



Athena Markides



Contents

Insurance & Reinsurance	2
Selected Cases	2
International Arbitration	3
Commercial	3
Selected Cases	3
Construction & Engineering	4
Selected Cases	4
Property Damage	4
Selected Cases	4
Professional Liability	5
Selected Cases	5
Qualifications	5
Memberships	5
Recommendations	6

"Very bright, extremely conscientious and hardworking; she picks up issues and absorbs large volumes of information quickly and provides accurate, timely advice."
(Legal 500, 2021)



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Athena Markides practises in all of Chambers' core areas of work and has particular expertise in insurance, commercial litigation, construction and property damage. She has a particular interest in work with an international dimension.

Athena has considerable advocacy experience, regularly attending trials and interlocutory hearings on all three tracks and in the High Court and county courts across the country. This has enhanced her drafting skills and enables her to advise on tactics and merits swiftly and succinctly where required.

As Chair of the Young Bar in 2019, Athena was instrumental in negotiations with the Ministry of Justice and Crown Prosecution Service, securing the first pay rise for prosecuting counsel in eighteen years and thereby avoiding strike action by criminal practitioners. She also wrote and spoke widely about the key issues of the day (including Brexit, wellbeing and virtual hearings) and was a keynote speaker at the Annual Bar Conference, addressing delegates on the meaning of justice and the metrics by which it could be measured.

Before coming to the Bar, Athena gained valuable experience undertaking in-house work. Between 2012 and 2013, she worked at a start-up providing online invoice discounting services (the first of its kind in Europe). As such, she is confident undertaking work involving complex financial products and facilities and collections operations. Working with institutional investors and with SMEs also honed Athena's understanding of the needs of corporate clients and how best to deliver for them.

Between 2011 and 2012, Athena gained experience of the telecoms industry and related regulatory, public law and competition law issues through her work as a paralegal at the Office of Communications (Ofcom). She undertook a wide variety of work including advising upon competition and procurement disputes and judicial reviews and also drafted documents for the Leveson Inquiry. She worked with people at all levels of seniority and across Ofcom's departments, and continues to enjoy working as part of a team as well as individually.

Athena welcomes instructions from solicitors, in-house legal departments and qualified foreign lawyers.



Insurance & Reinsurance

Athena has extensive experience in insurance matters. She has advised, drafted pleadings and represented parties in coverage disputes as well as professional liability and recovery proceedings.

Most recently, she has advised and acted for parties in relation to coverage issues arising from the Covid-19 pandemic. As such, she is very familiar with both the relevant legislation and the science in this area.

She has also advised and acted for parties in claims involving Consumer Insurance (Disclosure and Representations) Act 2012 and the 2015 Insurance Act, as well as in pre-Insurance Act claims involving material misrepresentation, non-disclosure, moral hazard, fraud, fraudulent device, breach of contract and dual coverage.

Athena spent a year on part-time secondment to a leading London insurance firm, where she worked closely with a team of solicitors on high value and international insurance matters, negotiations and claims involving coverage and recovery elements. This reinforced Athena's understanding of the needs of her instructing solicitors and of their clients and how best to deliver for both.

Selected Cases

- Drafted a protocol for Insurers for the assessment of Covid-19 business interruption claims in light of their standard policy wording.
- Acted for insurers who successfully declined cover on the basis of fraudulent/reckless breach of the duty of fair presentation under to the Insurance Act 2015 (settled out of court).
- Acted for insurers who successfully declined cover for misrepresentation pursuant to CIDRA 2012 (settled out of court).
- Acted for insurers who declined cover for misrepresentation/non-disclosure (pre-insurance Act) in relation to a landlord's policy. This case raised issues including agents' knowledge (and whether this can be imputed to a landlord) and Nelsonian blindness.
- Acted for insurers in a claim concerning the interpretation of a home insurance policy.
- Advised on dual coverage (the interplay between EL and PL policies) in a claim in which an employee was injured whilst undertaking work for his employer which ostensibly fell outside the course of his employment.
- Advised on the interpretation of a motor insurance policy, in particular the scope of a fraud exclusion.
- Advised in a matter involving alleged broker's negligence.
- Successfully represented an insurer which had declined cover following the insured's failure to take reasonable precautions to prevent the theft of a musical instrument.
- Advised on the effects of the Third Party (Rights Against Insurers) Act 1930 in a claim where the defendant company was in liquidation.



International Arbitration

Athena has been instructed as a junior and as sole counsel in domestic and international mediations and arbitrations. Her work in this field generally involves construction, infrastructure and energy projects as well as related insurance disputes.

Between 2014 and 2018, Athena worked on a multi-million pound arbitration to determine liability and quantum following early termination of an East Africa construction project. This claim included complex delay analysis, and consideration of the operation and effect of time becoming "at large".

Since 2018, Athena has been involved in several claims concerning projects in the Middle East. These include:

- A multi-million pound ICC arbitration arising from a fire at an oil refinery in the Middle East. Middle Eastern seat and substantive law of the Middle Eastern state. Two week evidential hearing (led by Crispin Winsler).
- A multi-million pound ICC arbitration relating to the construction of an international airport. Middle Eastern seat and substantive law of the Middle Eastern state.
- A multi-million pound LCIA arbitration relating to an oil and gas project in the Middle East (led by Crispin Winsler).

