

## OUR PEOPLE

## Helen Evans KC

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## LEGAL 500

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

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Helen Evans KC is a leading barrister practising in professional negligence, fraud, disciplinary and insurance work. She was appointed QC in March 2022.

Prior to taking silk, Helen was ranked by the legal directories as a leading junior in the fields of professional liability, insurance and professional discipline. In 2021 she was named Chambers and Partners Junior of the Year in the Professional Negligence category and in April 2022 she was "Lawyer of the Week" in the Times. She has previously been 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:

- *"Helen is very hands on and approachable; she operates very much as "part of the team". Her attention to detail is second to none and you are always confident that she has thought through every point and angle. Her technical skills are exceptional. Her advocacy is clear and precise; she is able to make the judge see exactly what she wants."*
- *"Helen is great to work with. She is efficient and available despite being in huge (and well-deserved) demand."*
- *"She is in a class of her own: wonderfully hands-on and pitch perfect in her ability to grasp the issues."*
- *"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"."*
- *"Highly sought after for her professional negligence expertise and...considered a go-to by solicitors."*
- *"She is an extremely skilled tactician and a joy to watch in court."*
- *"Helen Evans is hailed as a "rigorous and immensely hard-working" advocate who "has an intense intellect and is terrifyingly intelligent."*
- *"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."*
- *"She provides technically excellent advice and is a real fighter."*
- *"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."*
- *"She is intellectually brilliant, a clear thinker who cuts to the chase, and has exceptional knowledge of professional indemnity insurance. One of the most thorough barristers I have ever dealt with."*

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 includes claims about a wide variety of negligent tax and investment advice, and numerous claims against auditors arising from frauds. 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. She has acted for several of the UK's leading accountancy firms as well as many other national firms. She has appeared before the FRC and been involved in advising on FRC investigations, as well as other accountancy regulators. She is

currently involved in the FRC proceedings arising out of the collapse of Carillion, named by the Lawyer as one of the Top 20 cases for 2022.

**Lawyers:** Helen is involved in high profile claims against solicitors and barristers. Many of her cases have a very high value and some involve offshore or cross-border elements. Recent examples of her work include the leading Court of Appeal proceedings relating to abuse of process in claims against solicitors (*Allsop v Banner Jones*), and acting successfully for the defendant firm in a 5 week trial claim brought by the former CEO of Inchcape against his solicitors (*Brearley v Higgs & Sons*). Helen has acted on a wide range of claims against lawyers and is 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 and the Bar Tribunal.

**Other professionals and corporate work:** Helen has experience of 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 is known for her work handling complex long running fraud cases as well as numerous urgent applications for freezing and proprietary injunctions, *Norwich Pharmacal* and *Bankers Trust* orders. Since 2020, Helen has been involved in committal proceedings before the County Court, High Court and Court of Appeal against both solicitors and a barrister. Helen also appears for the insurers in the claim brought by *Discovery Land Company* arising out of alleged fraud at the *Jirehouse* practice.

**Insurance:** Helen's practice involves a number of insurance disputes but particularly those involving business interruption, credit risk, professional indemnity and other management insurance. Examples of her current or recent work include appearing for the insurers in the claim brought by *Discovery Land Company* arising out of alleged fraud at the *Jirehouse* practice, managed arbitrations arising from Covid-19 business interruption, and a multi-party, multi-million pound claim against insurance agents.

## Privacy Policy

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## Expertise

## Professional Liability

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**"She is fantastic on her feet. Knows the detail inside out and unflappable, but not arrogant. In fact she is the opposite of that and is incredibly kind and personable. She is a technician as well as showing being commercially sensible and astute. It is always a pleasure working with her."** "Helen is very hands on and approachable; she operates very much as 'part of the team'. Her attention to detail is second to none and you are always confident that she has thought through every point and angle. Her technical skills are exceptional. Her advocacy is clear and precise; she is able to make the judge see exactly what she wants." – *Legal 500, 2023*

**"Helen is great to work with. She is efficient and available despite being in huge (and well-deserved) demand."** – *Chambers & Partners, 2023*

**"She is such a pleasure to work with. Clients really like her; frankly it's impossible not to. She's impressively on top of the detail, she grasps issues very quickly and her drafting skills are second to none. She takes a very tactical, sensible and commercial approach."** "Helen is incredibly astute, not afraid to really get into the details of a case and excellent with clients." "Fantastic. She gives clear, effective advice and is a pleasure to work with." – *Chambers & Partners, 2022*

**“She is in a class of her own: wonderfully hands-on and pitch perfect in her ability to grasp the issues”** – Legal 500, 2021

**“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 *Allsop v Banner Jones* (a case on collateral attack heard by the Court of Appeal in December 2020) and *Brearley v Higgs & Sons* (relating to the application of loss of a chance principles to allegations of dishonesty). Helen has acted in several pieces of large multi-party or managed litigation (including 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 Disciplinary Tribunal.

