



## **PHILIPPE MÉTAIS**

**Partner**

**Paris**

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### **BIOGRAPHY**

Philippe Métais joined BCLP as a partner in the Litigation and Investigations Department in November 2021. He joined from White & Case where he was head of the Paris Commercial & Civil Litigation practice.

He handles major disputes involving financial institutions as well as French and foreign corporations, from all industry sectors in relation to complex and serial litigation before both French courts and European courts (in particular the ECJ).

Philippe has extensive experience in financial, banking and regulatory disputes. He regularly advises major financial institutions, in particular in the field of European consumer law from the angle of unfair terms and misleading commercial practices. Philippe has substantial experience in dealing with multijurisdictional investigations carried out by French, European and foreign jurisdictions or

regulatory and control authorities and has acquired in-depth knowledge of international judicial process and procedures. He also advises clients on complex cross-border internal investigations. Philippe is also involved in international arbitrations, notably through the issuing of emergency proceedings, conservatory and interim measures before the dedicated judge ("juge d'appui") or the arbitral court or in matters where there is a dispute over jurisdiction. He has first-hand experience in all forms of alternative dispute resolution, including conciliation, judicial and conventional mediation, and contractual procedures without the assistance of a third party mediator. Philippe is regularly involved in shareholder disputes and post-acquisition litigation.

## PROFESSIONAL AFFILIATIONS

- Association européenne de droit bancaire et financier - AEDBF (European Society for Banking and Financial Law)
- Association Droit & Procédure (Law and procedure Society)
- Association Paris Place de Droit (Society for Paris city place de law)

## AWARDS

- Legal 500, France, Dispute Resolution - Commercial Litigation 2021: *"Philippe Métais is very active for leading banks as defendants in high-stakes class action type proceedings involving a very high number of claimants and pertaining to the commercialisation of financial products. BNP Paribas Personal Finance chose him as representative in civil and criminal proceedings in the Helvet Immo case concerning a portfolio of real estate loans granted in Swiss Francs which was recently heard by the European Court of Justice regarding abusive clauses."*
- Legal 500 - Ranked as a Leading Individual: Banking Litigation, 2021
- Who's Who Legal - Ranked as both a Thought Leader and Recommended: Commercial Litigation (Category: Partner), 2024
- Chambers: *"Philippe Métais assists clients with commercial litigations in the banking sector. He is well equipped to handle both domestic and cross-border mandates."*
- Along with Elodie Valette, Philippe was recognised for class actions proceedings by the Law Commission of the French National Assembly in charge of the assessment and review of development opportunities of class actions in France

## **ADMISSIONS**

- Paris
- England & Wales (Registered Foreign Lawyer)

## **EDUCATION**

University Paris I Panthéon Sorbonne - Postgraduate degree in international private law, 1986

## **RELATED CAPABILITIES**

- Business & Commercial Disputes
- Environment
- Real Estate
- Regulation, Compliance & Advisory
- ESG Litigation
- Workouts & Financial Restructuring
- Wealth Management
- Subchapter S
- Going Private
- Community Banking Litigation
- De Novo Banking
- Corporate
- Litigation & Dispute Resolution
- Class Actions & Mass Torts
- Financial Services Corporate & Regulatory Team
- Financial Institutions
- Class Actions
- White Collar
- M&A Disputes
- Investigations
- UK & EU Class Actions

## **EXPERIENCE**

- Assisting a major French bank faced with criminal and civil charges of commercial malpractice (duty of information, duty to warn, duty of advice, unfair term, legality of escalator clause) in the context of a class action, brought by consumer associations and hundreds of

individuals, relating to a portfolio of real estate loans which were granted to individuals in a foreign currency. Proceedings are under criminal investigations and pending before the civil and commercial courts. As well as legal advice on regulatory issues connected with the charges legal issues arising from this case were also examined at a European level before the ECJ.

- Post-acquisition disputes: Assisting listed and non-listed companies and their management on their corporate crises, especially conflicts related to shareholder's disputes, post-acquisition litigation as well as liability and regulatory proceedings.
- On-demand guarantees: Assisting international industrial groups resisting demands made by contractors under on-demand bank guarantees issued by Paris branches of banks.
- Debt collection: Assisting industrial groups relating to precautionary and enforcement measures.

## RESOURCES

### PUBLICATIONS

Philippe is the author of numerous contributions at academic law reviews mainly related to class actions / collective redress, procedural law, torts and liability, consumer law and environmental legal issues.

### SPEAKING ENGAGEMENTS

- Speaker at AEDBF's breakfasts, « Les contrats de crédit à l'épreuve de la réglementation des clauses abusives » (Credit Contracts put to the test of regulation of unfair terms - 6 February 2020).
- Speaker at Delegations of the French Bar workshops in Brussels, "L'instauration de recours collectifs à l'échelle européenne" (the introduction of Europe-wide class actions) - 8 November 2019.
- Speaker at Droit & Procédure workshop on « les actions de groupe européennes – Panorama des class actions en France et en Europe, présentation de la proposition de directive sur les actions représentatives des consommateurs » (European class actions - Panorama of class actions in France and Europe, presentation of the proposal for a directive on actions representing consumers) - 17 October 2019.
- Speaker at Campus Avocat 2019 on le devoir de vigilance, « enjeu de responsabilité civile » (the duty of care, a civil liability issue) - 4 July 2019.

- Paris Bar School (EFB) – Lectures on banking laws « Les clauses abusives dans les contrats de crédit ; actualité en contentieux bancaire - contentieux du TEG / TAEG, obligations du prêteur » (Unfair terms in credit agreements; current developments in banking litigation – Annual percentage rate litigation, lender's obligations) – 14 May 2019, 4 June 2019 and 24 October 2019.
- Speaker at Campus avocat 2018, « les clauses abusives dans les contrats de crédit » (unfair terms in credit contracts) - 5 July 2018.

## RELATED INSIGHTS

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## **BCLP Litigation Lawyers ranked in 'Who's Who Legal'**