



Max Evans

Call 2015

"Truly outstanding barrister - way beyond his years. Incredibly fast and efficient at getting through work."

The Legal 500

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Described by the *The Legal 500* as a “very impressive junior” and “way beyond his years”, Max practises in commercial law (including banking and finance, and insurance law), international arbitration and regulatory law.

Max’s commercial practice includes some of the most widely reported disputes in recent years, including the FCA business interruption insurance test case, alleged EURIBOR and FX manipulation, the Mozambique ‘tuna bonds’ controversy, and the controversial sale of BHS. He has also been instructed in connection with Tesco’s profit misstatement and HP’s purchase of Autonomy Corporation.

His current cases include those approaching or exceeding billions in dispute. Many of his cases involve the overlap between the commercial and regulatory spheres.

Max also has experience of substantial arbitrations under LCIA, SCC, UNCITRAL and ICC rules.

Recent Highlights

Federal Republic of Nigeria v Process & Industrial Developments Ltd (2023)

Acting for a company enforcing an arbitral award against Nigeria worth over \$10 billion, resisted on the grounds of alleged fraud and bribery (led by Andrew Mitchell QC, 7-week trial 2023).

Business interruption insurance test case [2020] EWHC 2448 (Comm), [2021] UKSC 1

Acting for the FCA before the High Court and the Supreme Court in the test case considering whether certain BI insurance policies respond to the COVID-19 pandemic (led by Colin Edelman QC).

Shareholders v Deloitte & Touche & Another (ongoing in 2022)

Defending Deloitte against claims of over \$100 million by shareholders in the former Lebanese Canadian Bank brought in the DIFC courts.

FX litigation (ongoing in 2022)

Acting for Citigroup in two sets of proceedings in the CAT (one of which began in the Commercial Court, and the other being proposed collective action proceedings), concerning alleged FX manipulation over 10 years (led by Richard Handyside QC).

A Company v Secretariat [2020] EWHC 809 (TCC), [2021] EWCA Civ 6

Acting for Secretariat in this important decision on whether independent experts owe fiduciary or contractual duties of loyalty to their instructing clients (led by Anneliese Day QC / Charles Hollander QC).

Expertise

Administrative & Public Law

Notable Administrative & Public Law cases

R(A) v BEIS and GEMA (2022)

Acting in a heavy JR concerning government intervention in the energy sector following recent price rises (led by James McClelland QC).

MedCo

Acting for MedCo in several linked judicial review challenges to decisions implementing the MoJ's changes to medical reporting in soft-tissue injury claims, ultimately dismissed by the Administrative Court at [2017] EWHC 3258 (Admin) (as junior counsel).

HEFCE challenge

Acting for a higher education institution challenging funding decisions made by the Higher Education Funding Council (led by Michael Crane QC).

Banking & Finance

Much of Max's work concerns banking, including derivatives, alleged rate manipulation, contractual disputes, and statutory instruments and schemes.

Notable Banking & Finance cases

FX litigation (ongoing in 2022)

Acting for Citigroup in two sets of proceedings in the CAT (one of which began in the Commercial Court, and the other being proposed collective action proceedings), concerning alleged FX manipulation over 10 years (led by Richard Handyside QC).

Marme v Natwest & Others [2019] EWHC 366 (Comm)

Defending a misrepresentation claim worth nearly a billion euros in one of *The Lawyer's* 'Top 20' cases and the first civil case concerning EURIBOR manipulation. All the claims against RBS were rejected.

ICICI Bank UK Plc v Assam Oil Company Ltd [2019] EWHC 750 (Comm)

Acting in Commercial Court proceedings, in which the Bank was granted summary judgment for >£40 million (as junior counsel). Allegations of fraudulent misrepresentation were dismissed, and the Bank recovered indemnity costs.

Frozen bank accounts

Acting for a bank in a claim relating to frozen bank accounts (2020, led by Nicholas Medcroft QC).

