lucy assisted (*Adams & Others v Allen & Overy & others* (2013) Foskett J).
- Acting for defendant English solicitors in a claim brought by a firm of Brazilian lawyers, arising out of advice given in relation to a D&O policy of insurance. (Led by Sue Carr QC).
- Acting on behalf of Pannone in a claim for damages in excess of £40 million brought against it by the administrators of a company, arising out of the fraudulent activities of its director. The case raised issues of illegality and the duties of solicitors acting for companies committing fraud on third parties. (Led by Patrick Lawrence QC and Anneliese Day QC).
- Acting for well-known defendant solicitors in a multi-million pound claim relating to the alleged negligent drafting of a Share Purchase Agreement and mishandling of subsequent litigation against the vendors for breach of warranty. This claim involved allegations of breach of fiduciary duty. (Led by Patrick Lawrence QC and Rick Liddell).
- Advising multiple firms of solicitors and their insurers in relation to multiple claims by lenders in relation to conveyancing transactions, some relating to property company The Step. (Led by Justin Fenwick QC and Graham Chapman QC).
- Advising and acting for various firms of solicitors, again in relation to professional negligence actions arising out of conveyancing. Some of this litigation related to large-scale buy-to-let schemes and a background of suspected mortgage fraud, in circumstances where the main claim was effectively a contribution claim by valuers against a firm of solicitors. Led by Patrick Lawrence QC, she defended a firm of solicitors from allegations made by borrowers, which raise issues of illegality and the knowledge by borrowers of the nature of the transactions in which they had become involved.

Surveyors & Valuers

Lucy has excellent and long-standing experience of acting in claims against valuers, both for claimants and defendants. In respect of particularly notable claimant-work:

- With Sue Carr QC and Graham Chapman QC, she acted for the successful trustee and investment company in a multi-million pound claim against defendant surveyors in litigation concerning the acquisition of a factory outlet shopping centre by a Unit Trust: *(1) Capita Alternative Fund Services (Guernsey) Ltd (2) Matrix Securities Ltd v Drivers Jonas* [2011] EWHC 2336 and [2012] EWCA Civ 1417.
- She advised a bank in respect of its claim against a firm of valuers for the alleged overvaluation of commercial property in Birmingham.



Lucy also has extensive experience of acting on behalf of defendant valuers. In particular:

- Lucy was recently instructed (led by Justin Fenwick QC) for valuers in respect of a highly sensitive application for pre-action disclosure involving allegations of breach of confidence and potential conspiracy.
- She was instructed (led by Patrick Lawrence QC) in respect of claims by a bank against valuers regarding the valuation of a portfolio of properties across the UK. This matter raises further interesting questions in respect of the determination and application of a bracket / “margin of error” in valuation cases.
- She acted (led by Jamie Smith QC) in respect of a claim arising out of the alleged over valuation of managed office space.

Financial Services Professionals

Lucy was recently instructed to advise Dubai-based claimants in respect of claims against financial, pensions and investment advisors arising out of negligent and potentially fraudulent advice on their pension arrangements. The claimants had entered into an Occupational Retirement Benefit Scheme, which had presented difficulties, and the bulk of their funds were then lost by way of an unprotected investment offshore in Mauritius.

Lucy has also acted for financial consultants in a claim against them arising out of advice given in relation to appropriate life and critical illness cover, and in a claim arising out of advice given in relation to endowment mortgages, and for another firm of financial consultants in respect of a claim arising out of advice relating to the transfer of pensions and SIPP investments, including investment in a property Unit Trust.

Accountants, Auditors & Actuaries

Lucy:

- Is currently acting on behalf of a defendant firm of accountants alleged to have promoted and guaranteed the success of tax schemes based on EBTs to their clients and to have deliberately preferred their own interests in doing so.
- Acted for a claimant in relation to a potential claim against the expatriate tax team of a well-known firm of accountants, in respect of their handling of her US and UK tax affairs.
- Assisted a senior member of chambers in a high-value claim against well-known accountants including issues of Hong Kong law.

Insurance Brokers & Agents

Lucy has recently been instructed for the claimant in a claim for loss of chance against defendant brokers who failed to obtain LEI, with the result that the claimant could not afford to pursue its extremely valuable claims against its project manager and contractor on a building project. She also has experience of professional negligence claims arising out of fire damage claims.

Qualifications & Memberships

Lucy is a member of Lincoln’s Inn. She was awarded the Lord Brougham, Lord Mansfield and Lord Sheldon scholarships for the CPE, BVC and pupillage respectively.

Lucy is a long-standing contributor to Jackson & Powell on Professional Liability (currently in its 8th edn.).

She is a member of COMBAR, TECBAR and PNBA.

Lucy sits on COMBAR’s Equality & Diversity Committee and is a former chair of the Young COMBAR committee.



Education

Lucy read English Language & Literature at Trinity College, Oxford, where she achieved a First Class Degree (coming top of her year in Moderations). She was a Percival Exhibitioner and Scholar at Trinity College, and won the Mrs Claude Beddington and the Violet Vaughan Morgan university prizes. She obtained a distinction in the law conversion (CPE), and took a year out to travel in Russia, China, Hong Kong and South East Asia, before the Bar Vocational Course.

Insights

Jackson & Powell on Professional Negligence

1 December 2011

Lucy is a contributor to the 7th edition

Inquests and the “detachable” article 2 obligation: In Re McCaughey, Judicial Review, 2011, 16(3), 290-296

1 December 2011

Discusses the Supreme Court judgment in *Re McCaughey's Application for Judicial Review* [2011] UKSC 20 on whether the House of Lords decision in *Re McKerr's Application for Judicial Review* [2004] UKHL 12, ruling that an inquest into deaths occurring before the Human Rights Act 1998 entered into force need not meet the procedural requirements of the European Convention on Human Rights 1950 art.2, should be overruled as a consequence of the European Court of Human Rights ruling in *Silih v Slovenia* (71463/01) (2009) 49 E.H.R.R. 37 (ECHR) that, in certain circumstances, art.2 imposed freestanding procedural obligations.

Smith (Oxfordshire Coroner) in the Supreme Court, Judicial Review, 2010, 15(4), 356-365

1 December 2010

Comments on the Supreme Court judgment in *R. (on the application of Smith) v Oxfordshire Assistant Deputy Coroner* [2010] UKSC 29 on whether British service personnel serving overseas remained within the UK's jurisdiction for the purpose of determining if they retained the rights conferred by the European Convention on Human Rights 1950. Considers whether the death of a soldier should have been made subject to an inquest satisfying the procedural and investigative standards implicitly required by art.2 of the Convention.

The Atomic Veterans Litigation (Ministry of Defence v AB and others)

22 November 2010

[2010] EWCA Civ 1317

The law on donations to political parties considered for the first time by the Supreme Court: R. (on the application of the Electoral Commission) v. UKIP

30 July 2010

By a 4 to 3 majority the United Kingdom Independence Party (“UKIP”) has won its appeal in the Supreme Court in respect of the proper interpretation of section 58 of the Political Parties, Elections and Referendums Act 2000 (“the Act”), which provides for a power of forfeiture of donations impermissibly made to a political party in the United Kingdom.