



CP competition appeal tribunal
margin Sdial through fraud
squeeze **Telecommunications**
competition and markets authority
intellectual property ex ante obligations
Information responsive
Technology cloud based issues
cost orientation 5G
WAN S artificial inflation
technology and of traffic
construction court
dial up fraud SMP
electronic
communications code

who we are

Devereux is one of the UK's top civil and commercial sets. We place a strong emphasis on advocacy with a professional yet client-friendly and pragmatic approach. Established over 60 years ago, we are large enough to provide in-depth expertise at all levels, but at the same time we take care to provide a tailored approach for all our clients.

Devereux is unique in having counsel with telecoms experience in every relevant area of legal work. Whereas other sets may concentrate principally upon a single legal area touching on telecoms, such as competition law, property issues or commercial disputes, Devereux has a team that understands all the legal issues that affect telecommunications and IT disputes. It allows Devereux to offer holistic advice: for example, considering the Electronic Communications Code against Ofcom and other regulatory guidance (e.g. previous advice from the OFT) and looking at contractual disputes in a wider context, such as Ofcom's dispute resolution powers and the role of the CMA. It also means Devereux's team understand the detailed technicalities involved in telecoms networks and systems, the economic and accounting issues that arise and sector specific problems that may occur in any particular case. Partly as a result of our experience in this area, Devereux has also developed a key understanding of IT issues. Devereux's team is well-versed in the contractual and IP law touching on all the respective areas of IT.

The width of experience in different areas also means that Devereux's team have a strong knowledge of advocacy in many forums. They are equally at home in the Competition Appeal Tribunal, the TCC, the Commercial Court, Chancery Division or in arbitrations and other forms of ADR (such as Early Neutral Evaluation). Such experience means that the team has a detailed understanding of the preparation and presentation of heavyweight and sensitive cases. Team members also have a proven track-record of cross examining lay and expert witnesses and are well-versed in the best way of presenting case to Judges, economists and accountants.

what we do

Devereux has acted in telecoms cases since the system was controlled via the UK Post Office. Over the years, members of Devereux have been involved in some of the most seminal cases, for example *Mercury Communications v Director General of Telecommunications* (1996 HL – appeal of Oftel licence conditions) and *British Telecommunications Plc v Humber Bridge Board* (2000 – Telecommunications Code)

Members of Devereux act for most of the leading Communications Providers and represent a variety of commercial entities in telecoms and IT over a wide range of areas. This includes:

- dealing with regulatory disputes and competition law issues both with Ofcom and in the Competition Appeal Tribunal: brief examples include *T-Mobile v Ofcom* (TRD Appeal, Ofcom's dispute resolution powers), *BT v Ofcom* (080/0845 numbers Appeal - involving two sets of appeal to the Court of Appeal), *BT v Ofcom* (PPC charging – involving a major Court of Appeal hearing) and the ongoing Ethernet Appeal (ex-ante cost orientation obligation);
- court-based commercial litigation concerning telecoms contract disputes, e.g. *Toneylogo Ltd v Totem Communications Ltd* (contract construction in respect of AIT);
- Electronic Communications Code power and other property issues concerning telecoms equipment, for example the effects of the Highways Act and the New Street Works Code and Traffic Management Act;
- IP issues and other IT disputes for example in the MOD mail box project and the NHS “spine” contract, e.g. *Ardentia Ltd v British Telecommunications* (interim injunction and arbitration in a computer IP dispute);
- arbitration work, both in the UK and abroad and both as party advisors and as arbitrators including overseas regulatory appeals;
- contract drafting and other advisory work including advising and drafting responses on BIS consultations on changes to the Communications Act and the Law Commission recommendations on the Electronic Communications Code.

devereux's experience

Our members have extensive experience in all aspects of IT and telecoms, a fact recognised by the market when Legal 500 2014 ranked us as a leading set for regulatory IT and Telecoms matters. Key members of the team and their work are listed below, but do not hesitate to contact our clerks for details on other members and further case highlights.

Well known generally in the commercial area, **Colin Edelman Q.C.** has been involved in seminal telecoms cases (e.g. *Mercury Communications v Director General of Telecommunications*) and has acted in some of BT's heaviest cases. The Chambers Directory 2014 describes him as "Highlighted for his long-standing experience both as advocate and arbitrator. He handles a range of commercial disputes, and offers particular expertise in insurance and reinsurance matters. Expertise: He is brilliant at studying a brief. He can pick up a case and immediately provide value, insight and guidance on how it should proceed".

