



Max Schaefer

Year of Call 2010

Clerk: Julian Hawes julian.hawes@brickcourt.co.uk

EXPERTISE

- Commercial
- Public Law
- EU/Competition

OVERVIEW

Max came to the Bar after a previous career in media and technology.

Much of the Commercial Court litigation in which Max is presently instructed relates to financial services. It includes two matters in *The Lawyer* Top 20: *Arcadia and ors v MasterCard and ors* (acting for twelve groups of high-street retailers seeking competition damages from MasterCard worth in the hundreds of millions; Max is also instructed in parallel claims against Visa) and *Deutsche Bank AG v Sebastian Holdings Inc* [2013] EWHC 3463 (Comm); [2014] EWCA Civ 1100 (a multi-billion dollar dispute concerning prime brokerage heard over four months in the Commercial Court, with subsequent proceedings before the Court of Appeal). He is acting for the Claimants in *Bruce Emery and ors v Masroor Siddiqui and ors*, a claim for damages and other relief brought by one founding partner in a hedge fund against his co-founder and the fund's principal entities.

In competition and EU law, beyond the *MasterCard* and *Visa* litigation, Max is currently acting for a major international bank in relation to an ongoing Commission investigation. Recent work includes the copper fittings cartel damages claims in the High Court; *Dr Reddy's Laboratories (UK) Ltd and anor v Warner-Lambert Co LLC* [2012] EWHC 3715 (Pat); [2013] Bus LR 612 (successfully defending a challenge to extended patent protection for Pfizer's drug Lipitor); and *Spectrum Agencies v Crocs Europe BV* 2011] EWHC 3386 (QB); [2012] EWCA Civ 1400; [2013] 1 Lloyd's Rep 1 (CA) (defending a claim under the Commercial Agents (Council Directive) Regulations 1993 before the High Court and the Court of Appeal).

In equality and human rights, Max has worked with NGOs including Liberty, the Public Law Project, Children's Rights Alliance for England, the National Secular Society and the Human Dignity Trust. He is instructed by Liberty in *Walker v Innospec and ors* [2013] Pens LR 21 (ET); [2014] ICR 645 (EAT), a challenge brought on the basis of EU law against a private employer's pension scheme giving less favourable benefits to its employees' civil partners than to spouses, and against the domestic legislation that purports to legitimate such treatment. After Max succeeded, unled, for the Claimant at first instance and the outcome was cited in Parliamentary debates, the Government intervened in favour of the employer. The case comes before the Court of Appeal in 2015.

PRACTICE AREAS

COMMERCIAL

Notable cases

- *Arcadia and ors v MasterCard Inc and ors*: acting for twelve groups of high-street retailers seeking competition damages from MasterCard

BRICK COURT CHAMBERS

BARRISTERS

- worth in the hundreds of millions (with Fergus Randolph QC and Christopher Brown)
- Arcadia and ors v Visa Inc and ors*: acting for the same retailers in similar claims against Visa (with Fergus Randolph QC and Christopher Brown)
- Deutsche Bank AG v Sebastian Holdings Inc* [2013] EWHC 3463 (Comm); [2014] EWCA Civ 1100: defending, and bringing a substantial counterclaim in, a Commercial Court dispute concerning prime brokerage (with David Railton QC, Simon Birt, Thomas Plewman SC and Oliver Jones)
- Bruce Emery and ors v Masroor Siddiqui and ors*: a claim for damages and other relief brought by one founding partner in a hedge fund against his co-founder and the fund's principal entities (with Jasbir Dhillon QC)
- Spectrum Agencies v Crocs Europe BV* [2011] EWHC 3386 (QB); [2012] EWCA Civ 1400; [2013] 1 Lloyd's Rep 1: defending a claim under a commercial agency agreement before the High Court and the Court of Appeal (with Fergus Randolph QC)
- Acted for a major retailer in a dispute involving allegations of breach of contract, fiduciary breach and fraud (with Jonathan Hirst QC)
- Advised a major utility company on international jurisdictional issues relating to its terms of supply to businesses and consumers

