

OUR PEOPLE

## Lucy Colter

CALL 2008

LEGAL 500

"Lucy is an incredibly diligent barrister who has a natural intuition for what will and what will not work in the court room."



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## Lucy Colter's practice is focused on the core areas of commercial litigation (including offshore), 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 Commercial Dispute Resolution, Construction, Professional Negligence and Professional Negligence: Technology and Construction. She was 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 has incredible work ethic, forensic attention to detail, excellent responsiveness, and is a team player", "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, in particular complex high-value civil fraud. Led by Justin Fenwick KC and George Spalton KC, she represented Nick Suppipat in his US\$1 billion fraud claims against multiple defendants in the Commercial Court, obtaining a judgment for US\$850 million after a 20 week trial (*Suppipat v Narongdej and others* [2023] EWHC 1988 (Comm)). In 2022, led by Justin Fenwick KC, Lucy represented Beny Steinmetz in an 11-week Commercial Court trial before Mr Justice Andrew Baker, defending deceit and conspiracy claims for c.US\$1 billion+ brought by the Brazilian mining company, Vale. The claim collapsed midway through trial. Lucy was instructed for Georgy Bedzhamov in *Vneshprombank v Bedzhamov* and worked for several years on *Deripaska v Chernukhin*. Lucy also has a growing practice in commercial arbitration, including in the UAE.

## Professional Liability

Lucy acts in challenging and high-value claims, both for and against professionals. She is presently instructed with Patrick Lawrence KC to defend a potential loss of a chance claim for \$100m+ against a leading private client firm involving issues of international and cross-border enforcement. She was instructed (led by Ben Hubble KC) 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 acted (led by Graeme McPherson KC) 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

Lucy has very extensive experience and expertise in construction and engineering matters (in the TCC, arbitration and adjudication), acting for multinational construction service companies and development companies. She is currently representing an engineering company defending claims brought by Vinci listed for trial in early 2024. She recently represented the successful defendant on a preliminary issue in terms of duties owed in *Multiplex Construction Europe Limited v RNP Associates Ltd (in liquidation) and others* [2021] EWHC 590 (TCC), leading Will Cook.

## 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. She has excellent experience of sanctions issues and is working on contentious sanctions issues in Bermuda.

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

## Privacy Policy

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## Expertise

### Commercial Litigation

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***"Lucy has a great capacity to manage a lot of complex information, and shows wonderful attention to detail."*** *Chambers & Partners*

***"Lucy Colter is very meticulous and displays an immense ability to get to grips with a massive amount of factual material."*** *Chambers & Partners*

***‘Lucy is very responsive, incredibly hardworking, and a fantastic team player. She is a real pleasure to work alongside and to instruct.’ Legal 500***

***“Lucy is an incredibly diligent barrister who knows the bundle backwards and has a natural intuition for what will and what will not work in a court room.” – Legal 500***

***“Destined to be one of the stars of the English Bar – she is extremely bright, personable and tactically incisive.” – Legal 500***

Lucy has an extremely busy and rapidly developing commercial practice and is ranked as a leading junior in Chambers & Partners and the Legal 500. She is particularly interested in matters with an international element and has strong experience of matters in which fraud, conspiracy and large-scale dishonesty have been alleged. She has deep experience of fighting highly complex and difficult fraud claims at trial.