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. In recent years, Helen has acted in relation to several sets of proceedings brought by the 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 against a variety of professionals arising out of property frauds as well as for the professional defendants. She is well regarded for her expertise in obtaining freezing injunctions and other urgent interim remedies arising from fraud.

## Lawyers

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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:

- Helen’s recent work has included appearing as sole counsel in the Court of Appeal twice in 2020, in the collateral attack case of *Allsop v Banner Jones* and in committal proceedings against a solicitor arising out of a fraud;
- A large number of Helen’s arise of frauds. She is highly regarded for her work in obtaining urgent freezing orders and other interim remedies. In 2019-2020 Helen acted in two sets of complex sets of claims brought by firms against “rogue” solicitors arising from frauds, one of which culminated in committal proceedings. Helen has also acted on claims arising from “Friday afternoon frauds”;
- Helen has particular expertise of claims against solicitors arising from employment matters, particularly involving advice on restrictive covenants or fiduciary duties (e.g. where solicitors have advised on team moves);
- Helen also has extensive experience of dealing with cases arising from Financial Remedies on divorces 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 matrimonial work;
- Helen has also dealt with a number of claims arising from solicitors’ or barristers’ regulatory matters, such as the operation of client accounts or committal proceedings brought against a QC for contempt of court;
- Helen has also acted in a number of negligence claims against barristers. Her work for and against barristers includes a diverse range of cases, including ancillary relief, undue influence claims, and allegedly mishandled disciplinary claims;
- Helen has been involved in several cases involving difficult or controversial issues of limitation and over many years has gained extensive experience of complex multi-party litigation.

## Accountants, Auditors & Actuaries

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Helen is well regarded for her work 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. Helen is also often called on to act for auditors in investigations or proceedings brought by the FRC or other professional bodies;
- Claims arising from negligent tax planning, including CGT roll over relief, Enterprise Zones, film finance, EBTs, inheritance tax issues, and others. In 2020 alone, Helen acted in several sets of proceedings arising out of EBT tax schemes, which involved allegations of deceit and breach of fiduciary duty;
- Cases with a financial services element, particularly involving Collective Investment Schemes;
- Disputes over the valuation of businesses (e.g. in the context of shareholder disputes or sales) or errors in due diligence on the purchase of large companies;
- Litigation relating to negligently prepared management accounts which allegedly masked the poor performance of a business;
- Litigation by insolvency practitioners against directors and officers (often involving onward claims against auditors and accountants);
- 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

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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

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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;
- 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

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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 where a company's claim is 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.

## Surveyors and Valuers

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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);

Examples of Helen's work include the following:

- Defending a national firm of solicitors whose valuers were accused of deceit and involvement in mortgage fraud;
- Acting for mortgage lenders with regard to the involvement of panel valuers in large-scale fraudulent property transactions (including allied applications for *Norwich Pharmacal* relief relating to funds passing between other parties allegedly involved in the fraud);
- 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;
- 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

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Helen also has wide 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:

- Acting for claims handling agents in multi-party litigation arising out of a large book of motor insurance business;
- Acting in a claim against brokers arising out of negligently placed credit risk insurance;
- 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;
- 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.

## Insurance & Reinsurance

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Helen has been recommended for many years for her insurance practice in the Legal 500. Recent editions describe her as:

- *“intellectually brilliant, a clear thinker who cuts to the chase, and has exceptional knowledge of professional indemnity insurance. One of the most thorough barristers I have ever dealt with”*
- *“responsive, organised, focused, clear, and good with clients”*
- *“able to cut through large volumes of material and get to the nub of the problem”.*

### Professional indemnity and related insurance

Helen has extensive experience in coverage disputes arising out of professional practice. In 2022, Helen represented AXIS (along with Patrick Lawrence KC and Ian McDonald) in the High Court trial of its coverage dispute arising out of the Jirehouse practices (*Discovery Land LLC v AXIS*). The dispute concerned whether the fraud was condoned by a 2<sup>nd</sup> partner in the practice (or whether he had only been a sham partner).

Helen frequently advises on issues relating to dishonesty, condonation, aggregation, non-disclosure and other questions of interpretation of policies.

Helen has experience of advising on policies covering professionals as diverse as solicitors, accountants, financial advisers, directors & officers, mortgage agents and construction professionals. Her work often involves dishonesty issues, or has a corporate or insolvency related angle. She is often instructed to advise insurers and insureds collectively at short notice on freezing injunction applications, which can often involve complex coverage questions that need to be accommodated before the applications can proceed.

