



Anneliese Day KC

Call 1996 | Silk 2012

"She's widely acknowledged to be one of the stars of the Bar and working with her it is clear why – she is a master strategist, has a giant legal brain, is a relentless fighter and a charming advocate."

Chambers & Partners

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Anneliese Day KC is one of the leading Silks at the Bar with a stellar reputation for being *"a standout genius"* and *"an absolute rockstar at the top of her game"* who is *"untouchable on her feet"* with a *"towering intellect"*.

She combines this legal acumen with having *"the Midas touch in the way she communicates with clients and solicitors"*. The breadth and depth of her expertise is demonstrated by her selection as one of just sixteen 'Stars at the Bar' by *Chambers & Partners*.

Anneliese's practice as *"a leading lawyer of her generation"* and *"a ruthlessly brilliant advocate"* covers all facets of commercial litigation and arbitration (as both lead counsel and arbitrator). She has worked on significant and complex cases (at both first instance and appellate level) in the UK and Ireland, Asia Pacific, the Caribbean, Europe and the Middle East. She is recognised as a *"leading light"* in ten practice areas by the legal directories not only in the UK but in a variety of jurisdictions around the world and as a Global Elite Thought Leader in *Who's Who Legal*.

The exceptional quality of Anneliese's work has led her to win a number of coveted awards, including *The Lawyer's* 'Barrister of the Year', 'Silk of the Year' at *The Legal 500's* UK Bar Awards together with numerous individual practice area Silk of the Year Awards. She has also been identified as one of the 500 most influential people in the UK by *Debretts* and as a *"good leader for the 21st century"*.

Recent Highlights

Claim by Moderna v Pfizer/BioNTech in relation to COVID-19 vaccine technology

Acting as Lead Counsel for Moderna (instructed by Freshfields) in relation to the commercial and jurisdictional aspects of its UK patent dispute with Pfizer/BioNTech in respect of mRNA vaccine technology (with Andrew Waugh KC acting in relation to the patent issues).

\$350 million arbitration in Trinidad concerning an infrastructure contract and security issues in English Court of Appeal

Acting as Lead Counsel in connection with the termination of a \$350 million road contract in Trinidad having

successfully had a call on the project security confirmed by the Court of Appeal in London. Anneliese also acted in a linked arbitration in Trinidad, and in the subsequent proceedings, successfully challenging the award, in the Trinidad courts (with a potential Privy Council Appeal to follow).

English Commercial Court claim by Sky & Mace v various insurers

Acting for Sky (instructed by HSF) in a complex and high value claim under a CAR policy in the English Commercial Court for the cost of remedial works to Europe's largest flat timber roof at Sky's global headquarters. Anneliese secured a declaration that Sky is entitled to an indemnity under the policy together with an order for an interim payment of nearly £39 million.

DIFC audit claim against Deloitte (including 3 Court of Appeal Hearings)

Acting on behalf of Deloitte & Touche (instructed by Clifford Chance), in three hearings (and three appeals) in the DIFC Court of First Instance and the DIFC Court of Appeal, in respect of a claim for \$128 million by minority shareholders of the former Lebanese Canadian Bank, involving issues relating to jurisdiction, limitation and reflective loss. Anneliese was successful in having the claim against Deloitte finally determined on a preliminary issue basis.

ICSID Arbitration in Washington DC & London

Acting for a Canadian mining company (instructed by Jones Day) in an ICSID claim against the Republic of Kazakhstan heard in Washington DC and London. Anneliese conducted detailed cross examination of not only the factual witnesses (including government officials) but also Kazakhstan legal, mining and valuation experts, having to assimilate large quantities of technical material in a limited amount of time.

Expertise

AI, Crypto & Technology

A significant part of Anneliese Day KC's commercial and construction disputes practice has always included acting in IT and tech disputes. That work has now broadened to encompass AI and crypto issues.

Many of her current instructions are confidential but some high level examples are listed below.

Notable AI, Crypto & Technology cases

Acting for an IT company in relation to a \$30 million claim against a subcontractor in an arbitration arising from an unsuccessful project to produce software for use in bank payment systems.

Advising a mobile network provider on tech related issues.

Acting for the Independent Office for Police Complaints in relation to complex failures in its computer systems.

Art & Cultural Property

Anneliese regularly advises and acts in relation to cases concerning art and cultural property.

Notable Art & Cultural Property cases

Acting and advising in numerous auction houses cases concerning authenticity of paintings and other contractual issues.

Acting in various bailee cases where important pieces of jewellery have gone missing.

Acting in High Court proceedings related to alleged fraud and negligent audit concerning high end classic cars following the collapse of JD Classics.

Construction, Energy & Infrastructure

Anneliese Day KC is rightly recognised as a Star Individual by *Chambers & Partners* and as a Tier 1 Leading Silk by *The Legal 500* for her Construction practice. From her involvement in one of the most significant construction decisions in *Walter Lily v Mackay*, through to her wealth of experience in PFI cases, Anneliese is at the top of her field and one of the most in demand construction silks in the world, whether appearing in court or in arbitrations, both internationally and domestically

Her deep knowledge is reflected in the “landmark” report she produced with Paul Morrell OBE for the Government post Grenfell in relation to the safety of the construction products testing regime which has received widespread publicity and critical acclaim.

Anneliese is equally well regarded for her energy work. She is one of the few London silks to operate at the top level in both commercial and construction focused energy disputes in London, the Middle East, the Caribbean, and Asia Pacific. Indeed, it is her ability to combine her deep commercial and construction experience into the field of energy that sets her apart from her peers.

