

BRICK COURT CHAMBERS

BARRISTERS



Helen Davies QC

Year of Call 1991 Silk 2008

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EXPERTISE

- Commercial
- EU/Competition
- Arbitration

"One of the standout performers at the Bar; an inspiration to work with."

- Legal 500 2016

"A genuine expert with second-to-none cross-examination skills."

- Legal 500 2016

OVERVIEW

Helen Davies is the joint Head of Brick Court Chambers. She has extensive experience in all aspects of Commercial Litigation, EU and Competition Law, having appeared as an advocate in numerous cases in the Commercial Court and Chancery Division of the High Court, as well the Court of Appeal, Supreme Court and the CJEU. She has also acted in many international and domestic arbitrations, and sits as an arbitrator.

Helen Davies has been identified as one of the leading practitioners in the Commercial Litigation, Competition/European, Arbitration, Energy and Insurance/Reinsurance fields by the Legal 500 and Chambers and Partners for many years, and is featured in The Lawyer's Hot 100 2014. In 2016 she has been nominated by Legal 500 as Commercial Litigation Silk of the Year.

PRACTICE AREAS

COMMERCIAL

Helen Davies has acted in a wide variety of commercial cases. Her experience (both as an advocate and in an advisory capacity) ranges from various contractual disputes to energy, banking, insurance/reinsurance, financial services and professional negligence.

Significant cases include:

- *Lloyds/HBOS GLO* (200 million claims in relation to acquisition by Lloyds & HBOS), Chancery Division.
- *Rosserlane v Credit Suisse* (US \$80 million claim for professional negligence in relation to the sale of an oilfield in Azerbaijan), Chancery Division
- *Berezovsky v Abramovich* (£6 billion claim for intimidation/breach of trust, acting for successful defendant Roman Abramovich), Commercial Court and Court of Appeal
- *Venture v Nuon* (£ 100 million claim for completion of purchase agreement relating to various oil and gas assets in North Sea), Commercial

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Court

- *BP v Dolphin* (claim to terminate £ 100 million contract for hire of drilling rig on LOGIC terms), Commercial Court
- *Masri v Consolidated Contractors International UK Ltd* (US\$ 50 million claim for breach of agreement relating to oil concession in Yemen), Commercial Court
- *Real Estate Opportunities Limited v Aberdeen Asset Management* (£ 75 million claim for professional negligence relating to flotation of split capital trust), Ch D and CA
- *Kennecott Utah Copper Corp v Minet Ltd*, (professional negligence/reinsurance), Commercial Court and CA
- *GE Reinsurance Corp v New Hampshire Insurance Co and Willis* (professional negligence/reinsurance), Commercial Court
- *BP Plc v GE Frankona Reinsurance Limited* (insurance/energy), Commercial Court
- *Gio Personal Investment Services v Liverpool and London Steamship P & I Association* (access to documents), CA
- *British & Commonwealth Holdings plc (in administration) v Barclays de Zoete Wedd* (professional negligence/financial services), Ch D
- *Banco Santander v Banque Paribas* (banking), Commercial Court and CA
- *Philip Alexander Securities & Futures Ltd v Bamberger* (arbitration/Rome Convention), Commercial Court and CA
- *Henderson v Merrett* (professional negligence/accountants), Commercial Court
- *Emerald Meats (London) Ltd v AIB Group (UK) plc* (banking), CA
- *Vitol v Norelf* (contract), HL

EU/COMPETITION

Having undertaken a stage in EC Commission Competition Directorate, Helen Davies has also acted in a broad range of European and Competition Law cases before a variety of tribunals, including the UK Courts, the CAT and the Competition Commission, as well as the General Court and the CJEU These include:

- *Air Cargo* (for Cathay Pacific) (follow on damages claims), Chancery Division
- *Foundem v Google* (claims by Foundem for search of Article 102 in respect of various aspects of Google's practices)
- *Department of Health v Servier* (claims for damages for alleged breaches of Articles 101 and 102 in relation to patents)
- *FAPL v Ofcom* (appeal by FA Premier League against OFCom's decision to require BSkyB to supply its premium sports channels to other pay TV retailers on regulated terms), CAT
- *FAPL v QC Leisure* (reference to ECJ in relation to unauthorised use in UK of satellite decoder cards authorised for use in other Member States), ECJ
- *Barclays v Competition Commission* (judicial review in respect of PPI market investigation), CAT
- *Merger Action Group v Secretary of State for Business, Enterprise and Reform* (judicial review in respect of Lloyds/HBOS merger), CAT
- *T-Mobile v Ofcom* (mobile telephone donor conveyance charges), CAT
- *Synthon BV v The Licensing Authority* (multi million Francovich damages claim), High Court
- *Virgin Media v BSkyB, High Court* (Article 82/Chapter II damages claim), High Court
- *Office of Fair Trading v Foxtons*, (Unfair Contract Terms Regulations), High Court and CA
- *Bookmakers Afternoon Greyhound Services Ltd v Amalgamated Racing Ltd, High Court* (Article 81/Chapter I claim), High Court
- *Visa Europe v Commission (re Morgan Stanley)*(challenge to Commission Decision under Article 81 EC), CFI
- *Nokia v Qualcomm* (FRAND terms), High Court
- *Department of Health v Norton Healthcare and others* (Article 81/Chapter I price fixing claim in relation to various generic drugs), High Court
- *Crehan v Innpreneur Pub Co*(for intervenor, Visa) (Article 81 EC), House of Lords
- *Viking Line v International Transport Workers Federation*, (Free movement of persons/freedom of establishment), High Court and CA
- *Kelloggs v MoDo* (Article 81 EC damages), High Court
- *Provimi v Aventis* (Article 81 damages), High Court
- *UK v Commission* (state aid), CFI
- *British Airways v Commission* (Article 82), CFI
- *Carnoustie Universal SA v International Transport Workers Federation* (free movement), High Court
- *White v White* (Directive implementation), House of Lords
- *Evans v Secretary of State for the Environment* (Francovich damages), High Court, CA and ECJ
- *Re Westminster Property Management Ltd* (free movement), High Court and CA

