

Hugo Leith

YEAR OF CALL: ENGLAND AND WALES: 2013; NEW YORK (NOT PRACTISING): 2013

"Immensely smart and hard-working; he leaves no stone unturned"

Chambers & Partners 2021

Email: hugo.leith@brickcourt.co.uk



Practice Overview

Hugo's practice spans all areas of chambers' work, with a particular focus on competition and commercial litigation. The directories say:

- *"Immensely smart and hard-working; he leaves no stone unturned"* (Chambers & Partners 2021)
- *"A brilliant, versatile lawyer who can turn his hand to almost everything. He has a huge range of practice in commercial law, EU law, competition law and even public law"* (Legal 500, 2021)
- *"He doesn't just give the textbook answer but instead offers a practical solution to the problem."* (Chambers & Partners UK & Global 2020)

Hugo is regularly instructed in leading and high-profile cases, including cases in *The Lawyer's* Top 20 cases from 2016–2022, grappling with new legal issues and often leading to appeals. His practice encompasses a variety of areas: from complex transnational commercial disputes, to novel competition issues, and the law relating to climate change. He frequently appears in the High Court, the Competition Appeal Tribunal, the Court of Appeal and the Supreme Court, as well as the General Court of the EU and the Court of Justice of the EU, acting for private parties, government bodies and NGOs.

Competition

Hugo is regularly instructed to advise and act on competition matters, contentious, regulatory and non-contentious. He has appeared in a series of heavy trials raising complex factual, economic and legal issues, for claimants, defendants and regulators, followed by appeals. Notable current and recent instructions include:

- Acting for Mastercard in the CAT ([2016] CAT 11), the High Court ([2017] EWHC 93 (Comm)), Court of Appeal ([2018] EWCA Civ 1536) and Supreme Court ([2020] UKSC 24) in defending claims brought by retailers over multilateral interchange fees. These include proceedings to determine questions over service ([2020] EWHC 3399 (Ch)) applicable law ([2018] EWHC 412 (Ch)), case management of hundreds of related claims ([2022] CAT 14) and summary determination ([2021] CAT 35).
- Representing Deutsche Telekom in a 12 week trial in 2022, defending a claim brought by Phones 4U's administrators alleging anti-competitive agreements between mobile network operators. (see eg *Phones 4U Ltd v EE Ltd* [2021] EWCA Civ 116).
- Representing the Competition and Markets Authority in the *Liothyronine* and remitted *Phenytoin* cases alleging excessive pricing in the pharmaceutical sector, being heard before the CAT in 2022 and 2023.
- Defending collective proceedings brought against Mastercard on behalf of 46 million individuals, before the CAT ([2017] CAT 16 and [2021] CAT 28), the Court of Appeal ([2019] EWCA Civ 674) and the Supreme Court ([2020] UKSC 51), with the proceedings being heard in stages in 2023.
- Acting for Apple, defending collective proceedings alleging abuse of dominance on behalf of 19.6 million individuals.
- Acting for the claimant in the first cartel damages claim to reach trial, and on appeal: *BritNed v ABB* [2018] EWHC 2616 (Ch); [2019] EWCA Civ 1840.
- Acting for Volvo in defending damages claims brought on the basis of the European Commission's finding of an infringement of Article 101(1) TFEU.

Directory rankings

Legal 500: leading juniors, Tier 2

Chambers & Partners: Band 2

Commercial

Hugo has a broad experience of commercial disputes, particularly involving civil fraud and related matters. Current and recent instructions include:

- Pursuing a claim for damages and injunctive relief for State-sponsored email hacking, pursued against an Emirati sovereign wealth fund and its City solicitors, before the High Court ([2020] EWHC 1327 (Ch)) and the Court of Appeal ([2021] EWCA Civ 349).
- Proceedings to set aside High Court and Court of Appeal judgments obtained by an Emirati sovereign wealth fund on the grounds that the judgments were procured through fraud.
- Acting for the State of Qatar in proceedings before the Commercial Court alleging a conspiracy between several banks to engage in market manipulation (see [2021] EWHC 2172

(Comm)).

- SCC arbitral proceedings arising from disputes over long-term gas supply contracts in Eastern Europe (instructed by Freshfields Bruckhaus Deringer).
- Representing Deutsche Telekom in defending a claim brought by Phones4U's administrators alleging a conspiracy between mobile network operators.
- Challenges to arbitral awards under the Arbitration Act 1996 ([2017] EWHC 2364 (Comm)).