Notable Construction, Energy & Infrastructure cases

Sky UK v Mace & Others

Acting for Sky in a substantial claim against Contractors All Risk (CAR) insurers, concerning a damaged roof at the client’s flagship premises, Sky Central, requiring major remedial work. The litigation is extremely significant for all parties, particularly given that few CAR insurance claims reach court (most are arbitrated).

Petroleum Company of Trinidad and Tobago v A & A Mechanical Contractors and Co Ltd [2022] UKPC 39

Acting for a state-owned petroleum company in response to an appeal to the Privy Council in London, relating to a contract governing the provision of steelworks.

Independent Review of the Construction Products Testing Regime

Appointed on behalf of the UK Government to lead an independent review of the system for testing construction products, alongside Paul Morell OBE, including in relation to how the current system could be strengthened to provide confidence that construction products are safe and perform as labelled and marketed.

Covalis v Banco BTG Pactual

Acting in an energy-related investment claim concerning contractual agreements and the alleged non-payment of performance fees agreed between the parties.

The National Paediatric Hospital Development Board of Ireland v BAM

Acting in a construction dispute connected with Ireland's national children's hospital.

Blackpool Borough Council v Volkerfitzpatrick and Others

Acting for Volkerfitzpatrick in defence of a claim by Blackpool Borough Council regarding alleged defects in the Blackpool Tram Depot.

Premier Inn Hotels v McAleer & Rush and Others

Acting in a claim in the Technology & Construction Court arising out of the cladding issues which led to the Grenfell Tower fire, involving the Premier Inn hotel at Gatwick Airport.

RG Carter Projects v CUA Property

Acting for the defendant in a case in the Technology & Construction Court concerning the historic Cambridge University Arms Hotel and the refurbishment of what is an exclusive accommodation and dining venue in the university city, involving allegations of negligence and misrepresentation.

Equis v Cowan

Acting for the defendants in a multi-million-dollar claim brought in the Cayman Islands against a major Asian private equity group, involving allegations of conspiracy and dishonest assistance, in relation to investments in renewable energy companies.

Atlas Hive Limited v Gerallt Price Davies T/A Sterling Asset Management & WRW Construction

Acting for the claimant in relation to a claim on a construction bond.

Acting in a case concerning how the rules on conflicts of interest affect litigation experts, including in relation to fiduciary duties.

Gwynt y Môr OFTO Plc v Gwynt y Môr Offshore Wind Farm Limited & Ors [2020] EWHC 850 (Comm)

Acting for the operating company of the second largest offshore wind farm in defence of a claim by the purchaser in the Commercial Court. The case involved complex issues relating to the contractual construction of the Sale and Purchase Agreement.

Acting in an arbitration concerning a significant termination dispute relating to the construction of a large data centre for an American technology company.

Instructed to advise on an issue of contractual interpretation in relation to a wind farm in Scotland, specifically relating to breach of contract which led to multi-million-pound losses.

Acting as lead co-counsel in one of the largest SIAC arbitrations heard in 2018 between Samsung and Duro arising out of the Roy Hill Iron Ore project in Western Australia where over \$1 billion is in dispute.

Acting on behalf of Capita in respect of a claim brought against it by Morgan Sindall arising out of the refurbishment works at Lancashire County Cricket Club.

Acting in one of the highest value construction disputes in the UK arising out of the construction of a jetty for berthing nuclear submarines at Faslane in Scotland.

Acting on behalf of the developer of an extremely high-profile development in Azerbaijan in an arbitration where our client is being pursued by its construction manager for sums in excess of \$60 million.

Acting in a high-profile arbitration in Trinidad concerning Trinidad's road network following the termination of a \$350 million contract with a Brazilian contractor.

Instructed in a complex technical UNCITRAL arbitration arising out of the decommissioning of nuclear facilities in Lithuania.

Walter Lilly v Mackay

Acting on behalf of the winning party (both at first instance and on appeal) in the landmark case, giving her particular expertise in relation to delay and global claim issues at both a theoretical and practical level. Following Walter Lilly, she has been asked to give seminars in a number of jurisdictions, including advising on how the decision can be used in a FIDIC and NEC context.

Acting for Beck Interiors in relation to a dispute concerning the refurbishment of the Lanesborough Hotel in London.

Acting for the successful claimant in a case concerning the former London Stock Exchange. The court ordered a contractor to pay £14.7 million in damages following the failure of toughened glass used to clad a central London office block. The breakages were found to have been caused by the contractor's breach of its contractual obligations to heat soak all of the glass in accordance with European Standard EN 14179 2005.

Acting on a number of high-profile road related PFI disputes in the UK, including successfully taking all the way to the Court of Appeal a dispute concerning the entirety of Birmingham's Road network, the largest PFI project in the UK. She also recently appeared in a series of expert determinations and related court proceedings concerning the M25 road network.

Acting on behalf of a UK Port Authority in a significant dispute with a wind turbine manufacturer which was successfully resolved in her client's favour following the commencement of an arbitration.

Acting on a series of high-profile and complex adjudications for a contractor in relation to the construction of a large wind farm in Scotland which led to the resolution of a five-year dispute, including flying to Scotland at short notice and directing a large number of witnesses and experts in preparation for the adjudications.

Advising an employer on the proposed termination of a large wind farm project.

Acting on behalf of Amec and Morgan Sindall as one of two lead counsel in a claim against the Ministry of Defence relating to Faslane nuclear submarine facility in Scotland in a dispute worth £300 million, one of the biggest disputes in the UK in recent times.