Partridge v Gomez & Co & Others (2019)

Defending a QC sued for over €15 million for alleged negligence including a failure to plead a EURIBOR misrepresentation claim (as junior counsel). Settled after pleadings.

Money Laundering policy

Assisting a QC to advise a well-known high-street brand regarding the adequacy of its anti-money laundering policy and compliance with the Money Laundering Regulations 2007.

Local Authority derivative capacity

Assisting a QC to advise a Local Authority as to its capacity to enter derivatives contracts, including consideration of the decision in *Hazell v Hammersmith*.

FX broker claim

Advising a commercial entity as to a claim against a forex broker for withholding substantial profits made on trades.

Mortgage mis-selling claims

Acting for the defendant mortgage and insurance services provider in multiple five- and six-figure mortgage mis-selling claims (all claims withdrawn in 2019).

Advising on and defending claims relating to the sale of PPI policies and alleged swaps mis-selling.

Civil Fraud

Notable Civil Fraud cases

Federal Republic of Nigeria v Process & Industrial Developments Ltd (2023)

Acting for a company enforcing an arbitral award against Nigeria worth over \$10 billion, resisted on the grounds of alleged fraud and bribery (led by Andrew Mitchell QC, 7-week trial 2023).

Mozambique 'tuna bonds' controversy

Acting for secondary market purchasers in two separate claims in the Commercial Court against the Republic of Mozambique and Credit Suisse, arising from the so-called 'tuna bonds' controversy, including claims against Credit Suisse in fraudulent misrepresentation and unlawful means conspiracy (led by Michael Bloch QC).

Kingfisher UK Holdings Ltd v Lisa Powis and others

Acting in a multi-million pound claim for fraud and breach of warranty under an SPA for the sale of an insurance intermediary (2020 – 2021, as junior counsel).

ICICI Bank UK plc v Assam Oil Company Ltd [2019] EWHC 750 (Comm)

Acting in Commercial Court proceedings, in which the Bank was granted summary judgment for >£40 million (as junior counsel). Allegations of fraudulent misrepresentation were dismissed, and the Bank recovered indemnity costs.

Marme v Natwest and others [2019] EWHC 366 (Comm)

Defending a fraudulent misrepresentation claim worth nearly a billion euros in one of *The Lawyer's* 'Top 20' cases and the first civil case concerning EURIBOR manipulation. All the claims against RBS were rejected.

Commercial Disputes

Max's commercial practice extends to some of the most widely reported disputes in recent years, including the FCA

business interruption insurance test case, alleged EURIBOR and FX manipulation, the Mozambique 'tuna bonds' controversy, and the controversial sale of BHS. He has also been instructed in connection with Tesco's profit misstatement and HP's purchase of Autonomy Corporation. Several of Max's cases involve allegations of fraud including conspiracy, deceit, duress, breach of fiduciary duty and claims for restitution.

Notable Commercial Disputes cases

Federal Republic of Nigeria v Process & Industrial Developments Ltd

Acting for a company enforcing an arbitral award against Nigeria worth over \$10 billion, and defending allegations of fraud and bribery (led by Andrew Mitchell QC, 8-week trial 2023).

FX litigation (ongoing in 2022)

Acting for Citigroup in two sets of proceedings in the CAT (one of which began in the Commercial Court, and the other being proposed collective action proceedings), concerning alleged FX manipulation over 10 years (led by Richard Handyside QC).

Obtaining an urgent, ex parte, interim injunction for a business whose website and confidential information was targeted by a third party (2021).

BI insurance test case [2020] EWHC 2448 (Comm), [2021] UKSC 1

Max acted for the FCA before the High Court and the Supreme Court in the test case considering whether certain business interruption insurance policies respond to the COVID-19 pandemic (led by Colin Edelman QC). Max is now advising numerous clients on issues of coverage and quantum, including aggregation.