## Featured Commercial Litigation cases

- Together with a 4 New Square Chambers team, acting for Nick Suppipat in *Suppipat and others v Narongdej and others*, \$2 billion+ claims brought by the founder of a Thai wind farm enterprise against a range of defendants including Nop Narongdej and Siam Commercial Bank. The team secured a US\$850 million judgment on behalf of Mr Suppipat and a post-judgment WFO and orders for enforcement in Hong Kong [2023] EWHC 1988 Comm. (Led by Justin Fenwick KC and George Spalton KC).
- Acting for Beny Steinmetz in *Vale SA and others v Steinmetz and others*, in respect of US\$1bn claims in fraudulent misrepresentation, deceit and conspiracy in respect of a joint partnership arrangement, alleging bribery. The trial collapsed part-heard, Vale’s claims were dismissed and the WFOs discharged. (Led by Justin Fenwick KC).
- Acting for Georgy Bedzhamov in proceedings against him in Russian law including for fraud and controlling persons liability, for more than £1 billion brought by the Russian bank VPB. Lucy was instructed in recent applications where the defendant successfully sought permission to reply documents in litigation in Russia, and where the claimant abandoned its application for summary judgment worth c.US\$ 30 million. (Led by Justin Fenwick KC).
- Acting for Oleg Deripaska in long-running litigation against Vladimir Chernukhin, in arbitration in 2017, and after that in a section 67/section 68 Arbitration Act challenge in the Commercial Court and an appeal by Mr Deripaska to the Court of Appeal, from which permission to appeal is sought. The litigation, worth in excess of US\$100 million, concerns the ownership of valuable real estate assets in Moscow. This hard-fought litigation has involved allegations of fraud and corruption on both sides and allegations of oppressive conduct in the takeover of a business under section 202 of Cyprus Companies Law, along with extensive satellite issues including in the Royal Court in Jersey, impacted by US sanctions against Mr Deripaska. (Led by Justin Fenwick KC). Reported as (1) *Filatona Trading Limited (2) Oleg Vladimirovich Deripaska v (1) Navigator Equities Limited (2) Vladimir Anatolevich Chernukhin* [2019] EWHC 173 (Comm.) and [2020] EWCA Civ 109.
- Acting for an insurer in a dispute with a state-owned oil company in ICC arbitration in Abu Dhabi.
- Acting for a Jersey trust company in respect of proceedings in the Royal Court to recover losses allegedly suffered by a discretionary trust. The claimant alleged failures to implement an adequate investment strategy and risk profile together with allegations of gross negligence and fraud in respect of LIBOR and fx manipulation.
- Acting on highly sensitive claims worth US\$500 million+ arising out of a dispute over industrial interests located internationally between high net worth individuals, involving allegations of fraud, conspiracy and money-laundering, and consequent high value claims against City solicitors for lost litigation which themselves include allegations of deliberate misconduct. (Led by Ben Hubble KC).
- Acting for Dubai-based claimants to advise on strategy in respect of potential claims against investment advisors arising out of a fraud in their pension and investment arrangements and the payment away of significant sums, dissipated through an unprotected offshore investment in Mauritius.
- Acting for a technology company now in administration seeking to bring claims against its directors for asset stripping and breach of trust and in particular, the transfer away of assets and funds to related companies in the US and the Philippines.
- Acting in a multi-million pound claim brought in relation to the drafting of a Share Purchase Agreement. (With Patrick Lawrence KC and Rick Liddell KC).
- Acting in relation to claims arising out of overpayment of shareholder dividends.
- Acting for the claimant in a claim for restitution in respect of monies paid away under a mistake.
- Instructed to advise and attend applications in various cases where complex issues have arisen in relation to a party being in administration or liquidation, including acting for a defendant wealth management company in liquidation.

## Offshore Litigation

**‘Wholly committed to the case – diligent and hard working.’ – *Legal 500***

**‘Very bright and good attention to detail. Also very responsive. Worked well as part of a team.’ – *Legal 500***

**‘A very good junior – she thoroughly researches her cases’ – *Chambers and Partners***

Lucy’s practice involves substantial and diverse offshore work in particular in the Channel Islands and Cayman. A significant part of her commercial litigation practice (particularly Russian/CIS litigation such as *Deripaska v Chernukhin*) has involved a significant offshore element and required expertise in this area.