Acting on behalf of a large civil engineering contractor in Northern Ireland in relation to a number of infrastructure disputes, including acting as counsel in the *Belfast Harbour Commissioners v McLaughlin & Harvey v Doran*, a huge £20 million professional negligence claim pertaining to the plan for the construction of Belfast Harbour.

Acting for the Irish Government in a large road dispute, including successfully defeating a large value adjudication claim.

Acting on behalf of the UK government in relation to an arbitration concerning the termination of a PFI contract with a private contractor concerning military dogs.

Acting for a number of waste contractors in relation to complex PFI disputes involving both joint venture and employer contractor disputes. Her experience in this area includes leading a number of adjudications and advising on related court proceedings in Northern Ireland.

Acting on behalf of a US record company in £40 million dispute against project managers in respect of the construction of an automated distribution warehouse.

Acting for the UK government in a dispute concerning the construction of the M56 and M6 motorway, including successfully pursuing claims against both consultants and contractors.

Acting on behalf of AMEC in a dispute with EDF arising out of the construction of a gas fired power station.

Acting for an airline in respect of a dispute arising out of the faulty construction of aircraft engines.

Acting on behalf of Multiplex in relation to disputes arising out of the construction of Wembley Stadium.

Acting for a contractor in relation to disputes arising out of hotel installations at Heathrow Terminal 5.

Acting on behalf of park managers in respect of a fire at a warehouse asserting to have caused £80 million worth of damage to goods owned by an international clothing retailer.

Successfully overturning an adjudicator's decision on natural justice grounds. Thereafter instructed in the subsequent £40 million dispute concerning cabling in relation to London Underground.

Acting on behalf of Barnsley College in a four-party dispute with consultants and contractors relating to overheating issues arising out of a new build project.

Successfully defending engineers in relation to an allegedly negligent failure to report on compression failure, including obtaining indemnity costs.

Acting on behalf of Carillion in a five-week trial in Manchester TCC in a final account dispute arising out of a project at Warrington College. After a three-month hearing, Anneliese's clients were the net receivers of money together with a significant costs award in their favour.

Acting on behalf of a Joint Venture Company in respect of issues arising out of motorway construction in a case involving both English and Scottish law.

Commercial Disputes

Anneliese Day KC is recognised as a Leading Silk by both *Chambers & Partners* and *The Legal 500* in relation to commercial disputes. She is noted for her strength of advocacy and tenacity in fighting her client's cause. She is highly persuasive in front of judges and arbitrators and able to gain the respect of everyone she interacts with. This enables her to not only skilfully leads teams, but also cross-examine both lay and technical witnesses to the greatest effect.

Anneliese has been involved in some of the largest commercial disputes, both domestically and internationally, including those involving novel points of law and high profile cases with a significant PR element.

In addition to the cases that go to court, Anneliese's robust advice often means that her cases settle on advantageous terms. Her commercial approach to disputes means that she can guide decision makers and assess the strength of a case early on. Her strategic advice has seen her instructed to give opinions and resolve matters where others have been unable to do so.

Notable Commercial Disputes cases

AIML & ACLD v KPMG

Acting in a professional negligence claim for over \$600 million against a 'Big Four' accountancy firm, stemming from the collapse of the Dubai-based Abraaj Group, representing the first test case of the Dubai International Financial Centre's approach to auditor's liability in negligence and contract.

Regeneration Investment Fund for Wales v Amber Fund Management and Lamber Smith Hampton

Acting in a high profile by a Welsh Government body against its advisers in connection with the sale of a portfolio of real estate in order to finance regeneration schemes across Wales.

Covalis v Banco BTG Pactual

Acting in an energy-related investment claim concerning contractual agreements and the alleged non-payment of performance fees agreed between the parties.

Equis v Cowan

Acting for the defendants in a multi-million-dollar claim brought in the Cayman Islands against a major Asian private equity group, involving allegations of conspiracy and dishonest assistance, in relation to investments in renewable energy companies.

Acting on behalf of the administrators of JD Classics, a racing car dealership, for allegedly failing to spot a fraud resulting in losses of over £40 million.

Gwynt y Môr OFTO Plc v Gwynt y Môr Offshore Wind Farm Limited & Ors [2020] EWHC 850 (Comm)

Acting for the operating company of the second largest offshore wind farm in defence of a claim by the purchaser in the Commercial Court. The case involved complex issues relating to the contractual construction of the Sale and Purchase Agreement.

Successfully acting for BTI in resisting a strike out/summary judgment application made by PwC in respect of a claim against PwC, relating to their audit of 2007 and 2008 accounts of Windward Prospects Limited.

Acting on behalf of Deloitte & Touche in respect of a claim for \$128 million by minority shareholders of the former Lebanese Canadian Bank. Money laundering and funnelling of funds are alleged.

Acting in a high-profile claim brought by a Welsh Government body against its advisers for breach of contract and negligence. Losses of £50 million are being claimed.

Acting in a £50 million claim for over 100 investors who invested in a film finance scheme against a prominent tax silk.

Acting for Brazilian claimants in a high-profile claim against a leading law firm in the Cayman Islands (Walkers) in relation to a conflict of interest where allegations of fraud made during trial.

Acting for the Saudi defendants in a high-profile dispute between various overseas parties involved in the ownership and management of an English telecommunications company, featuring allegations of unfair prejudice, breach of contract and breach of fiduciary duty.

Acting for a Hong Kong company pursuing an Austrian party in respect of a joint venture concerning IP rights in relation to agrochemicals.