Commercial

Athena has advised and litigated in a range of areas of commercial law. She has experience of matters including the sale of goods and supply of goods and services, breach of contract, misrepresentation, waiver and estoppel, contribution claims, unjust enrichment, invoice discounting, credit hire and corporate and personal insolvency.

Athena is a contributing author to LexisPSL Commercial and has authored practice notes regarding the supply of goods and supply of services.

Selected Cases

- Acting for a private company defending a debt claim in a matter concerning the incorporation of contractual terms and the enforceability of a liquidated damages clause.
 - Representing a sign manufacturer against a chain of hotels in a dispute for non-payment of invoices.
 - Acting for a well-known firm of estate agents in claims for unpaid commission.
 - Representing an employer seeking to reclaim commission paid to a former employee.
 - Advising a small business seeking damages for fraudulent misrepresentation.
 - Advising a small business seeking to terminate a hire purchase contract.
 - Representing one of a chain of suppliers in a dispute under the Sale of Goods Act.
 - Acting for petitioners and creditors in bankruptcy and winding up petitions, in actions to set aside statutory demands and in actions to annul bankruptcy orders.
 - Athena is currently being led by Muhammed Haque QC in a claim arising under the Contribution Act 1978. This claim raises particular questions regarding the interpretation of s.1(4) of the Act.
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- Athena assisted Andrew Rigney QC in a claim considering the definition of a consumer for the purposes of the Consumer Protection Act and more generally as a matter of EU law.

Construction & Engineering

Athena has wide ranging experience of construction matters and is regularly instructed to advise and represent employers, contractors, sub-contractors and insurers in disputes (including adjudications) concerning delay, non-performance of contractual obligations, defective works and pay less notices. She is familiar with the main contract forms, including JCT, NEC and FIDIC.

Athena has been instructed as sole counsel and as a junior to others.

Selected Cases

- Assisting Andrew Bartlett QC and Isabel Hitching in *Aspect Contracts (Asbestos) Ltd v Higgins Construction Plc* [2015] UKSC 38, the leading case concerning recovery of payments made under adjudicators' awards.
- Assisting Anna Laney in a case considering the meaning of "appropriate deductions" where an employer instructs alternative contractors to remedy faults not made good by the original contractor within the rectification period.
- Advising on the enforcement of adjudication awards (various claims).
- As junior counsel, advising a client as to the applicability and effects of various EU and UK sanctions on its business.
- Advising on the principles of procurement pursuant to the Public Contracts Regulations 2015.
- Advising and representing a sub-contractor in a claim for defective works.
- Advising and representing a sub-contractor as to the validity and effect of a pay less notice.
- Advising and representing a homeowner in a claim for defective works against an insolvent contractor.
- Advising and representing a homeowner defending a builder's claim for unpaid invoices and counterclaiming for damages for poorly executed works.

Athena is a contributing author to Emden on Construction Law.

Property Damage

Athena has considerable experience of property damage matters. She regularly advises and represents both claimants and defendants in complex and high value claims ranging from fire and flood damage, to tree root subsidence. She has advised on a range of matters, including merits, quantum and jurisdictional matters. Athena enjoys highly technical claims and is comfortable with complex expert evidence.

Selected Cases

- Advising the claimant's insurer in a case where a defective dishwasher caused fire damage to the claimant's home.

- Advising a claimant whose home had become damaged due to flooding from sewage pipes.
- Advising a defendant local authority in relation to property damage caused by street furniture within its control.
- Representing a homeowner whose home sustained damage due to tree root subsidence.
- Advising a claimant whose offices had sustained fire damage due to a defective dishwasher. This included advice regarding jurisdiction, service out and the process in relation to an (insured) insolvent defendant.
- Advising and representing a small business in a claim for damage and business interruption due to flooding caused by a poorly resurfaced road.
- Acting for a defendant horsebox trader in a claim for damages arising from the malfunction of the horsebox.
- Advising claimant homeowners whose homes had sustained flooding damage when the drainage for a nearby road failed.

Professional Liability

Athena has growing experience of professional negligence includes matters involving solicitors, brokers and construction and design professionals.

Selected Cases

- Advising and representing a homeowner in a claim for negligence and/or breach of contract against her designer. This claim also involves questions of misrepresentation, exclusion of liability and the scope of a duty of care based upon the assumption of responsibility.
- Advising Insurers as to the effect of an exclusion clause in a design and maintenance contract for a bespoke product.
- Advising a surveyor in a claim for professional negligence for failing to notice and report the presence of Japanese Knotweed at a home.
- Advising a solicitor in a claim for professional negligence arising from a property transaction.

Qualifications

- BA (Hons), University of Cambridge (2005 – 2009)
- Erasmus Exchange, Universiteit Utrecht, Netherlands (2007 – 2008)
- LLM, University of Cambridge (2009 – 2010)
- BPTC, BPP Law School (2010 – 2011)

Memberships

- COMBAR
- LCLCBA
- PNBA
- PIBA



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- TECBAR
 - European Circuit

Athena is also an elected member of the Bar Council and a member of the Young Bar Committee and EU Law Committee.

Recommendations

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