

## Roger Masefield QC

YEAR OF CALL: 1995 YEAR OF SILK: 2013

*“Absolutely outstanding and expected to be one of the great stars of the future.”*

Chambers & Partners 2014

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## Practice Overview

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Roger Masefield has over 20 years' litigation experience of all aspects of commercial law (including arbitration, banking, civil fraud, energy, insurance and reinsurance and professional negligence).

Since taking silk in 2013, Roger Masefield has been instructed as leading Counsel in a wide range of high profile and high value matters, including claims on behalf of the Libyan Investment Authority against Goldman Sachs and Societe Generale (each worth in excess of \$1 billion); claims on behalf of PT Ventures (a Portuguese telecoms company) against companies owned and controlled by Isabel dos Santos (involving a \$2 billion freezing injunction in the BVI); and most recently claims on behalf of the Federal Republic of Nigeria against JP Morgan (worth in excess of \$875 million), and against the oil majors Royal Dutch Shell plc and Eni S.p.A (worth in excess of \$3.5 billion). As a lead junior, Roger Masefield was involved in the high profile Berezovsky v Abramovich litigation (worth in excess of \$5 billion).

## Commercial

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*“A fantastic all-rounder who rolls his sleeves up, helps with preparation and proves a pragmatic and user-friendly advocate” “He’s exceptionally charming and has a silky-smooth advocacy style”* (Chambers & Partners 2019)

*“A terrific practitioner, very calm, very bright, and particularly strong on the law”* (Legal 500 2018-2019)

Roger Masefield has a broad commercial practice, ranging from civil fraud to professional negligence, and spanning several sectors of the economy (banking and finance; oil and gas; insurance and reinsurance; media; the legal professions). Over the last 20 years he has appeared regularly in the High Court, Court of Appeal, Privy Council and in commercial arbitrations. He has also been involved in several cases in the British Virgin Islands, both at first instance and at appellate level.

Roger Masefield has recently been instructed to act on behalf of the Federal Republic of Nigeria in relation to claims arising out of the corrupt grant of an oil licence for an off-shore deepwater bloc (OPL 245): including claims against JP Morgan (worth in excess of \$875 million) for breach of a *Quincecare* duty of care; and claims against Royal Dutch Shell plc and Eni SpA (worth in excess of \$3.5 billion) for bribery and corruption.

Further examples of his commercial practice (including significant cases) are set out below.

## Civil fraud

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Roger Masefield QC is “*an excellent advocate*” who offers “*practical advice*” on issues arising out of jurisdiction challenges, seizure orders and tracing claims (Who’s Who Legal – UK Bar: Civil Fraud 2019)

“*Superb at managing large teams and particularly strong on commercial fraud*” (Legal 500 2018 – 19)

Since taking silk, Roger Masefield has been involved in a number of high profile and high value claims in civil fraud, typically on behalf of sovereign clients or Western investors, in the banking, energy and telecoms sectors.

### Significant cases include:

- *Federal Republic of Nigeria v JP Morgan* [2019] EWHC 347 (Comm): a claim for in excess of \$875m for breach of a *Quincecare* duty of care (a duty not to pay out, when on notice of a fraud)
- *Federal Republic of Nigeria v Royal Dutch Shell & Ors*: a claim for in excess of \$3.5 billion against two oil majors (Royal Dutch Shell plc and Eni S.p.A), in bribery and corruption
- *PT Ventures v Vidatel* [2018] BVIHC: maintaining a freezing injunction for \$2.1 billion, and striking out an application to have it set aside for misrepresentation as an abuse of process
- *Libyan Investment Authority v Societe Generale* [2017] EWHC 2631 (Comm); and [2016] EWHC 375 (Comm): a claim in excess of \$1.5 billion, raising issues of bribery and corruption in the twilight years of the Gaddafi era. Roger Masefield was instructed for the LIA. The case settled on the first day of the 12 week trial, with the bank paying in excess of \$1 billion to the LIA, and issuing a public apology
- *Libyan Investment Authority v Goldman Sachs* [2016] EWHC 2530 (Ch); and [2014] EWHC 3364 (Ch): a claim in excess of \$1 billion, seeking rescission of 4 derivative transactions for undue influence. Roger Masefield was one of the lead counsel instructed on the 7 week trial, and delivered the opening and closing submissions, and cross-examined witnesses and banking experts on behalf of the LIA.
- *Berezovsky v Abramovich* [2012] EWHC 2463 (Comm) – a claim in excess of \$5 billion, for intimidation and breach of trust; and the related claims of *Berezovsky v Hine* in the Chancery Division

## Banking and finance

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“*An excellent silk with a strong practice*” (Legal 500 2018-19)

Since taking silk, Roger Masefield has been involved in a large number of banking cases, acting both for and against some of the largest names in the world of banking and finance, in claims relating to fraudulent payment instructions, complex derivative instruments, rectification of loan facilities, debtor-in-possession agreements, and anti-money laundering regulations.