Recovering very significant monies due under a letter of credit in relation a Trinidadian road dispute, including successfully defending the bank's attempt to challenge enforcement in the Court of Appeal.

Bringing a £60 million claim against surveyors arising out of the valuation of a number of extremely large commercial properties in the UK involving securitisation issues.

Obtaining an injunction on behalf of Bentley Motor Cars so as to enable production to continue.

Acting for a pathological gambler suing William Hill bookmakers.

Advising and appearing in High Court and related arbitration proceedings in a complex commercial dispute arising out of the breakup of an insolvency practice.

Acting on behalf of Vision Express in respect of a commercial dispute with a franchisee in Jersey.

Claim by bank against a guarantor arising out of the collapse of commercial loan portfolio.

Acting on behalf of DSG in relation to commercial dispute arising out of the supply of televisions.

Acting for the park managers in a multi-party £80 million dispute arising out of a fire at Magna Park warehouse.

Acting on behalf of the defendant to a commercial dispute between employer and former employee concerning oil contracts in the Middle East.

Acting in a high-profile dispute between various overseas parties involved in the ownership and management of an English telecommunications company, featuring allegations of unfair prejudice, breach of contract, breach of fiduciary duty and fraud.

Resisting injunctive relief being obtained against Middle Eastern client in the UK in a case involving jurisdictional issues and allegations of fraud.

Advising on claims against investment funds and investment advisers following the Madoff scandal.

Acting in family dispute involving high net worth individuals in the UK arising out of contentious probate proceedings and related allegations of breach of trust and professional negligence.

Acting for investors following the collapse of the Ritz Carlton deckhouses development in the Cayman Islands.

Advising and acting on behalf of claimants suing financial advisers in light of collapse of Icelandic banks.

Acting on a multi-million claim relating to a fraud on an investment management company allegedly perpetrated by one of its directors, involving freezing and proprietary injunctions.

Insurance

Anneliese is recognised as a Leading Silk in this area by both *Chambers & Partners* and *The Legal 500* and her most recent instructions show how she is being sought for the most valuable and complex of insurance-related cases as both counsel and arbitrator.

Her insurance and reinsurance practice covers most classes of risk, including professional indemnity; construction all risks, property; D&O, general commercial liability (EL/PL/products); aviation; and financial risk. She regularly advises and acts for both policyholders and insurers/reinsurers on coverage disputes involving jurisdictional issues, interpretation of policy wordings, aggregation, non-disclosure and avoidance issues, exclusion clause issues, dishonesty, and breach of warranty and condition claims. She also has experience of Bermuda Form work (as both counsel and arbitrator) and acts for insureds and brokers in relation to brokers' negligence claims.

Notable Insurance cases

Sky UK v Mace & Others

Acting for Sky in a substantial claim against Contractors All Risk (CAR) insurers, concerning a damaged roof at the client's flagship premises, Sky Central, requiring major remedial work. The litigation is extremely significant for all parties, particularly given that few CAR insurance claims reach court (most are arbitrated).

Regularly acting in claims concerning Contractors All Risks insurers.

Representing insurers in a claim for an indemnity on a reinstatement basis in respect of fire damage to an historic house in Northern Ireland.

Acting on behalf of insurers in relation to a series of claims arising out of jewellers' block policies.

Dealing with reinsurance issues arising out of an explosion in a chemical factory in the USA.

Advising insurer in relation to a potential coverage dispute in respect of an Employment Practices Liability Policy issued to Skype.

Advising on and acting in relation to numerous professional indemnity insurance issues, including notification, dishonesty and condonation. Acting both as Counsel and as an arbitrator.

Acting for the insured surveyors in a claim concerning innocent non-disclosure.

Acting for insurers in various disputes concerning alleged sham partnerships and dishonesty issues.

Advising insurers, attending various indemnity conferences and acting in an arbitration in relation to allegations of dishonesty and condonation against a two partner firm in Essex who became involved in mortgage fraud allegations totalling approximately £40 million in relation to Thamesmead properties.

Advising insurers in relation to whether allegations of dishonesty and/or condonation could be made against 'innocent' partners in a firm of solicitors whose fellow partner had absconded with £15 million.

Advising insurers on issues of privilege arising out of claims made against solicitors.

Advising partner on settlement terms where coverage issues in play (instructed by the solicitor concerned directly).

Acting for insolvency practitioners seeking to establish cover in respect of a professional indemnity policy, successfully resisting allegations of dishonesty and condonation.

Following criminal allegations and involving issues such as formation and construction of the policy and non-disclosure.

Acting as an arbitrator in relation to notification issues and advising as to which insurer should provide cover in relation to the claims in issue.

Acting on behalf of insurers seeking rectification of an insurance policy following a substantial flood at a commercial premise in Germany.

Acting for distributors against insurers disputing coverage following a fire at warehouse of well-known retailer.

Advising insurers on coverage and exclusion issues in respect of residential and commercial property policies.

Advising extensively on claims under the Third-Party Rights Against Insurers Act.

Acting for insurers in relation to jewellers' block insurance policies. Advising on whether coverage could be provided considering alleged breaches of conditions precedents relating to notification and record keeping.

Advising insurers on whether coverage should be provided following allegations of arson.

International Arbitration - as Arbitrator

Anneliese is rated as a Leading Arbitrator by both *Chambers & Partners* and *The Legal 500*.

She is described as “a true star of the Bar and a first class arbitrator to boot”, as well as “absolutely first class in every conceivable aspect of an arbitrator’s practice and art” and “a joy to sit with”.