Mozambique 'tuna bonds' controversy

Acting for secondary market purchasers in two separate claims in the Commercial Court against the Republic of Mozambique and Credit Suisse, arising from the so-called 'tuna bonds' controversy (led by Michael Bloch QC).

A Company v Secretariat [2020] EWHC 809 (TCC), [2021] EWCA Civ 6

Acting for Secretariat in this important Court of Appeal decision on whether independent experts owe fiduciary or contractual duties of loyalty to their instructing clients (led by Anneliese Day QC / Charles Hollander QC).

Gwynt-y-Mor Ofo v Gwynt-y-Mor Offshore Wind Farm [2020] EWHC 850 (Comm)

Acting in Commercial Court proceedings concerning the failure of undersea cables at an offshore wind farm (led by Richard Handyside QC).

Marme v Natwest & Others [2019] EWHC 366 (Comm)

Defending a misrepresentation claim worth nearly a billion euros in one of The Lawyer's 'Top 20' cases and the first civil case concerning EURIBOR manipulation. All the claims against RBS were rejected.

ICICI Bank UK Plc v Assam Oil Company Ltd [2019] EWHC 750 (Comm)

Acting in Commercial Court proceedings, in which the Bank was granted summary judgment for >£40 million (as junior counsel). Allegations of fraudulent misrepresentation were dismissed, and the Bank recovered indemnity costs.

Kingfisher UK Holdings Ltd v Lisa Powis & Others

Acting in a multi-million pound claim for fraud and breach of warranty under an SPA for the sale of an insurance intermediary (2021, as junior counsel).

Mortgage mis-selling claims

Acting for the defendant mortgage and insurance services provider in multiple five- and six-figure mortgage mis-selling claims (all claims withdrawn in 2019).

Acting for a hospital in a substantial and complex contractual dispute with its catering services provider (led by Derrick Dale QC, 2019, settled).

Offshore interlocutory claims

Assisting a QC in response to an offshore Security for Costs application, including allegations of *ex turpi causa*.

BHS Group v Retail Acquisitions Ltd [2017] EWHC 1057 (Ch)

Acting in proceedings for the Arcadia Group in a petition brought to wind up RAL, the company incorporated to purchase BHS for £1.

Munnely v October House Clothing (2017)

Acting in a successful claim for damages for failure to provide tailor-made suits, including an unusual award of damages for distress and disappointment.

FX broker claim

Advising a commercial entity as to a claim against a forex broker for withholding substantial profits made on trades.

Jurisdiction challenge: Acting for a Cypriot defendant challenging the jurisdiction of the Mercantile Court over claims brought against him (settled).

Advising on and defending claims brought against credit reference agencies.

Advising on and defending claims relating to the sale of PPI policies and flight delay claims.

Assisting members of chambers to advise a Local Authority as to its capacity to enter derivatives contracts, notwithstanding the decision in *Hazell v Hammersmith*.

Construction, Energy & Infrastructure

Notable Construction, Energy & Infrastructure cases

R(A) v BEIS and GEMA (2022)

Acting in a heavy JR concerning government intervention in the energy sector following recent price rises (led by James McClelland QC).

Acting for the Defendant engineer in TCC proceedings relating to alleged failures during construction at a sports ground, sum claimed >£10 million (as junior counsel).

Gwynt-y-Mor Ofto v Gwynt-y-Mor Offshore Wind Farm [2020] EWHC 850 (Comm)

Acting in Commercial Court proceedings concerning the failure of undersea cables at an offshore wind farm (led by Richard Handyside QC).

Financial Services

Much of Max's work involves the cross-over between banking and regulatory practices, and so falls under the heading 'financial services'.

Notable Financial Services cases

Acting for the FCA before the High Court and the Supreme Court in the BI insurance test case considering whether certain business interruption insurance policies respond to the COVID-19 pandemic.

FRC v Deloitte

Acting in disciplinary proceedings relating to Deloitte's audits of the software company Autonomy. The Lawyer had included the prosecution in its 'Top 20 cases for 2019', describing the allegations as "unprecedented".