Roger Masefield has acted as an Assistant Editor (under Mark Hapgood QC) to *Paget’s Law of Banking* (13<sup>th</sup> Edition, 2007); Co-Editor (along with Mark Howard QC) to Butterworth’s *Banking Law Guide* (October 2006); and a contributor to Oxford University Press’ *Banks and Financial Crime* (February 2008).

### Significant cases include:

- *Federal Republic of Nigeria v JP Morgan* [2019] EWHC 347 (Comm): a claim for in excess of \$875m for breach of a *Quincecare* duty of care (a duty not to pay out, when on notice of a fraud)
- *FSHC v Barclays Bank* [2018] EWHC 1558 (Ch); a claim for rectification for common mistake (for which Roger Masefield has obtained permission to appeal, which is due to be heard in May 2019)
- *Libyan Investment Authority v Societe Generale* [2017] EWHC 2631 (Comm); and [2016] EWHC 375 (Comm): a claim in excess of \$1.5 billion, raising issues of bribery and corruption in the twilight years of the Gaddafi era. Roger Masefield was instructed for the LIA. The case settled on the first day of the 12 week trial, with the bank paying in excess of \$1 billion to the LIA, and issuing a public apology

- *Libyan Investment Authority v Goldman Sachs* [2016] EWHC 2530 (Ch); and [2014] EWHC 3364 (Ch): a claim in excess of \$1 billion, seeking rescission of 4 derivative transactions for undue influence. Roger Masefield was one of the lead counsel instructed on the 7 week trial, and delivered the opening and closing submissions, and cross-examined witnesses and banking experts on behalf of the LIA
- *Sabre Oil & Gas v Standard Chartered Bank* (2013) – a multi-million dollar claim arising out of 4 debtor in possession loan agreements, raising issues complex issues of economic duress, intimidation, unconscionable bargain, and penalties

## Energy and natural resources

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Roger Masefield has been instructed both for and against a number of well-known oil and gas majors and mining companies, including BP, BHP Billiton, Exxon Mobil, Esso, Royal Dutch Shell and Agip/Eni. He has a wide ranging experience of different types of energy claims, having been instructed in claims relating to jack-up oil rigs, coal-fired power stations, FPSO's, and long-term oil and gas supply contracts.

### Significant cases include:

- *Federal Republic of Nigeria v Royal Dutch Shell & Ors*: a claim for in excess of \$3.5 billion against two oil majors (Royal Dutch Shell plc and Eni S.p.A), in bribery and corruption
- *Sabre Oil & Gas v Standard Bank*: Roger Masefield successfully defended claims in a multi-million dollar dispute relating to funding for the development of the Jubilee Oil field (offshore Ghana)
- *Eskom v Alstom*: Roger Masefield acted for Eskom (the South African state electricity company), following an explosion at a coal powered power-station
- *BP v Aon* [2006] 1 Lloyds Rep 549: Roger Masefield acted for BP, in a dispute with its insurance brokers relating to the negligent placement of a facultative open cover
- *BP v Frankona* [2003] 1 Lloyd's Rep 537: Roger Masefield acted for BP, in a dispute with its insurers, relating to the proper interpretation of a facultative open cover

## Insurance and reinsurance

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“Very calm, sensible and methodical in the way that he approaches matters” (Chambers & Partners 2019)

Roger Masefield has acted for a large number of insurers and reinsurers, both in the High Court and international arbitrations.

### Significant cases include:

- *SBM v Zurich & Ors*: Roger Masefield acted for one of the following market insurers, in a \$1 billion insurance dispute arising out of the faulty design / construction of an offshore jack-up oil rig
- *Re New Zealand earthquakes*: Roger Masefield acted in a multi-million dollar reinsurance arbitration between various Lloyds syndicates and a Bermudian reinsurer, arising out of the 2010 New Zealand earthquakes (involving contractual interpretation of aggregation and extended expiration clauses)
- *Markel v Surety Guarantee Consultants* [2008] EWHC 3087 (Comm): Roger Masefield acted in the early stages of the litigation for the insurers, in a claim against former underwriting agents in fraud
- *ING v R+V* [2006] 2 All ER (Comm) 870: a claim in relation to the fraudulent operation of a binding cover, raising complex issues of actual and ostensible authority, and ratification
- *BP v Aon* [2006] 1 Lloyds Rep 549: Roger Masefield acted for BP, in a dispute with its insurance brokers relating to the negligent placement of a facultative open cover
- *Prifti v Musini* [2005] 5 All ER (D) 82, a claim in respect of a permanent disability policy in respect of a well-known international midfielder (raising complex issues of jurisdiction)
- *Brotherton v Colseguros* [2003] EWCA Civ 705, an appeal relating to moral hazard in the context of a bankers' blanket bond insurance policy, and non-disclosure of allegations of impropriety against senior bank officers

- *BP v Frankona* [2003] 1 Lloyd's Rep 537: Roger Masefield acted for BP, in a dispute with its insurers relating to the proper interpretation of a facultative open cover

## Professional negligence

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Roger Masefield has been involved in a number of professional negligence cases involving lawyers and accountants (*Wallace Smith v Deloitte*; *Abbey Life v Rowe & Maw*). He has acted for both claimants and defendants. In *BP v Aon* [2006] 1 Lloyd's Rep 549, he appeared (led by Andrew Popplewell QC) for BP and its joint venture partners in a multi-million dollar claim against insurance brokers.