She is a Fellow of the Chartered Institute of Arbitrators, a member of the LCIA Court and regularly sits as arbitrator in a wide range of jurisdictions and for all the major arbitral institutions including LCIA, ICC, Uncitral, ICSID, DIAC, LMAA, SCC and SIAC, as well as sitting in in ad hoc references.

Anneliese has also been named as “International Arbitration Silk of the Year” by both *Chambers & Partners* and *The Legal 500*.

Notable International Arbitration - as Arbitrator cases

Acting as an arbitrator in relation to a dispute concerning a gas fired power station.

Acting as arbitrator in a shipbuilding dispute concerning delayed delivery and alleged defects.

Acting as arbitrator in a dispute concerning alleged wrongful termination of a sub-contract relating to the construction of an underground station.

Acting as arbitrator in a FIDIC dispute concerning the construction of two multi use towers in Dubai on reclaimed land.

Acting as arbitrator in a dispute concerning restraint of trade.

International Arbitration - as Counsel

Anneliese is rated as a Tier 1 Leading Silk in relation to her international arbitration work by both *Chambers & Partners* and *The Legal 500* and has been instructed as counsel on some of the most complex and high value arbitrations in the world in all areas of commercial and construction work.

She has extensive experience across a wide range of jurisdictions and arbitral institutions including LCIA, ICC, Uncitral, ICSID, DIAC, LMAA, and SIAC, as well as in ad hoc references.

She is ranked for this work by both *Chambers & Partners* and *The Legal 500* and is described as “a truly effective advocate, who is able to find the right approach to the tribunal”.

Anneliese has been recognised as “International Arbitration Silk of the Year” by both *Chambers & Partners* and *The Legal 500*.

Notable International Arbitration - as Counsel cases

Leading an arbitration concerning Trinidad's road network following the termination of a \$350 million FIDIC contract.

Acting as lead co-counsel in one of the largest SIAC arbitrations heard in 2018 between Samsung and Duro arising out of the Roy Hill Iron Ore project in Western Australia where over \$1 billion is in dispute.

Acting for Canadian mining company in an ICSID claim against the Republic of Kazakhstan which was heard in Washington DC and London.

Acting in an ICC arbitration on behalf of Middle Eastern employer in relation to the design and construction of a cement plant pursuant to a FIDIC contract.

Advising on a dredging dispute in Hong Kong.

Acting on behalf of both employers and contractors in relation to joint venture projects concerning nuclear installations both in the UK and abroad. Anneliese's extensive experience encompasses both military and civil nuclear implicated design and construction projects, including nuclear power stations and submarines. She has acted in numerous ICC and LCIA arbitrations in this context.

Acting as counsel on behalf of a Port Authority in dispute with a wind turbine manufacturer.

Advising and acting for employer in relation to design and construction of luxury hotels in Europe.

Acting as counsel in an arbitration concerning the construction of the Crescent Development Project in Baku, Azerbaijan.

Acting for an airline in respect of a dispute arising out of the faulty construction of aircraft engines.

Acting for a US multinational in an LCIA arbitration arising out of an explosion at a chemical plant in the US.

Acting for an employer under a FIDIC contract in relation to the construction of apartment blocks in the Middle East.

Acting on behalf of a French telecommunications company in respect of an ICC arbitration.

Acting on behalf of the respondent to a commercial dispute between employer and former employee concerning oil contracts in the Middle East.

Advising on ICC rules and whether a party appointed arbitrator should recuse himself as a result of potential conflicts of interest.

Acting in the first ever case to be brought before the Dubai Financial Markets Tribunal.

Offshore

Anneliese Day KC has a wealth of experience in offshore cases. In the last 15 years, she has advised and appeared extensively in the Cayman, the BVI, and Trinidad. She also carries out advisory work in Jersey and Guernsey, and is recognised by *The Legal 500* for her work in this area.

Notable offshore work includes advising on offshore claims against investment funds and investment advisers following the Madoff scandal, acting for professional advisers following the collapse of the Ritz Carlton deckhouses development in the Cayman Islands, acting in a claim for breach of fiduciary duty against Walkers, Cayman in a high-profile professional negligence claim by Brazilian clients, and acting for a leading investment fund in relation to the liquidation of Direct Lending Income Feeder Fund.

Notable Offshore cases

Acting for a Brazilian claimants in a high-profile claim against a leading law firm in Cayman in relation to a conflict of interest claim.

Acting for professional advisers following the collapse of the Ritz Carlton deckhouses development in Cayman.

Advising on claims against investment funds and investment advisers following the Madoff scandal.

Acting for defendant auditors in claim arising out of an alleged failure to detect fraudulent activity by directors.

Acting for a property developer in a family dispute concerning a construction business.

Product Liability

Anneliese undertakes product liability work in a commercial context and is highly sought after given the cross-over with her strong commercial, insurance and construction expertise. This broad perspective means she is able to expertly navigate through complex technical information and astutely cross-examine expert witnesses.

Anneliese's deep knowledge is reflected in the "landmark" report she produced with Paul Morrell OBE for the

Government post Grenfell in relation to the safety of the construction products testing regime which has received widespread publicity and critical acclaim.

She is also skilled in group litigation claims related to product liability, having acted for the government in relation to the Human Growth Hormone/CJD litigation.

Notable Product Liability cases

Acting for Bayer CropScience in respect of alleged claim for alleged damage to potato crops.

Acting for insurers in relation to claim for damage to commercial business following supply of allegedly defective vehicles.

Advising in relation to disputes as to quality of electrical products supplied to supermarket chain.

Representing the Department of Health in quantum cases arising out of the CJD growth hormone litigation and the BSE/variant CJD litigation.

