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## Patricia Burns

Barrister

Call 2011



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## Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • Company and Insolvency • Professional Liability • Trusts

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## Overview

Patricia's practice covers a broad range of commercial work, including banking & finance, pharmaceuticals, and energy disputes. She has substantial experience of complex, high-value litigation and alternative dispute resolution (including domestic and international arbitration and expert determination). Patricia has appeared in the Court of Appeal and the High Court as part of a counsel team and has also acted as sole counsel in the High Court.

Notable and recent involvements include:

**Município de Mariana & ors v BHP Group Plc and BHP Group Ltd (TCC)**

Acting for the defendant, BHP, in the high-profile group action brought by over 200,000 claimants in relation to the collapse of the Fundão Dam in Mariana, Brazil.

***Cardiorentis AG v IQVIA Ltd & IQVIA RDS, Inc.* [2022] EWHC 250 (Comm)**

Patricia acted for the successful defendant clinical research organisation (with Neil Kitchener QC and Laurence Emmett QC), instructed by Cooley (UK) LLP, in a landmark 7-week trial concerning the conduct of a Phase III clinical trial of a drug to treat heart failure. The judgment marks the first occasion on which an English Court has given detailed consideration to the nature and standard of care required by a clinical research organisation. It also contains an important exposition and application of the law relating to wasted expenditure.

***A v B (2019)***

Patricia is currently acting in a major multi-party cross-border fraud claim involving multiple banks.

*Stichting Vestia v Deutsche Bank AG (2018-2019)*

Patricia acted for Deutsche Bank AG (with Robin Dicker QC and James MacDonald QC), instructed by Clifford Chance, in this widely-publicised 10-week Financial List trial concerning derivative transactions entered into by a Dutch social housing association with Deutsche Bank. The case settled shortly before close of trial.

*X v Y (2018)*

Patricia acted for a large Chinese energy company (with Adam Zellick QC), instructed by Allen & Overy, in a 1-week LCIA arbitration concerning the construction of various provisions of an SPA.

*Clean Power v Network Rail (2017-2019)*

Patricia acted for Clean Power (with Sa'ad Hossain QC) in Commercial Court proceedings concerning alleged breaches of a 'reasonable endeavours' obligation and loss of opportunity to construct EfW power plants on Network Rail sites.

*LCIA Proceedings (2015-2016)*

Patricia acted for the Respondent (with David Wolfson QC and Camilla Bingham QC), instructed by Mishcon de Reya, defending claims of bribery and corruption in connection with the acquisition of valuable mining rights in Africa.

*MetLife Seguros de Retiro SA v. JP Morgan Chase Bank, National Association [2015] EWHC 463 (Comm), [2016] EWCA Civ 1248 (2014-2016)*

Patricia acted for JP Morgan Chase (with David Wolfson QC), instructed by Allen & Overy, both at first instance (Commercial Court, 10 days) and in the Court of Appeal, in a claim concerning the sum paid on the redemption of structured CER-linked notes.

*Rawlinson and Hunter Trustees SA v. SFO; Tchenguiz & Anr v. SFO*

Patricia acted for the Serious Fraud Office (with Charles Graham QC and Simon Colton QC), instructed by Slaughter & May, in the highly publicised proceedings before the Commercial Court, defending allegations of malicious prosecution, misfeasance in public office, trespass, false imprisonment and breaches of the Human Rights Act. The 12-week trial scheduled for October 2014 was ultimately settled. See the following related judgments concerning *Public Interest Immunity and Legal Professional Privilege* [2014] EWHC 1102 (Comm) and *Security for Costs* [2014] EWHC 1103 (Comm).

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## Examples of Recent Cases

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## Arbitration & Expert Determination

- Acted (with Adam Zellick QC) for the respondent energy company in LCIA proceedings concerning the construction of an SPA.
- Acted (unled) for the respondent (a multinational agribusiness) in LCIA proceedings concerning alleged breach of contract and unjust enrichment in the context of administrative and accounting services performed pursuant to an SPA and a related services agreement.
- Acted (unled) for the respondent (a property development company) in an expert determination.
- Acted (with David Wolfson QC and Camilla Bingham QC) for the respondent to LCIA proceedings. The case included allegations of bribery, corruption and fraudulent misrepresentation in connection with the acquisition of valuable mining rights in Africa. Acted for the same client as the claimant in related ICSID proceedings.