EU law/Brexit

Hugo has a diverse range of experience under EU law and Brexit-related legal issues, including on laws for the protection of the environment and the mitigation of climate change, including:

- Acting for ClientEarth to annul the decision of the European Investment Bank refusing to conduct an internal review of a financing decision under the Aarhus Regulation: General Court Case T-9/19 ECLI:EU:T:2021:42; and in the Court of Justice in Cases C-212/21 P and Case C-223/21 P.
- Advising environmental NGOs on EU legislation open to challenge on environmental grounds.
- Acting on behalf of a medical defence organisation challenging statutory schemes concerning the provision of indemnities to GPs as conferring State aid and/or subsidies contrary to the Trade and Cooperation Agreement.
- Acting on behalf of a cross-channel ferry operator in a challenge to contracts awarded by the Secretary of State for Transport to secure supplies in the event of a no-deal Brexit
- Acting for a group of claimants contending that the climate change measures adopted by the European Parliament and the Council are insufficient and unlawful: Case T-330/18 ECLI:EU:T:2019:324 and Case C-565/19 P ECLI:EU:C:2021:252.
- Acting to enforce an ICSID arbitral award rendered against Romania, despite a decision of the European Commission finding that payment of the award would involve unlawful State aid, before the Commercial Court ([2017] EWHC 1430 (Comm)), the Court of Appeal ([2018] EWCA Civ 1801) and the Supreme Court ([2020] UKSC 5).

Directory rankings

Legal 500: leading juniors, Tier 3

Chambers & Partners: Up and Coming

Public Law

Hugo has broad experience across public law. These include:

- Acting on behalf of a medical defence organisation challenging statutory schemes concerning the provision of indemnities to GPs against clinical negligence liabilities.
- Challenging search warrants raising issues under the privilege against self-incrimination through a judicial review in Jersey, followed by appeals in the Jersey Court of Appeal and the Privy Council ([2019] UKPC 29).
- Appeals against penalties imposed under the Aviation Greenhouse Gas Emissions Trading Scheme.

reported cases

Phones 4U v EE Ltd and others [2021] 1 W.L.R. 3270

ClientEarth v European Investment Bank EU:T:2021:42; [2021] 2 C.M.L.R. 17

Mastercard Inc v Merricks [2020] UKSC 51; [2021] 3 All E.R. 285; [2021] Bus. L.R. 25

Sainsbury's Supermarkets v Visa Europe [2020] UKSC 24; [2020] 4 All E.R. 807; [2021] 1 All E.R. (Comm) 283; [2020] Bus. L.R. 1196; [2020] 5 C.M.L.R. 16

Competition and Markets Authority v Flynn Pharma [2020] EWCA Civ 339; [2020] 4 All E.R. 934; [2020] 2 All E.R. (Comm) 891 | [2020] Bus. L.R. 803; [2020] 4 C.M.L.R. 18

Micula v Romania [2020] UKSC 5; [2020] 1 W.L.R. 1033; [2020] 2 All E.R. 637; [2020] 2 All E.R. (Comm) 1; [2020] Bus. L.R. 659; [2020] 3 C.M.L.R. 11

BritNed v ABB [2019] EWCA Civ 1840; [2020] Bus. L.R. 1073; [2020] 4 C.M.L.R. 7

Merricks v Mastercard Inc [2019] EWCA Civ 674; [2019] Bus. L.R. 3025; [2019] 5 C.M.L.R. 4; [2020] E.C.C. 13

Office Depot International BV v Holdham SA [2019] EWHC 2115 (Ch); [2019] 4 W.L.R. 120; [2020] 1 All E.R. (Comm) 772

Volaw Trust & Corporate Services Ltd v Office of the Comptroller of Taxes [2019] UKPC 29; [2020] 1 All E.R. 941; [2019] S.T.C. 2066; [2019] Lloyd's Rep. F.C. 423; 48 B.H.R.C. 602; [2019] B.T.C. 34; 21 I.T.L. Rep. 837; [2020] Crim. L.R. 75