Money Laundering policy

Assisting a QC to advise a well-known high-street brand regarding the adequacy of its anti-money laundering policy and compliance with the Money Laundering Regulations 2007.

FRC investigation

Advising the FRC in relation to proposed disciplinary proceedings arising out of a well-known recent financial scandal (2018-2019, as junior counsel).

Acting for the FRC in several other major investigations, including against a Big Four firm which recently culminated in a settlement agreement and substantial fine (as junior counsel).

Insurance

Notable Insurance cases

Acting for the FCA before the High Court and the Supreme Court in the BI insurance test case considering whether certain business interruption insurance policies respond to the COVID-19 pandemic.

Various Eateries v Allianz

Acting for the claimant in one of three linked cases arising out of the Marsh Resilience wording with a trial of preliminary issues (including aggregation) listed for July 2022 (led by Leigh-Ann Mulcahy QC and Adam Kramer QC).

Multiple BI claims

Advising numerous clients on issues of coverage and quantum, including aggregation, per-premises/per-event limits, and broker negligence claims. Clients range from very small to very large, and include events businesses, professionals, manufacturers and suppliers, pubs, restaurants, hotels, up to multi-national and global holding companies.

Mesothelioma contribution (2021)

Advising an insurer on contribution claims based on *Zurich v IEG* and claims under the FSCS compensation scheme.

Kingfisher UK Holdings Ltd v Lisa Powis & Others

Acting in a multi-million pound claim for fraud and breach of warranty under an SPA for the sale of an insurance intermediary (2021, as junior counsel).

Life insurance policy claim (2020)

Acting for an insurer defending an alleged claim under a life insurance policy.

International Arbitration

In addition to civil commercial claims, Max has several ongoing and high-value international arbitrations, all involving one or more foreign elements including Russia, the USA, Canada, Cyprus, Hong Kong, and offshore jurisdictions.

Notable International Arbitration cases

LCIA arbitrations

Acting for various respondents to substantial and confidential LCIA arbitrations approaching \$100 million (2021, as junior counsel).

ICC arbitrations

Acting in a multi-million dollar ICC arbitration concerning alleged breaches of derivatives contracts (2021, as junior counsel).

SCC arbitration

Acting in a substantial SCC arbitration relating to IT (2021, as junior counsel).

Offshore arbitration

Acting over several years in two linked offshore >\$50 million arbitrations arising out of the disputed sales of pledged shares (as junior counsel).

Professional Discipline

Max acts for professionals in both disciplinary proceedings and civil claims. Cases have involved the FRC, SRA, FCA, FSCS, GPhC, HEFCE and MedCo, and acting for and against barristers, solicitors, accountants, auditors, litigation experts, and construction professionals.

Max has acted in several cases for and against the SRA, including relating to solicitors prosecuted for misconduct, interventions, and applications for delivery up (as both sole counsel and as junior counsel).

Notable Professional Discipline cases

Shareholders v Deloitte & Touche and another (2022, ongoing)

Defending Deloitte against claims of over \$100 million by shareholders in the former Lebanese Canadian Bank brought in the DIFC courts.

Defending a leading solicitors' firm and junior barrister against a civil claim worth over £20 million (as sole counsel, 2022).

FRC v Deloitte

Acting in disciplinary proceedings relating to Deloitte's audits of the software company Autonomy. The Lawyer had included the prosecution in its 'Top 20 cases for 2019', describing the allegations as "unprecedented".

Partridge v Gomez & Co & Others (2019)

Defending a QC sued for over €15 million for professional negligence, including an alleged failure to plead a EURIBOR misrepresentation claim (as junior counsel). Settled after pleadings.

FRC investigation

Advising the FRC in relation to proposed disciplinary proceedings arising out of a well-known recent financial scandal (2018-2019, as junior counsel).