Listed as an outstanding Silk in telecoms and IT for the last decade, **Graham Read Q.C.** has been described by Chambers over the years as paying "great attention to detail and is quick to grasp important elements... he has been instructed in telecoms cases concerning contractual, regulatory and IP issues" (2014), has "enormous amount of experience in the area" (2013), "is one of the genuinely few... with a broad experience of telecoms work" (2012) and is "a very knowledgeable barrister who is superb with clients and always thorough in this preparation" (2011). Legal 500 describes Graham for IT as "hands on silk... who pulls together disparate areas of expertise and presents cases well" and "a favourite for IT instructions" (2013).

Shaen Catherwood has been heavily involved in telecoms cases since appearing in *Toneylogo v Totem* (leading case on AIT). He has regularly advised on the Electronic Communications Code, including on the Law Commission's report, and he acts in a wide range of commercial disputes in the telecoms and IT sector.

Ben Lynch has been involved in major regulatory decisions in the Competition Appeal Tribunal and the Court of Appeal, described in Chambers as “an up-and-coming junior who has been busy proving his mettle” (2013) and “a popular junior among leading counsel, singled out for his competence in both commercial and regulatory cases... He can read voluminous amounts of material and process them very quickly...” (2014).

Prior to joining Devereux, **John Townsend** gained valuable experience in telecoms and competition law working for the UK's Competition Commission, Ofcom's Competition Investigations Team and Cleary Gottlieb Steen & Hamilton LLP's Brussels office. The detailed knowledge he brings to regulatory and competition law issues is highly prized by clients.

Georgina Hirsch is one of the rising stars in the Devereux team. Having previously worked in industry as a solicitor, she has readily slotted in as a secondee assisting telcos. She recently appeared before the Competition Appeal Tribunal in the major Ethernet case (ex ante cost orientation obligations and Ofcom's regulatory powers) and has also advised on the Electronic Communications Code and telecoms powers.

Rory Cochrane has had major telecoms and IT experience in Australia, advising the incumbent telecommunications operator. In the UK, before joining Devereux, he was a senior associate and solicitor advocate in the dispute resolution division of Herbert Smith Freehills for over 6 years with heavyweight experience of UK competition law, telecommunications, IT and regulatory disputes.

Door tenant **Tim Frith** practices in Bermuda in telecoms. He has contributed the Bermudan section to the Freshfields Bruckhaus Deringer annual Telecoms and Media Review.

how we work

Every new case is carefully considered by Devereux's clerking staff before being accepted, to avoid potential conflicts of interest. Once accepted, Devereux concentrates on always providing the best support for the needs and requirements of the individual client. The Devereux team is used to working both with in-house counsel and external solicitors and is happy to tailor its service to meet the needs of a specific case. For example, this can include offering secondees to supply experienced internal support during difficult phases in demanding cases.

The Devereux team is focussed on providing commercial advice based on a full understanding of the business context in which the dispute has arisen. Great care is always taken to ensure that clients are not led into expensive litigation or appeals without all alternatives first being explored. Our aim is to provide a friendly and approachable add-on to an overall integrated team whilst ensuring the right solution is achieved for the client.

We also have wide experience of working with independent experts involved in telecoms work such as economists, engineers, accountants and surveyors and are happy to discuss recommendations when appropriate.

“At Devereux, ‘there is certainly depth to the team’...”

Leading set, IT and Telecoms Regulatory, Legal 500, 2014

how to instruct us

We aim to provide responsive, flexible and timely advice of the highest quality, tailored to the needs of our clients.

Our clerks are always willing to advise on the suitability and availability of counsel and to discuss fee structures.

We believe that our continued success is down to our high quality legal expertise and competitive rates, combined with our down-to-earth and supportive approach to dealing with clients. This reflects the overriding ethos of Devereux – providing a first class service to all our clients.

If you would like further information about our expertise in telecommunications law and information technology, or about the way we work in general, or to arrange a meeting, please contact:

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“Devereux Chambers from top to bottom is just a great set and very easy to use; you get responsive clerking, effective time management from counsel, and fantastic work feedback.” Chambers UK



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