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- *British Airways/City Flyer*, Competition Commission
- *R v Treasury, ex parte British Telecommunications* (Directive implementation), High Court, CA and ECJ

ARBITRATION

Helen Davies has also appeared in numerous commercial arbitrations, both international and domestic. Many of these have involved claims of very substantial value. She also sits as an arbitrator.

PUBLICATIONS

Contributor to Brick Court Chambers, Competition Litigation: UK Practice and Procedure

EDUCATION & QUALIFICATIONS

BA Hons Law, Class I (Emmanuel College, Camb)

Stage, European Commission DGIV, October 1993

Member of the B Panel to the Crown, 1999-2008

Appointed a Bencher of Inner Temple 2010

DIRECTORY QUOTES

Banking & Finance:

- "She is an outstanding trial lawyer with excellent judgement," who is "great on her feet." (Chambers & Partners 2018)
- "She is exceptional, has a phenomenally impressive grasp of cases, is clear-thinking and learned, and is a very good advocate." "She is absolutely at the top of her game." (Chambers & Partners 2017)

Commercial Litigation:

- "She's able to immediately perceive the various different factors at play, and then calculate and provide thoughtful answers." "Very effective and impressive in a low-key way." (Chambers & Partners 2018)
- "Highly effective at getting on top of the detail." (The Legal 500 2017)
- "She has strong strategic intuition, is great on her feet and is always extremely persuasive." "She is incredibly calm under pressure." (Chambers & Partners 2017)
- "A go-to counsel for commercial disputes and energy work." (The Legal 500 2016)
- "Phenomenally clever. She is very quick to grasp complex issues and to identify commercial solutions." "She is technically brilliant as well as an excellent advocate." (Chambers & Partners 2016)
- "Highly intelligent and a pleasure to work with." (Chambers & Partners 2015)
- "A massively impressive barrister." (The Legal 500 2014)
- "excellent in the way that she guides a case through the court." (Chambers & Partners 2013)
- "‘rightly acclaimed in the market as one of the hot silks of the moment’, Helen Davies QC is a ‘clever, hard-working, commercially aware and thoroughly modern barrister’" (Chambers & Partners, 2011)
- "A ‘star in the making’, ‘highly responsive, clever and good businesslike advocate’" (Chambers & Partners, 2010)
- "...the easy to deal with Helen Davies QC, who many predict to be ‘a major star of the future’. The market holds high hopes for her as she is ‘very much a ‘can-do’ person who cuts to the chase every time’." (Chambers & Partners, 2009)
- "Forceful presence in court, who cuts through obfuscation with clear and concise judgment." (Chambers & Partners, 2008)
- "Astute, thorough and commercial," "capable of talking the client's language very quickly." (Chambers & Partners 2006)

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- “Superb credentials and a bright future at the commercial Bar” (Legal 500, 2005)
- “Destined to sit in the Lords one day.” (Chambers & Partners 2004)

