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Battles commence

3 June 2009

We're half-way through the calendar year and *The Lawyer's* top ten court battles of 2009 are well under way. The House of Lords will hear two cases this month, one is awaiting judgment from the Law Lords, two and a half have recently settled, another is ongoing, a further two will be heard in October and one is not due to reach the High Court until 2010. Phew!



The Court of Appeal ruled in February that bank overdraft charges should be subject to fairness rules in what was a huge victory for 4 Stone Building's Jonathan Crow QC, who represented the Office of Fair Trading (OFT) against a stellar line up of QCs representing eight high street banks (4 March). This case was just to decide whether the OFT could investigate whether charging for overdrafts is fair. The Court of Appeal refused permission to appeal to the House of Lords, so the bank's legal teams went direct to the highest court in the land. It is now scheduled to be heard on 23 June

While the banks are trying to escape further investigation into overdraft charges, investors in nationalised bank Northern Rock failed in their attempt to force the Government to compensate them for their lost shareholdings (13 February). In the judicial review One Essex Court's Lord Grabiner, representing the Government, successfully argued against Blackstone Chambers' David Pannick QC and Michael Beloff QC, who represented investors SRM and RAB respectively, and 4 Stone Buildings' George Bompas QC, who represented a group of small shareholders.

The shareholders' legal teams have not given up, though, and the case is due to be heard in the House of Lords on 10 June.

Before those cases are heard the House of Lords is expected to hand down its judgment in *Stone & Rolls (in liquidation) v Moore Stephens (a firm)*, a decision that is already long overdue. The case, where the claimants are being bankrolled by a third-party funder, concerns allegations from Stone & Rolls that its auditors Moore Stephens failed to discover credit fraud by Stone & Rolls and its ultimate owner, Zvonko Stojevic. Brick Court Chambers' Jonathan Sumption QC, representing Moore Stephens, has attempted to strike out the claim by alleging that the fraud was created by the company and therefore the company should be liable.

Of the top ten cases, two and half have reached a settlement, including Hammonds' dispute with a group of former partners relating to overdrawn profits. Seven of the eight partners involved have settled the claim. Meanwhile, the Financial Services Compensation Scheme settled a claim it brought against NDF Administration on behalf of 1,800 investors in relation to precipice bonds sold in the early 2000s.

One tranche of the super \$220m (£142.6m) reinsurance claim brought by American Reliance Insurance against broker Willis has settled in the last few days. It was claimed that

Willis participated in an allegedly dishonest conspiracy to dump enormous losses arising from US workers' compensation business into the London reinsurance market. While this claim has settled another tranche is ongoing, with US insurer CMA pursuing Willis for losses.

The remaining cases rumble on.

Later this month energy giant Centrica will be in the High Court to pursue consultancy group Accenture for £182m in damages following the alleged failure of an IT system, known as Project Jupiter, which Accenture built and installed for Centrica's British Gas division. It is likely to be Mark Humphries' final case while with Linklaters before he leaves the firm to set up his own boutique. Humphries instructed 3 Verulam Buildings' Sonia Tolaney to represent Centrica in its claim.

Things will quieten down in the courts over the summer months, but the gloves will come off again in October. Commodities trader Trafigua faces a multi-million pound claim from 30,000 Ivory Coast claimants for alleged injuries suffered after they were allegedly exposed to toxic chemicals unloaded from tanker Probo Koala in 2006. Robert Jay QC of 39 Essex Street has taken on the claim and will go up against Edwin Glasgow, also of 39 Essex Street.

Also in October the High Court will hear what is likely to be the biggest financial claim of 2009 at \$500m (£324.2m). Brick Court Chambers' Andrew Popplewell QC, representing Fiona Trust, will take on bar heavyweights Graham Dunning QC and Steven Barry QC, both of Essex Court, who are representing Russian companies Skarga, Nikitin respectively.

The litigation centres on allegations dating from 2001 to 2004 of bribery and corruption on a series of shipping and banking transactions entered into with Russian state-owned entities including Sovcomflot, which owns Russia's largest commercial shipping fleet.

Finally, attempts by insurance giant Axa to bring claims against 89 law firms for alleged breach of contract and negligence relating to their roles as solicitors on an after-the-event legal expenses insurance scheme known as 'Composite Legal Expenses' will not be heard until 2010. The case is likely to have massive implications for how insurers work with law firms that bring personal injury cases.

For a full list of the top cases of 2009 and representing counsel [click here](#).

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