### Featured Offshore Litigation cases

- Representing a Jersey trust company in an action in the Royal Court in respect of losses allegedly suffered by a discretionary trust. The claim concerned allegations of a failure to implement an adequate investment strategy and allegations of gross negligence and fraud regarding alleged LIBOR and fx manipulation.
- Acting for Oleg Deripaska in applications brought in the Jersey Royal Court regarding the proposed enforcement of £100 million+ arbitration awards and English judgments, in the context of the US sanctions.
- Acting for a high-net-worth individual in respect of loss of chance claims, involving careful consideration of claims/litigation pursued offshore including in the BVI. Led by Ben Hubble KC.
- Acting on a contractual dispute regarding the purchase of substantial property on Jersey. With Anneliese Day KC and George McDonald.
- Acting on multiple Royal Court claims and arbitrations in Jersey of large-scale construction disputes. Lucy is one of the go-to English counsel for Jersey/Guernsey construction claims. (See Construction.)

## Civil Fraud

Lucy has been instructed in some of the largest civil fraud claims in the Commercial Court in recent years, including at trial, and she also has experience of LCIA and ICC arbitration in particular. Lucy’s cases are frequently extremely high in value and highly contested proceedings involving serious and very complex allegations and issues.

Over the last 4 years, she has worked on *Suppipat v Narongdej and others* (a 17 week trial); *Vale v Steinmetz and others* (an 11 week trial in which Vale discontinued); and *Vneshprombank LLC v Bedzhamov and others*. She was involved for several years in the long-running dispute between Oleg Deripaska and Vladimir Chernukhin, representing Mr Deripaska in the LCIA; trial in the Commercial Court; and the Court of Appeal. She acts for both claimants and defendants. She has extensive experience acting for UHNW clients and associated entities. She also has extensive experience of proceedings concerning complex company and trust structures including offshore.

## Featured Cases

- *Suppipat & Ors v Narongdej & Ors* – Together with a 4 New Square team (and led by Justin Fenwick KC and George Spalton KC), Lucy acted for Nick Suppipat, the Claimant in this US\$2 billion+ unlawful means conspiracy, fraud and bribery claim with significant multi-jurisdictional aspects. This was a claim brought by the founder of a Thai wind farm enterprise against a range of defendants including Nop Narongdej and Siam Commercial Bank. This case was featured in The Lawyer’s Top 20 cases of 2022. Judgment is awaited following a 17 week trial before Calver J.
- *Vale v Steinmetz and others* – Lucy acted for Beny Steinmetz (led by Justin Fenwick KC) in this \$1 billion+ fraudulent misrepresentation, deceit and conspiracy claim arising out of a disputed joint venture in respect of a mine in Guinea. Vale abandoned their claims in the 4th week of an 11 week trial.
- *Vneshprombank LLC v Georgy Bedzhamov & Ors* – Lucy acted for Georgy Bedzhamov (led by Justin Fenwick KC and with a 4 New Square team) in strongly contested proceedings brought by a Russian bank in liquidation for a massive alleged fraud, seeking damages of over £2 billion, including in respect of issues arising out of a WFO and search order.
- *Deripaska v Chernukhin* – Lucy acted for Oleg Deripaska (led by Justin Fenwick KC) in this US\$200 million+ litigation involving alleged fraud, corruption, bribery and arbitral claims with subsequent multi-jurisdictional litigation. The dispute

concerned a joint venture and shareholding in respect of commercial property in central Moscow.

## Professional Liability

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**“Lucy is extremely good with clients and a reassuring presence. She is completely on top of the facts and legal issues in quite a detail-heavy case.”** – *Chambers & Partners*

**“Great to work with; she’s a team player, who is down to earth and very bright.”** – *Chambers & Partners*

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

**“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*

**“Brilliant. Works hard to cover every angle. Lucy is one to watch.”** – *Legal 500*

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

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

Ranked as a Leading Junior in both Chambers & Partners and the Legal 500, Lucy is praised for being *“great with clients”, “very able and gives very pragmatic advice” and is described as “one to watch”*.

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

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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 KC).
- 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 KC). 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 KC and Graham Chapman KC).
- 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 KC).

- 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 KC. 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 KC).
- 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 KC and Anneliese Day KC).
- 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 KC and Rick Liddell KC).
- 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 KC and Graham Chapman KC).
- 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 KC, 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

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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 KC and Graham Chapman KC, 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 KC) 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 KC) 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 KC) in respect of a claim arising out of the alleged overvaluation of managed office space.

