

Mark Simpson

Partner



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Antitrust and Competition
Antitrust Litigation and Enforcement
Global Cartel Defense
Commercial Litigation
Class Action Litigation

Mark advises on contentious antitrust and competition law matters. He focuses on providing strategic advice on regulatory risk and representing clients in dealing with investigations and competition litigation concerning antitrust allegations, including class actions. He also advises clients on internal investigations, compliance and crisis management. Mark has extensive experience from his involvement in high-profile investigations brought by UK and European Union competition agencies, including the Competition and Markets Authority (CMA) and the European Commission, defending clients in damages claims brought in the English High Court and the UK Competition Appeal Tribunal (CAT), and advising on alternative dispute resolution. In recent years Mark has been involved many of the most significant cartel damages and abuse of dominance claims before the English courts, including class actions and other types of group litigation. His experience also includes numerous cases involving judicial review and appeal proceedings challenging regulatory action before the English and EU courts.

Mark has advised corporations across a wide range of industries – including technology, communications, media and broadcasting, financial services, energy, life sciences, transportation, manufacturing and primary industries. He also has advised governments and regulatory agencies. In addition, his experience is informed from stints as an in-house antitrust adviser for a mobile telecommunications company and a music recording industry trade association

Mark is qualified as a solicitor in England and Wales, and he first qualified as a barrister and solicitor in New Zealand in 2001. Before entering private practice, he served in the New Zealand government as an adviser on competition and intellectual property issues.

Mark is ranked in Chambers UK's Competition Law: Litigation category, with him described as 'hugely experienced and great for strategic advice', and 'a trusted adviser' who is 'able to cut through a complex legal and factual background to give clear, practical and actionable advice'. The Legal 500 UK recommends him in its Competition Litigation category, saying he shows '[g]reat agility in managing multi-defendant litigation', 'leads his team from the front and is quick to balance technical detail with the bigger picture', and is 'adept at navigating tricky disputes ... and dealing with the complexities of cross-border litigation'.

Prior to joining Cooley, Mark was a partner for 10 years and London head of competition at a UK international law firm.

Mark's recent representative matters include:

- Representing a global financial institution in respect of group litigation before the CAT arising from the European Commission's investigation into alleged manipulation of foreign exchange (FOREX) rates and parallel claims in the US District Court for the Southern District of New York and the FOREX antitrust

litigation class action*

- Representing a payment services provider in defending damages claims in the CAT arising from alleged abuse of dominance*
- Representing a global financial institution in relation to a CMA investigation into the UK government bonds market*
- Advising a multinational technology company on its defence of a consumer class action in the CAT*
- Representing an automotive manufacturer in relation to a CMA investigation into end-of-life vehicle arrangements, including appeals to the CAT and the England and Wales Court of Appeal concerning the extent of the agency's powers to demand documents held outside the UK*
- Representing a payment services provider in defending an abuse of dominance investigation by the Office of Gas and Electricity Markets (Ofgem), the UK's energy regulator, including the negotiation of a commitments resolution without adverse findings*
- Advising a car component supplier on damages claims brought in the UK arising out of conduct relating to a European Commission investigation*
- Representing a global financial institution in respect of a European Commission investigation into allegations of manipulation of the Euribor interbank lending benchmark, including appeal before the EU General Court and Court of Justice*

**Representation handled prior to joining Cooley*

Education

King's College London
Postgraduate Diploma in EC Competition Law, 2006

Victoria University of Wellington
LLM, 2004

Victoria University of Wellington
LLB, 1997

Admissions & Credentials

England and Wales

New Zealand (nonpractising)

Rankings & Accolades

Chambers UK: Competition Law: Litigation

The Legal 500 UK: Competition Litigation

Who's Who Legal: Competition

Acritas: Star Lawyers

Memberships & Affiliations

Law Society Competition Section

American Bar Association, Antitrust Law Section