Before taking silk, Roger Masefield was involved in a highly complex 8 week trial in the Commercial Court involving claims against an engineering company (*Eskom v Alstom*). The case turned, to a large extent, on the expert evidence which covered the fields of metallurgy, steam chemistry, power station operations, and non-destructive testing techniques (as well as quantum).

## Qualifications & Further Information

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### Qualifications:

1990 – 1993 First Class, BA (Hons) Law, St John's College Cambridge

1994 – 1995 First Class and Vinerian Scholar, BCL, Magdalen College Oxford

### Career:

Called to the Bar by Middle Temple, November 1994

Pupillage at Brick Court Chambers 1995 - 1996 (Pupilmasters: Mark Howard, George Leggatt, Michael Swainston, Nicholas Green)

Tenancy at Brick Court since 1996

Took silk in 2013.

### Further Information:

- Languages: working knowledge of French
- Called to the Bar of the British Virgin Islands in 1999

## Publications

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Assistant Editor to *Paget's Law of Banking* (13<sup>th</sup> Edition 2007)

Co-Editor of *Butterworths Banking Law Guide* (2006)

Contributor to *Banks and Financial Crime* (2008)

Contributor to *Competition Litigation UK Practice and Procedure* (2010)

## Directory Quotes

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- Roger Masefield QC is "an excellent advocate," who offers "practical advice" on issues arising out of jurisdiction changes, seizure orders and tracing claims. (Who's Who Legal - UK Bar: Civil Fraud 2019)

- "A fantastic all-rounder who rolls his sleeves up, helps with preparation, and proves a pragmatic and user-friendly advocate." "He's exceptionally charming and has a silky-smooth advocacy style." (Chambers & Partners 2019)
- "Very calm, sensible and methodical in the way that he approaches matters." (Chambers & Partners 2019)
- "An excellent silk with a strong practice." (Legal 500 2018-19)
- "A terrific practitioner, very calm, very bright, and particularly strong on the law." (Legal 500 2018-19)
- "Superb at managing large teams and particularly strong on commercial fraud." (Legal 500 2018-19)
- "A fantastic litigator with a really strong commercial understanding." "He's very responsive, very good at dealing with difficult issues, and fearless as an advocate." (Chambers & Partners 2018)
- "He is methodical and very effective." (Chambers & Partners 2018)
- "Very, very good in the preparatory stages and excellent at giving initial advice. Once the case fully gets under way he is very good in terms of tactical guidance." (Chambers & Partners 2018)
- "Unfailingly polite and a delight to work with." (Legal 500 2017)
- "Unswervingly impressive and a master tactician." (Legal 500 2017)
- "A brilliant strategic thinker and absolutely on top of his brief." (Legal 500 2017)
- "Hugely impressive: he punches above his weight and has real charisma." "He's very sensible and extremely diligent." (Chambers & Partners 2017)
- "He has a first-class mind, adopts an extremely flexible approach and is thoroughly committed to the case." "He's very hands on, really gets stuck into the detail and shows real enthusiasm for the cause." (Chambers & Partners 2017)
- "Cerebral and very good on paper." "He has an extremely flexible approach and thoroughly committed to the case." (Chambers & Partners 2017)
- "An excellent strategist and leader of teams." (Legal 500 2016)
- "He is very commercial and communicates with lay clients very effectively." (Legal 500 2016)
- "An absolutely superb advocate. He's brilliantly persuasive, reads the court to perfection and demonstrably changes the judge's mind. He's persistent without being tedious and is one of the most polished advocates at the Bar." (Chambers & Partners 2014)
- "Absolutely outstanding and expected to be one of the great stars of the future." (Chambers & Partners 2014)
- "A man you can have huge respect for." (Chambers & Partners 2014)
- "Roger Masefield is "an imaginative lawyer and a forceful advocate" who is an "impressive all-rounder." (Chambers & Partners 2013)
- "The "excellent" Roger Masefield is a popular choice with clients who appreciate his "no-nonsense, black and white approach."" (Chambers & Partners 2013)
- "Roger Masefield 'develops a complete understanding of the factual issues that surpasses even that of the client who has lived through the matter'." (Legal 500 2012)