Advising a well-known solicitors firm regarding a letter of request for documents by a former client (as sole counsel).

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

Acting for the defendant mortgage and insurance services provider in multiple five- and six-figure mortgage mis-selling claims (six claims issued in 2018, all withdrawn in 2019 after Defences filed).

Acting for the FRC in several other major investigations, including against a Big Four firm which recently culminated in a settlement agreement and substantial fine (as junior counsel).

MedCo

Acting for MedCo in several linked judicial review challenges to decisions implementing the MoJ's changes to

medical reporting in soft-tissue injury claims, ultimately dismissed by the Administrative Court at [2017] EWHC 3258 (Admin) (as junior counsel).

HEFCE challenge

Acting for a higher education institution challenging funding decisions made by the Higher Education Funding Council (led by Michael Crane QC).

SRA v Mor Investments (2020) (High Court)

Successful application for delivery-up and a search and seizure order (sole counsel).

SRA v Scourfield (2020) (High Court)

Successful application for delivery up and enforcement of s44B and s44BB notices (sole counsel).

SRA v Rafiq (2020) (SDT; 12007-2019)

Successful prosecution of a PI-claims solicitor, including multiple findings of lack of integrity; strike off (sole counsel).

SRA v Anwar & Aziz (2019) (SDT; 11888-2018)

Successful prosecution of two solicitors for unlawful payment of referral fees (sole counsel).

Acting for senior partners at two City firms in their responses to allegations of serious misconduct; the case was withdrawn without prosecution (led by Tim Dutton QC).

Acting for directors of a high street firm in their responses to allegations of misconduct brought by the SRA (junior counsel).

Law Society v Sibley [2017] 1453 (Ch)

Acting for the SRA in proceedings which confirmed the width of the SRA's powers to investigate solicitors working for bodies not regulated by the SRA (sole counsel).

Jeffersons v SRA & Others (2016) (High Court)

Successful strike out of claims brought against the SRA (sole counsel).

Professional Negligence

Max acts for professionals in both disciplinary proceedings and civil claims. Cases have involved the FRC, SRA, FCA, FSCS, GPhC, HEFCE and MedCo, and acting for and against barristers, solicitors, accountants, auditors, litigation experts, and construction professionals.

Max has acted in several cases for and against the SRA, including relating to solicitors prosecuted for misconduct, interventions, and applications for delivery up (as both sole counsel and as junior counsel).

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selling claims (six claims issued in 2018, all withdrawn in 2019 after Defences filed).

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Directory Quotes

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The Legal 500

"A very impressive junior."

The Legal 500

Directory Rankings

The Legal 500

- Insurance & Reinsurance: Rising Star
- Banking & Finance (including Consumer Credit): Rising Star

Education

- MA, Cambridge University (Medicine and Law): Double First (2013) (2nd in year)
- LLM, Cambridge University: First Class (2014)
- BPTC, BPP University: Outstanding (2015)

Memberships

- Prize for outstanding results on the BPTC (Baron Dr Ver Heyden de Lancey Prize and Certificate of Honour, Middle Temple)
- Major Scholarship for the BPTC (Middle Temple)
- Prize awarded to a single graduating student for academic excellence (Greene Medal, Clare College, Cambridge)
- Prize for the highest mark across the University in Land Law (Falcon Chambers Prize, Cambridge)
- Prize for the highest undergraduate mark in a dissertation in the humanities or social sciences (Lady Clare Precious Pearl Prize, Clare College, Cambridge)
- Prize for the best result in Part IA or IB law (Milon Banerji Law Prize, Clare College, Cambridge)
- MA, Cambridge University (Medicine and Law): Double First (2013) (2nd in year)
- LL.M, Cambridge University: First Class (2014)
- BPTC, BPP University: Outstanding (2015)

Publications

- Max contributed to the most recent edition of *MacGillivray on Insurance Law*.
- Jonathan Brock QC Memorial Essay Prize 2016 – available to read [here](#).

Awards

