



Complex Disputes

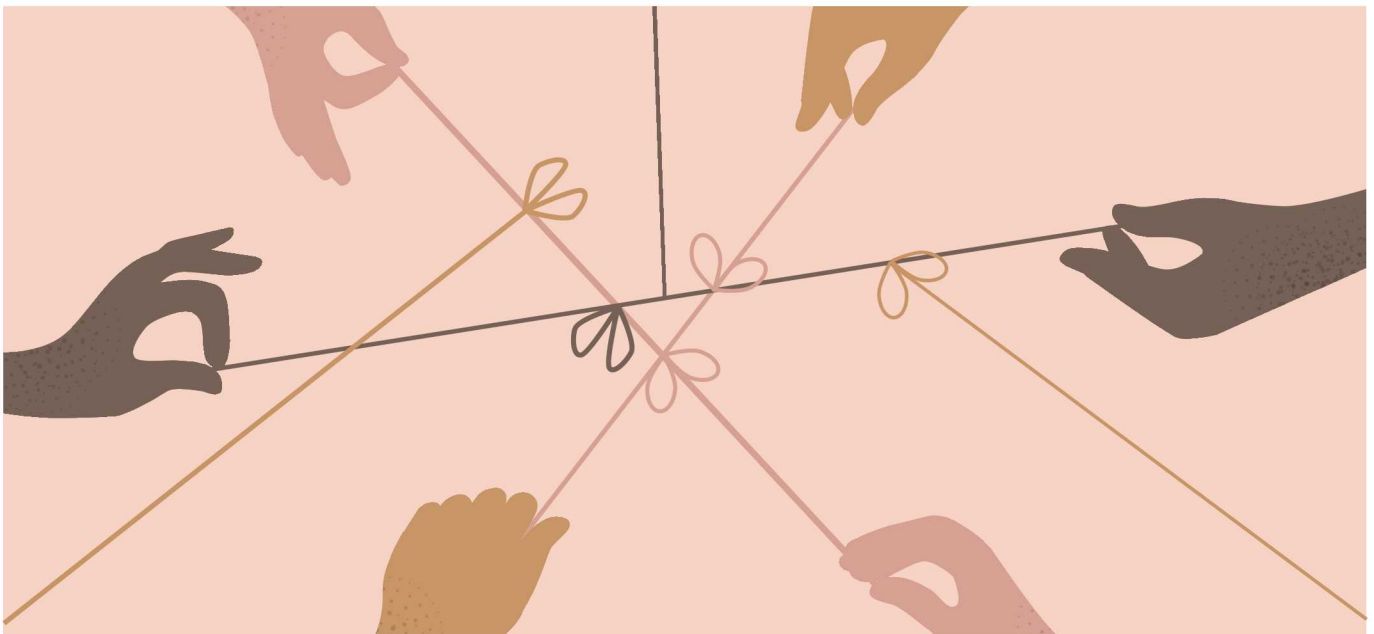
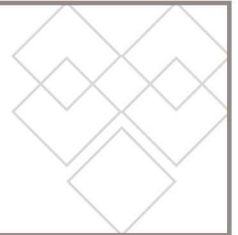
2021



PROFILED:

MARK HUMPHRIES

Humphries Kerstetter





Complex Disputes



MARK HUMPHRIES

Senior Partner

Humphries Kerstetter

London, UK

T: +44 (0)207 632 6901

E: mh@humphrieskerstetter.com

PERSONAL BIOGRAPHY

Mark Humphries is a career litigation lawyer and advocate. After qualifying as a solicitor, he spent nearly 25 years at Linklaters, latterly as a partner and head of advocacy, handling some of the largest and most high-profile cases of the day. In 2009 he established his own litigation firm. Humphries Kerstetter LLP is regarded as a highly specialist boutique which is exclusively engaged in commercial dispute resolution.