Privilege, Confidentiality & Conflicts of Interest

Anneliese regularly advises on and appears in disputes concerning privilege and conflicts of interest issues.

Notable Privilege, Confidentiality & Conflicts of Interest cases

Obtaining summary judgment on liability against for an offshore law firm in a \$400 million claim arising out of alleged breaches of the solicitor's duty of confidentiality.

Acting for a member of the Bar in relation to inadvertent disclosure of privileged material.

Successfully injunctioning the use of without prejudice privileged material in a pleading.

Advising on the use of allegedly privileged documents and collateral use of documents in a multi-party and multi-jurisdictional dispute.

Professional Negligence - Accountants, auditors and actuaries

Anneliese Day KC is one of the most in demand professional negligence silks domestically and internationally.

She is recognised by the directories as a leading Professional Negligence Silk, and, as well as being a Star Individual

in the Professional Negligence General category, is the only Silk to be recognised as a Star Individual by *Chambers & Partners* in the Professional Negligence: Technology & Construction section. They note her “*strong reputation for her courtroom advocacy and commercial savvy*” and that she is an “*excellent resource on negligence claims*”.

Reflecting her market position, Anneliese has led on some of the biggest and most legally complex professional negligence disputes, details of which can be found below.

Notable Professional Negligence - Accountants, auditors and actuaries cases

AIML & ACLD v KPMG

Acting in a professional negligence claim for over \$600 million against a ‘Big Four’ accountancy firm, stemming from the collapse of the Dubai-based Abraaj Group, representing the first test case of the Dubai International Financial Centre’s approach to auditor’s liability in negligence and contract.

Acting on behalf of the administrators of JD Classics, a racing car dealership, for allegedly failing to spot a fraud resulting in losses of over £40 million.

Acting on behalf of Deloitte & Touche in respect of a claim for \$128 million by minority shareholders of the former Lebanese Canadian Bank. Money laundering and funnelling of funds are alleged.

Acting on behalf of Ernst & Young in relation to first ever proceedings before the Dubai Financial Markets Tribunal.

Acting for Ernst & Young in complex claim in UAE involving alleged breach of directors’ duties and issues relating to limitation of liability and duty of care/Galoo issues, with conspiracy and fraud also being alleged.

Acting for BDO in respect of claims arising out of alleged fraud in Cayman involving proceedings in Cayman, BVI and England.

Acting on behalf of various of the Big 4 in respect of numerous allegedly fraudulent tax scheme cases.

Acting on behalf of a charity in respect of a proposed claim against one of the Big 4 firms arising out of fraud within the management team.

Succeeding in having a claim against BDO relating to allegedly negligent audit struck out.

Advising in relation to a proposed claim by a major food retailer against large firm of accountants in relation to an outsourcing credit control agreement.

Acting on behalf of well-known football chairman in relation to claim against his former accountants.

Defending a claim brought against accountants for allegedly negligent advice concerning CT G rollover relief.

Acting on behalf of the former accountants of Neil Hannon (former lead singer of Divine Comedy) in respect of a claim brought against them.

Advising one of the Big 4 in respect of proposed claim against them arising out of allegedly negligent tax advice.

Successfully acting for BTI in resisting a strike out/summary judgment application made by PwC in respect of a claim against PwC, relating to their audit of 2007 and 2008 accounts of Windward Prospects Limited.

Acting on behalf of BDO in respect of a claim against them arising out of their instruction as a joint expert. Successful in having claim struck out.

Advising Paul Oakenfold in respect of claim against accountants in relation to tax relief issues.

Dealing with various claims against accountants and auditors concerning solicitors' accounts.

Successful striking out of claim by shareholders against auditors on existence of duty of care point.

Advising in relation to a claim concerning alleged fraud by accountants in preparation of charity's accounts.

Defending a claim against accountants concerning the adequacy of business advice given and *Galoo* type causation issues.

Professional Negligence - Financial services professionals

Anneliese Day KC is one of the most in demand professional negligence silks domestically and internationally.

She is recognised by the directories as a leading Professional Negligence Silk, and, as well as being a Star Individual in the Professional Negligence General category, is the only Silk to be recognised as a Star Individual by Chambers & Partners in the Professional Negligence: Technology & Construction section. They note her "*strong reputation for her courtroom advocacy and commercial savvy*" and that she is an "*excellent resource on negligence claims*".

Reflecting her market position, Anneliese has led on some of the biggest and most legally complex professional negligence disputes, details of which can be found below.

Notable Professional Negligence - Financial services professionals cases

Acting on behalf of claimants pursuing claims arising out of collapse of world financial markets.

Advising and acting on behalf of financial advisers being sued in light of collapse of Icelandic banks.

Acting on behalf of claimants pursuing administrators of a pension scheme for failing to implement amendments to the scheme.

Acting on behalf of financial advisers being sued by numerous premiership footballers in relation to investments made in Spanish property.

Acting for both claimants and defendants in relation to numerous claims concerning alleged mis-selling of pensions.

Professional Negligence - Insurance brokers and agents

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Notable Professional Negligence - Insurance brokers and agents cases

Advising Marsh/HSBC insurance brokers in respect of claim arising out of alleged failure to give adequate advice on limitation periods.

Acting for a Jersey company in relation to the broking of a commercial insurance policy of a café subsequently destroyed by fire.

Acting for insurance brokers in relation to alleged breach of duty in placing a contractors’ all risks policy.

Acting for various claimants bringing proceedings against an insurance broker following repudiation of life insurance cover following alleged non-disclosure.

