

## 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

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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

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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 2

Chambers & Partners: Band 2

## Commercial

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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 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

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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

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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

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*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

## Education & Qualifications

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### Education

BCL (Distinction), University of Oxford

LL.M, Yale University *Fulbright Scholar*

LL.B (Hons, 1<sup>st</sup> class), B.A. in History (Hons, 1<sup>st</sup> class), University of Western Australia

### Professional qualifications

England & Wales (2013)

Ireland (2023)

New York and Western Australia (not practising)

## Directory quotes

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"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)