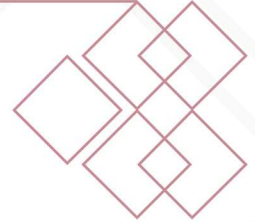
HK HUMPHRIES
KERSTETTER

**MARK HUMPHRIES**

Humphries Kerstetter



Q&A WITH MARK HUMPHRIES

**What do you consider to be your major career achievements?**

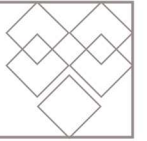
◆ Without the experience of reading law at St Catharine's College, Cambridge, I would not have had the confidence to make the decision to apply for articles at a high street firm rather than a City firm. I took the view that I could not properly practise as a solicitor without knowing how to handle the full range of miscellaneous work that regularly comes across a country solicitor's desk. Being elected a partner of Linklaters was an important milestone and then achieving higher rights of audience the following year was in a sense even more significant. I chaired the Solicitors Association of Higher Court Advocates and worked with The Law Society to break through the resistance put up by both barristers and some of the judiciary. Following the financial crisis, I fulfilled a long-held ambition to establish my own firm.

Could you provide an insight into how you approach your work? What drives and motivates you?

◆ I believe that if clients are going to be asked to pay my hourly rate they deserve to have my full attention whenever they need it. I have been working during the day and night and at weekends too long to change. My primary motivation is to be seen as a fast, efficient, versatile and innovative litigator. The best litigators are dealmakers who use the tools of their profession to optimise their clients' eventual compromises. I am happy to take a lot of risk if I believe in a case. I also believe that part of the job is to speak up and I am critical of the failure to recognise that litigation is too expensive in general and that any form of general disclosure in the electronic age is too costly and too unfocused. I much prefer that part

**MARK HUMPHRIES**

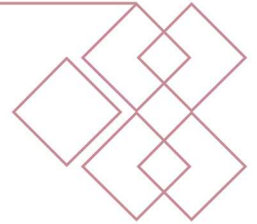
Humphries Kerstetter



of the American system which removes the adverse costs risk and allows clients to negotiate legal fees freely.

Reflecting on your area of expertise, how do you see this sphere of the market shaping up over the coming months? Are any exciting trends or developments on the horizon?

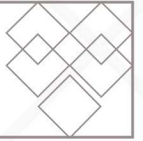
◆ There are currently interesting opportunities available in the competition litigation space for investors who understand the market. Orthodox litigation funders either find themselves conflicted for the biggest and best cases or are slow to understand how these cases can benefit claimants and funders. New overseas entrants to litigation funding, particularly from the US, are offering healthy competition. We will see increasing instances of class actions in the coming months and years and it is to be hoped that the law will be changed to permit consumer redress claims in areas other than competition law. The pandemic has brought positive benefits. Video calls and remote hearings reduce costs and commercial litigation has benefitted. We have transitioned to the new ways of working without difficulty and must be careful to guard against plotting by those who would return to the old way of working just because they found it more entertaining. ■



"MY PRIMARY MOTIVATION IS TO BE SEEN AS A FAST, EFFICIENT, VERSATILE AND INNOVATIVE LITIGATOR. THE BEST LITIGATORS ARE DEALMAKERS WHO USE THE TOOLS OF THEIR PROFESSION TO OPTIMISE THEIR CLIENTS' EVENTUAL COMPROMISES."

**MARK HUMPHRIES**

Humphries Kerstetter



REPRESENTATIVE ENGAGEMENTS

- ◆ *Haarhaus & Co GmbH v Law Debenture Trust Corp plc and Others* (1988) was my first reported case as an advocate and was memorable because I was personally retained by the Linklaters senior litigation partner to defend in court his conduct of a noteholders' meeting.
- ◆ *R v Secretary of State for the Environment, ex parte Rose Theatre Trust Co* (1990) concerned the discovery of the remains of the Shakespearean Rose Theatre and was memorable because a Friday afternoon injunction was discharged the following Monday and the case ended in the Court of Appeal at 9pm the same day.
- ◆ *Credit Lyonnais v New Hampshire Insurance Company* (1997) was a private international law dispute between English and French law and was one of six cases in which I have had the privilege of appearing as an advocate in the Court of Appeal.
- ◆ *Tesco Stores Limited and Others v MasterCard Incorporated and Others* (2015).