European/Competition Law

- Helen Davies QC is noted as “a leading light of competition law” and is highly sought after for her advocacy skills in complex commercial competition matters. (Who's Who Legal - UK Bar: Competition 2018)
- “She has an excellent mix of forensic ability and client friendliness.” “She is a leader in the field and a delight to work with.” (Chambers & Partners 2018)
- “An all-around star, who is very persuasive on her feet and in control of her case.” (Legal 500 2017)
- “Helen Davies QC is regarded as a “heavyweight” EU and competition law silk who is “fantastic to work with” and “an authority in court”.” (Who's Who Legal - UK Bar: Competition 2017)
- Strengths: “She is utterly fantastic and absolutely cuts to the chase. She is pragmatic, strategic and terrific.” (Chambers & Partners 2017)
- “She is a brilliant operator who is very insightful.” (Chambers & Partners Global 2016)
- “One of the standout performers at the Bar; an inspiration to work with.” (Legal 500 2016)
- “Sensationally good with clients and someone with an incredibly incisive mind.” “She always gets results.” (Chambers & Partners 2015)
- “absolutely phenomenal” (Chambers & Partners 2013)
- “a rocket scientist intellectually who also interacts with clients extremely well.” (Chambers & Partners 2013)
- “first choice for senior input at the competition Bar” (Legal 500 2012)
- “An adroit advocate who really takes the fight to the other side” (Chambers & Partners, 2011)
- “Bright and responsive” (Legal 500, 2010)
- “Intellectually superior and very responsive” (Chambers & Partners, 2010)
- “Magnificently assured in court” she has “impressive presentation skills and a tremendous intellect”, and clients warm to her as she is “responsive, extremely pragmatic and very proactive.” (Chambers & Partners, 2009)
- “Phenomenally brilliant competition barrister, whom clients characterise as highly regarded and approachable.” A “top quality courtroom performer whom others really enjoy working with,” she is “a highly effective communicator both in cases and with clients” and “Outstandingly good.” (Chambers & Partners, 2008)

Energy:

- “She is a nimble and clear thinker, who is at her best when answering quickfire questions from judges, with whom she builds a really good rapport.” “Always thorough and very tenacious,” she is “razor sharp in her thinking.” (Chambers & Partners 2018)
- “A compelling and tenacious advocate with an outstanding intellect.” (Legal 500 2017)
- “A superb black letter lawyer who communicates very well. She’s incredibly calm, highly responsive and someone who has huge gravitas in court.” “If she says it can be done, it can; if she says it can't, it can't.” (Chambers & Partners 2017)
- “A genuine expert with second-to-none cross-examination skills.” (Legal 500 2016)
- “Her cross-examination was excellent. She was firm but flexible enough to adapt to witnesses' personalities and moods, and she read the very interventionist judge extremely well.” (Chambers & Partners 2016)
- “She is outstanding, very forceful, very clear and very able.” (Chambers & Partners 2015)
- “An outstanding legal brain; she articulates her analysis in a crystal-clear fashion.” (The Legal 500 2014)
- “stands out for her ‘outstanding brainpower, speed of thought and clarity of expression both orally and in written form’.” (Legal 500 2012)
- “widely acclaimed for her ability on her feet and her ‘very strong presence in court’ ” (Chambers & Partners, 2011)
- “a straight talker of extreme intelligence and real insight” (Chambers & Partners, 2010)
- “A strong profile and practice in the energy sector”, “well liked by clients” (Chambers & Partners, 2009)
- “Phenomenally clear and incisive;” “she is absolutely excellent” and “extremely focused on giving the client what they want.” (Chambers & Partners, 2008)
- “Commended for her clear thinking.” (Legal 500, 2007)
- “Hard working and reliable” “very clear and precise in her advice.” (Chambers & Partners, 2006)

Insurance and Reinsurance:

- “She is clever and pragmatic.” (Chambers & Partners 2018)
- “Phenomenally quick and incredibly impressive both in conference and as an advocate.” “She is amazingly good - she's incredibly clever,

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- great in court and has a really great client manner." (Chambers & Partners 2017)
- "terrific", "steely in court" (Chambers & Partners, 2011)
- "she has "an eminent insurance and reinsurance practice to complement her already brilliant general commercial work", and is popular as "she always gives of her all" (Chambers & Partners, 2010)
- "Celebrated for her "superb knowledge of insurance law" and "excellent relationships with solicitors"" (Chambers & Partners, 2009)
- "Intelligent and thorough;" "exceptionally good with clients." "The next generation," "extremely bright," and "a great team player" (Chambers & Partners, 2008)
- "Offers an excellent quality of service." (Chambers & Partners, 2006)

Media & Entertainment

- "A brilliant barrister; she's very hands-on, super-commercial and really great to deal with." (Chambers & Partners 2018)
- "She is a formidable litigator." "She is excellent for media work, particularly with a competition element." (Chambers & Partners 2017)

Arbitration

- "Highly respected for energy and commercial arbitrations." (Legal 500 2017)
- "An outstanding intellectual and compelling advocate, who is tenacious in her argument." (Legal 500 2016)
- "a really great young silk - she will go far" (Legal 500, 2010)
- "rapidly emerging as a notable practitioner in the field" (Chambers & Partners, 2009)
- "credited with superb potential" (Chambers & Partners, 2006)

Who's Who UK Bar

- Helen Davies QC is "a really fantastic barrister" who is commended for her exceptional work in the banking space, and is noted by peers as "a pleasure to work with". (Who's Who Legal - UK Bar: Banking & Finance 2018)
- "Joint head of chambers Helen Davies QC is "outstanding" and her "sensational work" is widely admired." (Who's Who UK Bar 2015)