## Financial Services Professionals

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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

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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

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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.

## Construction, Energy & Natural Resources

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**Lucy was shortlisted for the 2020 Chambers & Partners Construction Junior of the Year award.**

**"She's impressive, confident and has ability beyond her call. She's extremely good with clients and a reassuring presence."** – *Chambers & Partners*

**"Lucy is meticulous in her analysis of the facts and the law. She's a very capable advocate."** – *Chambers & Partners*

**"Lucy is incredibly able and a pleasure to work with. Her written work is of the highest quality." "Lucy Colter is very hands-on and easy to work with."** – *Chambers & Partners*

**"Lucy is extremely bright, highly personable, and very hard working. Her drafting is first class, and she advises with exceptional clarity. She also has a detailed technical understanding of the subject matter."** – *Legal 500*

**"Brilliant. Works hard to cover every angle – she is one to watch."** – *Legal 500*

**"She has incredible work ethic, forensic attention to detail, excellent responsiveness, and is a team player."** – *Legal 500*

**"She is on a different planet in terms of brains and ability to absorb vast quantities of information quickly." "She's excellent to work with, very personable and down to earth, but also delivers concise and relevant advice."** – *Chambers and Partners*

**"She is exceptional at what she does. She is highly organised, tough, determined and yet highly accessible."** – *Legal 500*

Lucy has very extensive experience of hard-fought and high-value construction disputes, including the TCC, arbitration and adjudication. She acts for leading construction engineering companies and development companies and has dealt with the major forms of contract. She has worked extensively on construction disputes in Jersey and Guernsey. Lucy has exceptional ability in respect of complex technical and scientific evidence and enjoys the challenge presented by it.

Lucy has equal experience of professional negligence claims against construction professionals, acting for and against architects, project managers and quantity surveyors. She has acted on multiple claims against heritage architects / architects working on listed or protected buildings.