## Banking and Financial Services

- Currently acting (with Camilla Bingham KQ) in a major multi-party cross-border fraud claim involving multiple banks.
- Acted (with Robin Dicker QC and James MacDonald QC) for Deutsche Bank AG, instructed by Clifford Chance, in a widely-publicised 10-week Financial List trial concerning derivative transactions entered into by a Dutch social housing association with Deutsche Bank.
- Acting (with David Wolfson QC) for the claimant ROFR holders in proceedings concerning the validity of transfers of shares and subordinated debt under the terms of a Shareholders' Deed. See the related judgment *M&G Broad European Loan Fund Ltd v Hayfin Capital Luxco 2 Sarl* [2017] EWHC 1756 (Ch).
- Acted (with David Wolfson QC) for senior noteholders in a Part 8 claim concerning declarations of Events of Default under Class A1 Notes. See the related judgment *BNY Mellon Corporate Trustee Services Ltd v Taberna Europe CDO I plc* [2016] EWHC 781 (Ch).
- Acted (with Laurence Rabinowitz QC/Robin Dicker QC and Simon Colton) for the defendant to a claim for more than €158 million arising out of the management of an investment fund.

## Civil Fraud

- Currently acting in a major multi-party cross-border fraud claim involving multiple banks.
- Acted (with Robin Dicker WC and James MacDonald QC) for Deutsche Bank AG, instructed by Clifford Chance, in a widely-publicised 10-week Financial List trial concerning derivative transactions entered into by a Dutch social housing association with Deutsche Bank. The claims included claims for bribery and dishonest assistance.
- Acted (with David Wolfson QC and Camilla Bingham QC) for the respondent to LCIA proceedings. The case included allegations of bribery, corruption and fraudulent misrepresentation in connection with the acquisition of valuable mining rights in Africa. Acted for the same client as the claimant in related ICSID proceedings

## Commercial Litigation

- Currently acting in a major multi-party cross-border fraud claim involving multiple banks.
- Acted (with Robin Dicker QC and James MacDonald) for Deutsche Bank AG, instructed by Clifford Chance, in a widely-publicised 10-week Financial List trial concerning derivative transactions entered into by a Dutch social housing association with Deutsche Bank.
- Acted (with David Wolfson QC) for JP Morgan Chase, both at first instance and on appeal, in proceedings concerning the sum paid on the redemption of CER-linked structured notes: *MetLife Seguros de Retiro SA v JPMorgan Chase Bank, National Association* [2015] EWHC 463 (Comm); [2016] EWCA Civ 1248.
- Acted for the Serious Fraud Office (with Charles Graham QC and Simon Colton QC) on *Tchenguiz v SFO*, a wide-ranging tort action which included claims for malicious prosecution, misfeasance in public office and breach of the Human Rights Act.
- Acted (unled) for an agricultural services company in a trial relating to payment for agronomy services and products.

## Professional Liability

- Acted (with Daniel Toledano QC) for a large auditing firm in High Court proceedings, defending allegations of negligence and conspiracy to injure.
- Acted (with Laurence Rabinowitz QC/Robin Dicker QC and Simon Colton QC) for the defendant to a claim for more than €158 million arising out of the management of an investment fund.
- Acted (unled) for a firm of solicitors in a claim involving allegations of professional negligence and over-stated fees.

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## What the Directories Say

**Chambers & Partners 2024 (Commercial Dispute Resolution)** *"Patricia Burns has great depth of knowledge of her areas of specialism and can handle any complex issues thrown at her." "Patricia Burns operates significantly above her call. She is quick at getting on top of the issues, she writes well and she has a reassuring style." "Patricia is fantastically gifted and really well rounded. She is technically good and able to process complicated data, boiling it down to a clear message."*

**Chambers and Partners 2023 (Commercial Dispute Resolution)** *"Patricia is clearly a rising star and is phenomenally talented. Her ability to get up to speed with complex issues and lead complex workstreams is really impressive."*

**Chambers and Partners 2022 (Commercial Dispute Resolution)** *"Really thorough and diligent. She very quickly gets up to speed and is a valuable member of the team."*

**Chambers and Partners 2021 (Commercial Dispute Resolution)** *"Brilliant when it comes to the detail and incredibly responsive." "She is hard-working, diligent and excellent at preparing cases."*

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# Academic Achievements

Wilfred Watson Scholarship, Gray's Inn [2010]

Avory Fund Scholarship, Corpus Christi College, University of Cambridge [2010]

Winner of the University of Cambridge Mooting Competition [2010]

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# Education

The College of Law (London): BPTC (Very Competent) [2010 - 2011]

University of Cambridge: BA (Law) (First Class) [2007 - 2010]

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# Awards



# Contact Clerks



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