Examples of Helen’s recent work in this area include:

- Advising on the application of professional policies to regulatory matters, and in particular coverage for fines.
- Advising on the adequacy of disclosure given by and/or scope of cover for solicitors and accountants providing services arguably falling outside the usual scope of their role.
- Advising insurers for constructions professionals about the adequacy of notification and which “year” is in on risk.
- Advising on the operation of the Third Party (Rights Against Insurers) Act 2010.
- Acting in a dispute over the applicability of D&O cover to a shareholders’ dispute.
- Acting for and against insurance brokers sued for negligence in relation to the cover they have procured for clients;
- Defending claims against professional advisers for prejudicing a client’s insurance cover or delaying insurance claims.

Helen’s insurance work tallies very well with her extensive experience of professional liability, disciplinary, corporate and injunctive matters.

### Other types of insurance

Helen is also frequently called on to advise on other types of insurance dispute, most frequently with a construction, financial, insolvency, motor or property damage connection. Recent examples of her work include:

- Advising insurers on the complex interplay between the outcome of an Early Neutral Evaluation and a coverage dispute in a construction matter.
- Acting on multi-party managed arbitrations arising out of business interruption claims.
- Acting in a High Court coverage dispute relating to credit risk insurance after a large corporate collapse (as well as an allied claim against insurance brokers).
- Acting on managed claims against cover holding or other insurance agents. In this regard, Helen has been instructed in two sets of large scale proceedings involving the handling of thousands of underlying motor insurance policies across a number of years.
- Advising insurers in a jurisdictional dispute concerning the appointment of arbitrators to determine a coverage claim involving a fraud on an Isle of Man company.

- Advising in disputes arising out of aviation hull and liability insurance (including freezing injunctions in that context and/or potential claims against brokers).
- Acting on claims arising out of fires, floods and other types of damage, particularly those involving allegations of dishonesty or other wrongdoing against insureds.
- Advising in disputes over costs, including claims relating to legal expenses insurance and whether insurers have “maintained” litigation and exposed themselves to costs liability as a result.

## Regulatory & Disciplinary

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“Extremely knowledgeable and empathetic.” – Legal 500, 2023

“The quality of Helen’s written work is exemplary. As an advocate, Helen is tenacious and impressive. Helen is unflappable under pressure and her attention to detail sets her apart amongst her peers”, “A name to note as she is instructed in high-profile disciplinary matters”, “An extremely bright junior who easily inspires clients’ confidence.” – *Legal 500, 2020, 2021 and 2022 editions*

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. Until it was disbanded in 2020 she was a member of the Bar Standards Board’s Panel of Prosecuting Counsel and still prosecutes cases for the BSB on an ad hoc basis.

### Featured Regulatory & Disciplinary cases

- Advising national firms of accountants in relation to investigations by the ICAEW, FRC and offshore regulators;
- 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);
- Acting for a firm of solicitors committing a former partner to prison for contempt of court in fraud proceedings;
- Defending a QC accused of contempt of court;
- Prosecuting a barrister for behaving in a way which was likely to diminish the trust and confidence which the public places in him in his correspondence about a judge: *BSB v Becker*;
- Prosecuting a barrister for failing to represent his client properly in Court of Appeal (Criminal Division) proceedings (*BSB v Matthew Boyden*);
- 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*);
- 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 is a member of the Association of Regulatory and Disciplinary Lawyers and regularly writes on disciplinary and regulatory matters.

## Civil Fraud, Asset Recovery & Injunctive Relief

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**“Absolutely brilliant technically; she has certainly developed a niche in freezing orders and injunctions” – Chambers & Partners, 2021**

Helen is sought after for her extensive experience in numerous multi-million pound claims arising from solicitors’ misappropriations of client funds. In 2019-2020 Helen acted in two sets of complex litigation arising out of frauds by solicitors, one of which led to contempt proceedings before the Court of Appeal and the other involved multi-party litigation in the Chancery Division.

Helen has also recently been involved in pursuing a high value insurance coverage dispute arising out of an underlying large-scale fraud by a professional.

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.

## Featured Civil Fraud cases

- 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;
- 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.

## Awards



## Qualifications

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.



# 4 NEW SQUARE

C H A M B E R S

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. Until it was disbanded in 2020, she was a member of the Bar Standards Board's Panel of Prosecuting Counsel for disciplinary proceedings and still prosecutes cases for the BSB on an ad hoc basis. She regularly publishes articles on legal matters.

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# 4 NEW SQUARE

C H A M B E R S