Merricks v Mastercard Inc [2018] EWCA Civ 2527; [2019] Bus. L.R. 1287

BritNed v ABB [2018] EWHC 3142 (Ch); [2018] 6 Costs L.O. 807

BritNed v ABB [2018] EWHC 2616 (Ch); [2019] Bus. L.R. 718; [2018] 5 C.M.L.R. 37

Micula v Romania [2018] EWCA Civ 1801; [2019] Bus. L.R. 1394

Sainsbury's Supermarkets v Mastercard Inc [2018] EWCA Civ 1536; [2019] 1 All E.R. 903; [2019] 1 All E.R. (Comm) 191; [2019] Bus. L.R. 198; [2018] 5 C.M.L.R. 9; [2019] E.C.C. 18

Flynn Pharma v Competition and Markets Authority [2018] CAT 11; [2018] Comp. A.R. 324

Deutsche Bahn AG v Mastercard [2018] EWHC 412 (Ch); [2018] 4 C.M.L.R. 31

Merricks v Mastercard [2017] CAT 16; [2018] Comp. A.R. 1; [2017] 5 C.M.L.R. 16

Union Marine Classification Services v Comoros [2017] EWHC 2364 (Comm); [2018] 2 All E.R. (Comm) 174; [2017] 2 Lloyd's Rep. 608

Asda Stores Limited v Mastercard Inc [2017] EWHC 93 (Comm); [2017] U.K.C.L.R. 283; [2017] 4 C.M.L.R. 32

Micula v Romania [2017] EWHC 31 (Comm); [2017] Bus. L.R. 1147; [2017] 3 C.M.L.R. 6

Sainsbury's Supermarkets v Mastercard [2016] CAT 11; [2016] Comp A.R. 33

Education & Qualifications

Education

BCL (Distinction), University of Oxford

LL.M, Yale University *Fulbright Scholar*

LL.B (Hons, 1st class), B.A. in History (Hons, 1st class), University of Western Australia

Professional qualifications

England & Wales (2013)

Ireland (2023)

New York and Western Australia (not practising)

Directory quotes

"His drafting is clear and succinct." (Chambers & Partners 2024)

"Hugo is bright, hard-working, and very easy and fun to deal with." (Chambers & Partners 2024)

"Hugo is a superstar junior. He combines intellectual brilliance, crisp advocacy, strategic and

technical awareness beyond his years of call, and ferocious work ethic." (Legal 500 2024)

"Hugo analyses and assesses technical legal frameworks, facts and procedure with speed. He never speaks for the sake of speaking; every word is measured and holds weight." (Legal 500 2024)

"A very talented junior who is good on his feet, and a good strategic thinker who is always responsive, and gives quick and effective feedback." (Chambers & Partners 2023)

"A very talented junior, Hugo is particularly clever and his versatility makes him easy to work with." (Legal 500 2023)

"Hugo is without doubt one of a small handful of leading competition juniors. There are few juniors who are involved in so many competition law litigations; he is definitely one to watch in this space." (Legal 500 2023)

"He produces excellent written work and his skeleton arguments are persuasive." (Chambers & Partners 2022)

"He is one of the brightest juniors around and is very easy to work with." (Chambers & Partners 2022)

"He is extremely bright and quick at turning things around." (Chambers & Partners 2022)

"Hugo has got an eye for all the details and a complete grip of the case." (Chambers & Partners 2022)

"Unquestionably destined for great things." (Legal 500 2022)

"He demonstrates dedication to detail and an excellent knowledge of the facts and the law." (Legal 500 2022)

"Immensely smart and hard-working; he leaves no stone unturned, but is also a real pleasure to work with." (Chambers & Partners 2021)

"Hugo is an excellent barrister: he takes a prominent role and has lots of experience." "He's excellent, hard-working and works well with others." (Chambers & Partners 2021)

"A brilliant, versatile lawyer who can turn his hand to almost everything. He has a huge range of practice in commercial law, EU law, competition law and even public law, and can bring these broad litigation skills to bear in EU law. He has a very bright future." (Legal 500 2021)

"He has excellent judgement on how to pitch written submissions. Very quick to understand facts of a case, familiar and in control of the details; excellent and quick drafting of submissions." (Legal 500 2021)

"User-friendly and practical. He doesn't just give the textbook answer but instead offers a practical solution to the problem." (Chambers & Partners UK & Global 2020)