BRICK COURT
CHAMBERS

Brick Court Chambers
7-8 Essex Street, London WC2R 3LD
DX 302 London Chancery Lane

Hugo Leith

YEAR OF CALL: ENGLAND AND WALES: 2013; NEW YORK (NOT PRACTISING): 2013; IRELAND: 2023

"A superstar junior."

Legal 500 2024

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Practice Overview

Hugo's practice has a particular focus on competition and commercial litigation, EU law, and environmental law.

The directories say:

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

Hugo is regularly instructed in leading and high-profile cases, including cases in each of *The Lawyer*'s Top 20 cases from 2016-2023, 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:

- Defending multi-billion pound 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). The Tribunal has rejected Mr Merricks' case as to factual causation in respect of c.95% of the potential value of the claim: [2024] CAT 14
- Acting for Apple, defending collective proceedings alleging abuse of dominance on behalf of 19.6 million individuals. This claim is to be tried in early 2025.
- Successfully defending Deutsche Telekom against allegations brought by Phones 4U's administrators alleging anti-competitive agreements between mobile network operators. Following a 12 week trial, the claim against Deutsche Telekom was dismissed: [2023] EWHC 2826 (Ch).
- Successfully representing the Competition and Markets Authority in *Liothyronine* alleging excessive pricing in the pharmaceutical sector. The Tribunal has rejected the appeals against the CMA's findings of excessive pricing: [2023] CAT 52.
- Acting for Mastercard in successfully opposing certification of proposed collective proceedings to be brought on behalf of merchants in respect of commercial and inter-regional interchange fees: [2023] CAT 38.
- Acting for Mastercard in the *Retailer Interchange* proceedings 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), 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).
- 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 1

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:

- Successfully 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). The claim also succeeded in setting aside several judgments of the High Court and Court of Appeal on the grounds that they been obtained through the sovereign wealth fund's fraud: [2022] EWHC 2727 (Ch); [2023] EWCA Civ 507.
- Successfully representing Deutsche Telekom in defending a claim brought by Phones 4U's administrators alleging a conspiracy between mobile network operators. Following a lengthy trial, the claim was dismissed: [2023] EWHC 2826 (Ch).
- 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).
- Challenges to arbitral awards under the Arbitration Act 1996 ([2017] EWHC 2364 (Comm)).

EU Law

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:

- Successfully 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 ECLI:EU:C:2023:.
- Acting for ClientEarth, the World Wide Fund for Nature and other environmental NGOs, challenging the European Commission's refusal to review its regulation classifying fossil gas activities as 'sustainable' under the EU Taxonomy Regulation: Case T-215/23.
- Defending claims brought under Article 101(1) TFEU and related domestic law provisions of various Member States: *Euronet v Mastercard*; *Stellantis v Autoliv*.

- 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

Environmental Law and Climate Change

Hugo has acted in a series of cases focused on climate change. These include:

- Successfully 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 ECLI:EU:C:2023:546.
- Acting for ClientEarth, the World Wide Fund for Nature and other environmental NGOs, challenging the European Commission's refusal to review its regulation classifying fossil gas activities as 'sustainable' under the EU Taxonomy Regulation: Case T-215/23.
- Advising environmental NGOs on EU legislation open to challenge on environmental grounds, on directors' and officers' duties, and on green-washing.
- 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.

reported cases

Commercial and Interregional Card Claims I v Mastercard [2023] CAT 38; [2023] Bus LR 1218

European Investment Bank v ClientEarth EU:C:2023:546; [2024] Env L.R. 13

Merricks v Mastercard [2021] CAT 28; [2021] 5 CMLR 17; [2022] ECC 13

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 LR 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

"Hugo is incredibly thorough, team-oriented, responsive, outstanding in pleading and strategic. He is top-drawer." (Chambers & Partners 2027)

"Hugo is incredibly responsive, proactive and good at finding solutions. He works very hard and produces very thorough written work." (Chambers & Partners 2027)

"Hugo is very bright and has the best command of precedent. He has the command of detail which

can turn a hearing and is extremely effective." (Chambers & Partners 2027)

"He's very well liked and very user-friendly." (Chambers & Partners 2027)

"Excellent written advocacy and client manner. Goes above and beyond for the client and is always on hand to help with sticky problems. He is always well prepared and effective." (Legal 500 2027)

"Hugo is a star of the bar. His technical skills, intellectual ability, and subject matter expertise are second to none. His drafting is tight and well-structured, and he remains characteristically calm under pressure." (Legal 500 2027)

"Hugo Leith has an incredible grasp of highly technical EU law and presents it in a straightforward and strategic manner. He is reflective and thoughtful while also being practical. His advocacy is clear, precise, and effective." (Legal 500 2027)

"Hugo Leith plays a supporting role in many of the UK's most important cartel damages cases, often acting for defendants on high-profile collective damages actions. Leith has additionally acted for the CMA on key challenges to its decisions." (Chambers & Partners 2026)

"Hugo is a very capable, easy-to-work-with junior - a real specialist." (Chambers & Partners 2026)

"He uses his strength as a commercial lawyer to great effect in the competition area. He's as smart as they come and completely unfazed. A great person to have on your team." (Chambers & Partners 2026)

"He is brilliant to work with. He has no ego, rolls his sleeves up and gets involved. He becomes a seamless part of the team, and everything he does is quality. He is an absolute safe pair of hands." (Chambers & Partners 2026)

"Hugo has a lovely manner: he's very responsive, perceptive and experienced. He can add huge value to competition litigation." (Chambers & Partners 2026)

"He has a first-rate intellect, wonderful written and oral advocacy skills, and really impeccable judgment in terms of which points will, and will not, play out well in court. He also has great strategic awareness, coupled with strong tactical senses to execute his strategic thinking. He is also well able to leverage his considerable commercial law experience into competition litigation." (Legal 500 2026)

"Hugo is an enormously diligent and careful junior, who can be trusted to manage all of the detail in difficult litigation without material supervision. He is tactically astute, and has an eye for the key points. His written work is excellent." (Legal 500 2026)

"He is a very good advocate and he knows the material very well." (Chambers & Partners 2025)

"Hugo really is a star. He has it all; first rate intellect, wonderful judgement, great strategic and

tactical senses, unflappable, and very collegiate. It is only a matter of time before he takes silk." (Legal 500 2025)

"Incredible work ethic, fantastic command of the details and really thoughtful and intelligent about the arguments he identifies." (Legal 500 2025)

"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)