## Featured Construction &amp; Engineering cases

- Recently instructed by Norton Rose Fulbright in an adjudication arising out of long-running litigation concerning a waste disposal plant constructed under a PFI contract, involving the proper interpretation of the insurance requirements under a construction contract. Led by Gordon Nardell KC (Essex Court Chambers).
- Recently instructed as sole counsel for a firm of engineering associates on a £12 million claim by Multiplex Construction Europe Ltd for the defective design of a slipform rig at 100 Bishopsgate. The client was retained to review and check the slipform design.
- Acting for a private client in intimidated claims against well known heritage architects in respect of a disastrous renovation of Grade II\* listed property in Hampstead, which led to threatened prosecution and enforcement action. Damages estimated at £1-2 million.
- Acting for claimant employers in respect of claims against an architect relating to a failed and seriously defective new-build residential development in Cheshire, and concerning mitigation strategy including demolition and rebuilding.
- Acting in claims for declaratory relief against McAlpine Grant Ilco Ltd concerning multiple adjudications and the issue of whether a PPM/project services contract has actually been entered into.
- Instructed by Dandara, a major property developer on Jersey, in Royal Court claims against a civil engineering contractor, arising out of allegedly defective subcontract works on the foundations of a beachfront property. Lucy led Marie-Claire O'Kane and Benjamin Fowler on these matters.
- Acting for the claimants in a £1 million+ claim in Guernsey against architects relating to the renovation of an ancient property into a modern home, which suffered from serious water ingress. Lucy led Will Harman.
- Acting for the claimants in two related arbitrations in Jersey concerning the construction of two multi-million pound projects. Allegations were of defective works including a pattern of construction failures to waterproof and protect coastal properties. Lucy worked closely in Jersey with the client's remedial team to present the claim in the strongest possible way. With George McDonald.
- Acting for Construction Partnership UK Limited in arbitration, specifically a defects claim for £1.5 million+ arising out of construction projects in Manchester.
- Representing Carillion in a £10 million+ arbitration against a civil engineering firm concerning defective foundations. Led by Roger Stewart KC.
- Representing the successful contractor in preliminary issues in a claim against its subcontractor for negligent installation of a sprinkler system at an office block development. The preliminary issues concerned the proper construction of the contractual mechanism for determining practical completion: *GB Building Solutions Ltd (In Administration) v SFS Fire Services Ltd* [2017] EWHC 1289.
- Acting for Carillion Telnet in a complex £2 million+ adjudication arising out of framework agreements and civil engineering works on a telephone network.
- Acting for Carillion on an adjudication arising out of final account and delay claims, pursuing negligence claims against an M&E engineer.
- Acting on behalf of the successful project manager/quantity surveyor in *William Clark Partnership Ltd v Dock St PCT Ltd* [2015] EWHC 2923 (TCC), defeating a "global" claim that the project manager had caused the entirety of a £1 million costs overrun. Lucy was instructed to appear on her own against Justin Mort KC (Keating Chambers). The Court of Appeal refused permission to appeal.
- Acting on behalf of Carillion in a 5 week trial in Manchester TCC in a final account dispute arising out of a project at Warrington College, led by Anneliese Day KC. Carillion succeeded at trial. The case included a complex delay claim and allegations of breach of duty in respect of the corrosion of a low temperature hot water system.
- Acting on behalf of a development company in respect of a claim against architects and quantity surveyors arising out of the construction of a clubhouse, using a log-shell constructed in Russia.
- Instructed in respect of an adjudication under an NEC3 contract, in respect of delay issues arising out of the construction of an airport terminal.
- Acting on behalf of a leading engineering company in respect of a dispute and potential high-value arbitration against a major energy company arising out of the construction of a power station. There were complex factual and legal issues in respect of project management and responsibility in addition to technical issues. Again led by Anneliese Day KC.
- Advising a French company tendering for the construction of waste treatment processing at a new nuclear power station, in respect of the application of the FIDIC "Yellow Book" precedent.
- Successfully defending a firm of architects in a 5 day trial in Manchester TCC in respect of multiple allegations of negligence by a construction company arising out of the construction of office blocks, especially in respect of the design and specification of a roof and high level ventilation system.
- Acting for Carillion in respect of a claim brought by a subcontractor (now in administration) arising out of payments made in the course of 18 different construction projects.
- Acting for a quantity surveyor alleged to have inadequately supervised and monitored the demolition and rebuild of a

property on Guernsey. The plaintiff alleged that the property was unfit for occupation and should be demolished. The plaintiff had also alleged that the construction company had concealed breaches and defective work. Lucy assisted the Ogier (Guernsey) team in preparing for trial (before settlement on Day One of trial).

- Acting for a defendant quantity surveyor in respect of a claim brought by a construction company, in respect of an unprofitable construction project carried out under a JCT. This includes issues arising out of failed dispute resolution, adjudication and (again) includes issues relating to the extent of the surveyor's responsibilities and role.
- Acting for a regulated energy company against engineers in respect of damage done to a water main during excavation works on a bridge.

## International Arbitration

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Lucy has extensive experience of the LCIA rules and an unusual amount of experience of section 67/section 68 challenges under the Arbitration Act, particularly in the *Deripaska v Chernukhin* litigation (in which she acts for Mr Deripaska, led by Justin Fenwick KC).

## Insurance & Reinsurance

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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.

### Featured Insurance & Reinsurance cases

- 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 KC (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 KC 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 KC and Patrick Lawrence KC).
- 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 KC).
- 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.

## Public Law & Human Rights

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Lucy appeared as junior counsel for the Secretary of State for Health (led by Leigh-Ann Mulcahy KC): *R(on the application of McVey) v Secretary of State for Health* [2010] EWHC 437 and [2010] EWHC 1225. The Secretary of State successfully resisted the judicial review brought in respect of the *ex gratia* compensation scheme set up to compensate those infected with variant Creutzfeldt-Jakob Disease, including a challenge by interested parties, living victims of the disease. This judicial review also engaged private law questions regarding trusts. Permission to appeal was refused.

## Awards



## Qualifications

Lucy is a member of Lincoln's Inn. 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.