Regularly acting for both lenders and insurers in relation to alleged mortgage fraud and negligent conveyancing transactions, including advice in relation to breach of undertaking, breach of fiduciary duty and breach of trust claims.

Professional Negligence - Lawyers

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Notable Professional Negligence - Lawyers cases

Various v Andrew Thornhill KC

Acting for over 100 investors in a claim against a leading tax silk, in relation to investments into a film finance scheme.

Acting for a silk in defence of a negligence claim relating to follow-on litigation following the breast implant GLO claim.

Acting for Brazilian claimants in a high-profile claim against a leading law firm in the Cayman Islands in relation to a conflict of interest where allegations of fraud made during trial.

Acting on behalf of Morrison & Foerster in respect of claim brought against them by Petrocapital in relation to advice given in relation to shareholder claims.

Acting on behalf of the Department of Transport in relation to claim against Magic Circle firm arising out of advice given in relation to rail franchising contracts.

Acting for Eversheds in a claim brought by Nationwide alleging failure to react appropriately to material suggestive of mortgage fraud and thereafter on behalf of Eversheds in related claims.

Acting on behalf of a claimant pursuing Mace & Jones for £40 million as a result of allegedly negligent planning advice in relation to a quarry.

Acting on behalf of Pannone in multi-million pound litigation brought against it by the administrators of Lexi Holdings arising out of the fraudulent activities of Shaid Luqman. The case raises issues of illegality, actual/apparent authority and scope of duty in relation to solicitors acting for clients who commit fraud on third parties.

Acting for innocent partners of fraudster solicitor who absconded to India with millions of pounds.

Advising on whether duty of care owed by Law Society and/or Barclays Bank in respect of monies alleged to have been misappropriated by solicitor and various partnership issues.

Acting on behalf of insurers in relation to liability of innocent partner for alleged fraud in Zambia by another partner, including considering whether any partnership arose at all.

Acting on behalf of Newcastle Airport in respect of a claim against Eversheds arising out of an asserted failure to advise Newcastle Airport of the breaches of fiduciary duty being committed by two executive directors whilst renegotiating their contracts of employment.

Successfully running abuse of process and causation arguments in relation to claim against a barrister following criminal conviction of claimant.

Professional Negligence - Surveyors and valuers

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Reflecting her market position, Anneliese has led on some of the biggest and most legally complex professional negligence disputes, details of which can be found below.

Notable Professional Negligence - Surveyors and valuers cases

Bringing £60 million claim against surveyors arising out of valuation of a number of extremely large commercial properties in the UK involving securitisation issues.

Acting on behalf of claimant bank in successfully suing valuer for a series of negligent commercial valuations followed by claims having to be made under the Third Party Rights against Insurers Act.

Acting on behalf of valuers in negligence claim by a bank against valuers and solicitors in relation to commercial

property (including compulsory purchase and planning issues).

Acting on behalf of commercial valuers seeking to strike claim out on limitation, duty of care and reliance issues, including issues relating to duties of care, if any, owed to third parties.

Acting on behalf of valuers in relation to claim brought by new liquidator against former liquidator and valuers in relation to alleged hope value of commercial property.

Acting both for and against surveyors in relation to both commercial and residential property valuations.

Acting for surveyors in relation to structural survey cases (e.g. alleged failure to spot dry rot, alleged failure to spot subsidence).

Regularly acting for both lenders and insurers in relation to alleged mortgage fraud and negligent conveyancing transactions, including advice in relation to breach of undertaking, breach of fiduciary duty and breach of trust claims.

Professional Negligence - Other professions

Anneliese Day KC is one of the most in demand professional negligence silks domestically and internationally.

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Reflecting her market position, Anneliese has led on some of the biggest and most legally complex professional negligence disputes, details of which can be found below.

Notable Professional Negligence - Other professions cases

Acting for claimant suing solicitors in relation to negligently conducted high court patent litigation.

Defending a claim for allegedly negligent advice by patent agents.

Acting in a case concerning how the rules on conflicts of interest affect litigation experts, including in relation to fiduciary duties.

Acting in a high-profile claim brought by a Welsh Government body against its advisers for breach of contract and

negligence. Losses of £50 million are being claimed.

Sports

Anneliese Day KC advises in commercially focused sports disputes, particularly involving contractual issues, and in relation to the construction of sporting venues. Whilst many of her instructions are confidential, a high level summary is detailed below.

Notable Sports cases

Successfully obtaining an injunction for a sports car manufacturer against a supplier so as to allow production of cars to continue.

Advising a former commercial football director in relation to his contract of employment.

Acting for the defendant engineer in High Court proceedings relating to alleged failures during construction at a sports ground.

Advising a local authority in relation to a dispute concerning the sale of land to be developed for use as a sporting venue for an upcoming high-profile international event.

Advising in relation to numerous Olympic related construction disputes.

Acting for a major contractor in relation to the construction of Wembley Stadium.

Directory Quotes

"She is an absolute genius and an assassin in court. She has fantastic people skills and massive technical ability too."

Chambers & Partners (Insurance)

"She is at the top of the Bar and fated to be one of the best silks and advocates of a generation." "She is technically astute and has a fantastic eye for detail."

Chambers & Partners (Construction)

"A standout genius. She is stupendously talented. Very experienced in heavy cases and unflappable on her feet."

The Legal 500 (Professional Negligence)

"Like an iron fist in a velvet glove, she cross-examines witnesses very well and gets to the heart of the case very quickly." "She acts directly and quickly on the key issues."

