



## 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

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### 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

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## Areas of Expertise

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### Insurance & Reinsurance

Lucy particularly enjoys insurance coverage disputes – and disputes purely concerning the construction of insurance policy wording. She also has experience of professional liability claims which require a thorough understanding of multiple issues of insurance law.

Examples of Lucy's experience are as follows:

- Recent instructions from administrators/liquidators in high-value liquidations to advise on the proper construction of terms of policies including D&O policies.
- Led by Gordon Nardell QC (Essex Court Chambers) in an adjudication arising out of long-running litigation concerning a waste disposal plant constructed under a PFI contract, involving the proper interpretation of insurance requirements under a construction contract.
- Led by Graham Eklund QC for insurers in a rejection of a claim for an indemnity, and allegations that the claimant had fraudulently exaggerated his claim. The claimant abandoned his claim on the third day of trial.
- Instructed by the defendant insurer both to advise and to attend the hearing of a preliminary issue in the multi-million pound arbitration relating to both triggers to cover and aggregation, turning on complex points of construction of several policy clauses. The underlying claims against the assured arise out of large-scale claims-handling on behalf of multiple other insurance companies. (Led by both Sue Carr QC and Patrick Lawrence QC).
- Advised a Hong Kong manufacturing company on its rights against its insurers, under a policy governed by Hong Kong law, in relation to a product liability claim brought against the company in the US. This case involved multiple assureds and complex questions of notification.
- Acted for defendant English solicitors in a claim brought by a firm of Brazilian lawyers. The claim arose out of advice given in relation to a D&O policy of insurance, and concerned in particular issues of notification of claims against the claimants brought in various Brazilian states. (Led by Sue Carr QC).
- Acting for various insurers, defending coverage claims under both commercial and household policies of insurance, on multiple grounds including an assured's failure to cooperate with insurer's investigations.

## Qualifications & Memberships

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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**

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### **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.