PUBLIC LAW

Notable cases

Administrative law and human rights

- Walker v Innospec and ors* [2013] Pens LR 21 (ET); [2014] ICR 645 (EAT): challenge, on the basis of EU law, the legality of a private employer's pension scheme giving less favourable benefits to its employees' civil partners than to spouses (with Martin Chamberlain QC and Maya Lester)
- Eweida and ors v UK* [2013] IRLR 231: intervening, on behalf of the National Secular Society, in claims before the Strasbourg court that the UK has failed to protect religious freedom (with Lord Lester of Herne Hill QC and Dr Ronan McCrea)
- Advised Children's Rights Alliance for England on the legality of proposed legislation relating to the use of force on children in custody (with Martin Chamberlain QC and Emily MacKenzie)
- Advised a foreign company on the use of ECHR rights in international arbitration enforcement proceedings (with Michael Bools QC and Maya Lester)
- Advised an NGO in relation to the detention of human-rights defenders by a foreign state
- Advised an NGO on the merits of a potential judicial review relating to legal aid

EU/COMPETITION

Notable cases

Competition law

- Arcadia and ors v MasterCard Inc and ors*: acting for twelve groups of high-street retailers seeking competition damages from MasterCard worth in the hundreds of millions (with Fergus Randolph QC and Christopher Brown)
- Arcadia and ors v Visa Inc and ors*: acting for the same retailers in similar claims against Visa (with Fergus Randolph QC and Christopher Brown)
- Acting for a major bank in relation to an ongoing Commission investigation
- WH Newson Holding Ltd and ors v IMI plc and ors*: Acted for one of several Part 20 Defendants in the complicated, multi-party High Court damages actions relating to the copper fittings cartel (with Kelyn Bacon QC)

Other EU law

- Walker v Innospec and ors* [2013] Pens LR 21 (ET); [2014] ICR 645 (EAT): challenge, on the basis of EU law, the legality of a private employer's pension scheme giving less favourable benefits to its employees' civil partners than to spouses (with Martin Chamberlain QC and Maya Lester)
- Dr Reddy's Laboratories (UK) Ltd and anor v Warner-Lambert Co LLC* [2012] EWHC 3715 (Pat); [2013] Bus LR 612: successfully defended a challenge to extended patent protection for Pfizer's drug Lipitor (with Kelyn Bacon QC)
- Spectrum Agencies v Crocs Europe BV* [2011] EWHC 3386 (QB); [2012] EWCA Civ 1400; [2013] 1 Lloyd's Rep 1: defending a claim under

BRICK COURT CHAMBERS

BARRISTERS

- the Commercial Agents (Council Directive) Regulations 1993 before the High Court and the Court of Appeal (with Fergus Randolph QC)
- Acting for a major pharmaceutical company in regulatory proceedings relating to the complex EU paediatric medicines regime.

QUALIFICATIONS

Qualifications

- 2010–11: Pupillage, Brick Court Chambers
- 2009–10: Bar Vocational Course, BPP Law School, London (Outstanding)
- 2008–09: Graduate Diploma in Law, The City Law School, City University London (Distinction)
- 1996–97: Frank Knox Fellow, Graduate School of Arts and Sciences, Harvard University
- 1993–96: BA Classics, King's College, Cambridge (Double first)

Scholarships, awards and prizes

- Inner Temple Pupil Advocacy Prize, 2011
- Winner, City University Internal Moot 2008-09 (final judged by Lord Hoffmann)
- At Harvard: Frank Knox Memorial Fellow
- At King's: Scholar of the College; Henry Arthur Thomas scholarship; John Stewart of Rannoch scholarship; Grundy Prize

PUBLICATIONS

'Al-Skeini and the elusive parameters of extraterritorial jurisdiction' [2011] EHRLR, issue 6 (forthcoming).

DIRECTORY QUOTES

"He is extremely bright, a very good drafter and really on top of the econometrics." "His work output is incredible and his ability to understand economics is remarkable." (Chambers & Partners 2018)