Chambers & Partners (Commercial Dispute Resolution)

"Anneliese is without doubt in a league of her own - she has a unique combination of the sharpest of intellects and insightful and perfectly calibrated judgement - she is the ultimate trial lawyer. Very well prepared, tactically sophisticated and intellectually agile, while never losing sight of the ball."

The Legal 500 (Insurance & Reinsurance)

"Instructing her is like sending your opponent a battering ram with a first-class stamp. She is frighteningly bright, superb on her feet, completely unflappable, has an exceptional work ethic and is blessed with an incredible memory for detail." "A formidable and very able advocate."

Chambers & Partners (Commercial Dispute Resolution)

"Anneliese is one of the undoubted leaders in her field. She is a superb cross-examiner with meticulous attention to detail. She is someone you want leading the team on difficult cases where the evidence will make a difference."

The Legal 500 (Construction)

"Anneliese has a Midas touch in the way she communicates with clients and solicitors. She's a total class act and an outstanding talent." "She has a deep knowledge and everybody respects her."

Chambers & Partners (Insurance)

"A remarkable silk. She is reactive, thoughtful and strategy-led."

The Legal 500 (Professional Negligence)

Directory Rankings

Chambers & Partners – Global

- Global Market Leader – International Arbitration: The English Bar
- Global Market Leaders Dispute Resolution: Commercial – UK – (Band 1)
- Global Market Leaders Construction – UK (Global Guide) – ('Star Individual')
- Global Market Leaders Energy & Natural Resources – UK (Band 2)
- International Arbitration – The Bar- Asia-Pacific Region ('Spotlight table')
- Dispute Resolution: Arbitration – The English Bar – Singapore (Band 2)
- Dispute Resolution: The English Bar – Middle East (Band 2)

Chambers & Partners – UK (22 years ranked)

- Commercial Dispute Resolution (Band 1)
- Construction ('Star Individual')
- Energy & Natural Resources (Band 2)
- Insurance (Band 2)
- International Arbitration: Arbitrators (Band 2)
- International Arbitration: Construction / Engineering (Band 1)
- International Arbitration: General Commercial & Insurance
- Professional Negligence ('Star Individual')
- Professional Negligence: Technology & Construction ('Star Individual')
- Anneliese is also recognised as one of a limited number of “Stars at the Bar”, demonstrating her expertise across multiple areas

Chambers & Partners – Asia Pacific

- Dispute Resolution: Arbitration: The English Bar – Singapore
- International Arbitration – The Bar – Asia-Pacific Region

The Legal 500 – UK

- Professional Negligence (Tier 1)
- Commercial Litigation
- Construction (Tier 1)
- Energy
- Insurance & Reinsurance (Tier 2)
- International Arbitration: Counsel (Tier 1)
- International Arbitration: Arbitrators (Tier 2)

The Legal 500 – Asia Pacific

- The English Bar: Construction, Energy & Infrastructure (Tier 1)
- The English Bar: Commercial (Tier 2)
- Leading Arbitrator: Regional International Arbitration (Tier 1)

The Legal 500 – Middle East

- The English Bar: Commercial (Tier 1)

The Legal 500 – Caribbean

- The English Bar Offshore

Who's Who Legal

- Global Elite Thought Leader in 2023 for Professional Negligence and Construction and recommended for Arbitration
- National UK Leader for Arbitration, Construction and Professional Negligence 2023
- Thought Leader for Construction 2022

Education

- M.A. (Cantab.) (First Class), Harvard University

International Bar / Court Appointments

- Ad hoc admission to the Cayman Islands Bar
- Ad hoc admission to the Bar of Trinidad & Tobago
- Called to the Bar of Northern Ireland
- Full registration as a Foreign Lawyer with the Singapore International Commercial Court (SICC)
- Called to the Bar of the Dubai International Financial Centre (DIFC)

Appointments, Memberships and Prizes

- Bencher of Inner Temple
- Fellow of the Chartered Institute of Arbitrators
- Member of the **LCIA Court** (from May 2019)

- Appointed to the SIAC Panel of Arbitrators (from September 2019)
- Appointed to the ADGM Panel of Arbitrators
- Chair of International Committee of COMBAR and part of COMBAR's Executive Committee
- Vice-chair of the Inter-Pacific Bar Association Dispute Resolution and Arbitration Committee
- Chair of the Design Committee of the Delos London Hearing Centre (**LONDAP**)
- Recognised as a 'Star at the Bar' by *Chambers & Partners* (2022 and 2023)
- Shortlisted as 'International Arbitration Silk of the Year' by *The Legal 500* (2023)
- Named as overall 'Silk of the Year' by *The Legal 500* (2022)
- Named as 'International Arbitration Silk of the Year' by *Chambers & Partners* (2020)
- Shortlisted as 'Professional Negligence Silk of the Year' by *Chambers & Partners* (2020)
- Shortlisted as 'International Arbitration Silk of the Year' by *The Legal 500* (2020)
- Named as 'Construction Silk of the Year' by *Chambers & Partners* (2018)
- Named as 'Construction and Energy Silk of the Year' 2018 at *The Legal 500* UK Awards
- Named as 'Construction Silk of the Year' by *Chambers & Partners* (2014)
- Named as 'Barrister of the Year' 2014 by *The Lawyer*
- Selected as one of the 500 most influential people in the UK by *Debretts* (2015)

Publications

- Editor of *Jackson and Powell on Professional Liability* until 2014 (Sweet & Maxwell, 7th ed., 2012)

Languages

- French (working knowledge)
- Spanish (working knowledge)

Awards

