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## John A. Kimbell KC

Called: 1995

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John Kimbell KC specialises in all aspects of aviation, shipping and insurance law. In addition to his work in the High Court, he represents a wide range of clients in commercial arbitration (LMAA, GMAA, ICC, LCIA and DIS). He also acts as a commercial arbitrator in London and Hamburg (LMAA, LCIA, ICC, GMAA) and as a commercial mediator. Since 2018, he has sat in the High Court (Chancery, IPEC, LCCC and QBD) as a Deputy High Court Judge and in the Crown Court in England as a Recorder.

In the aviation field he has handled a wide range of disputes arising from carriage by air, aircraft sale, aviation hull and indemnity insurance and leasing disputes (in the UK and abroad). He has recently appeared for lessors in *Olympic Council of Asia v Novans Jets LLP* [2023] EWHC 276 (Comm); [2021] EWHC 1063 (Comm) and *Aviamport SA v. South American Aircraft Leasing SA* (2021) Comm Ct. John specializes in advising clients in multi-jurisdictional disputes with foreign law aspects. He was retained in relation to the loss of Egyptair Flight 804 and Air France Flight 447 and the shooting down of Malaysian Air MH17. He has extensive experience in dealing with claims arising from helicopter and aircraft crashes (including military aircraft). He recently appeared in *Akulina v IFly SA* [2022] EWHC 166 (QB), concerning jurisdiction under the Montreal Convention. He is currently representing the lessors of a fleet in a war risks insurance claim arising from the conflict in Ukraine.

His shipping work encompasses both 'wet' collision and other Admiralty Court matters and 'dry' bill of lading, charterparty, shipbuilding and marine insurance disputes. He regularly appears in the Commercial and Admiralty Court as well as in maritime (LMAA) arbitrations. He is chair of the Admiralty Bar Group [www.admiraltybar.org](http://www.admiraltybar.org). He is an editor of both the leading works on Admiralty law and Practice: Marsden on Collisions at Sea (15th edition, 2022) and Admiralty Jurisdiction & Practice (5th edition, 2017) both of which are regularly cited in court. He is also the joint author of the shipping chapter in Palmer on Bailment (3rd edition, 2009) and *Foreign Currency: Claims, Judgments and Damages* (1st edition, 2016). He is currently instructed in a £25million Admiralty Court claim arising from damage to sub-sea electricity cables in the English channel and a collision involving three ships in the Singapore straits due for trial in late 2023.

In relation to insurance disputes, he represented the indemnity insurers in the case of *Woodford v AIG Europe Ltd* [2018] EWHC 358 (QB) and in January 2023 the carrier liability insurers in the Supreme Court in *JTI Polska v Mark-Trans-Sped* (2021) UKSC 0144. He has also been instructed as an independent expert by the marine insurers in the scuttling and anti-suit injunction case, *The Alexandros T C-590/21*, which is currently before the European Court and for the war risks insurers in the case of *Norwegian Hull Club v Horizon* in Hamburg.

John is fluent in German and accepts instructions in that language. Since 2001, he has been qualified to practice as a lawyer ('Rechtsanwalt') in Germany. He uses his knowledge of German law to provide a specialist service to German-speaking commercial clients involved in London court or London arbitration proceedings.

John is recommended in the current editions of The Legal 500 and Chambers UK as a leading silk in the fields of Aviation, Shipping and Travel

## What the directories say

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- *"Excellent when it comes to strategy."*(Legal 500, 2024)
- *"John is the premier KC dealing with aviation accident work for claimants. He is excellent on cross-border issues, which are fundamental to this speciality and gives no-nonsense advice in clear terms, making for good client engagement."*(Legal 500, 2024)
- *"John combines an in-depth knowledge of the practice area with a commercially minded approach."*(Chambers UK, 2024)
- *"His input has been invaluable and I would not hesitate to instruct him."*(Chambers UK, 2024)
- *"John Kimbell is a very respected practitioner who has a long pedigree doing aviation cases."*(Chambers UK, 2023)
- *"He is a brilliant aviation litigator."*(Chambers UK, 2023)
- *"John is a very accessible barrister with a quick response time and a clear view on how best to approach the court regarding difficult areas of evidence or argumentation."*(Chambers UK, 2023)
- *"His dual qualification brings an additional dimension."*(Chambers UK, 2023)
- *"John is impressive with both solicitors and clients; he holds the room well."*(Chambers UK, 2023)
- *"An excellent advocate: clear, confident and persuasive, a team player and easy to get along with."*(Legal 500, 2023)
- *"Eminently sensible and very easy to work with."*(Legal 500, 2023)
- *"John is very commercially minded. He is very approachable with clients and has gravitas which is respected by judges."*(Chambers UK, 2022)
- *"Very clever and assimilates complicated technical details very quickly. Nothing is too much trouble."*(Legal 500, 2022)
- *"He quickly grasps complicated, complex issues of liability."*(Legal 500, 2022)
- *"Approachable, good with clients, and gives clear positive advice."*(Legal 500, 2022)
- *"Intellectually one the brightest counsel around and that combined with the thoroughness of his preparation makes him a truly formidable force."*(Legal 500 Asia Pacific, 2021)
- *"He always tries to find the resolutions in an argument. He's really good with clients and at handling domestic UK High Court cases. He's very knowledgeable in aviation cases and is a tenacious lawyer."*(Chambers UK, 2021)
- *"He is very strong and very bright."*(Chambers UK, 2021)
- *"One of the brightest around. A truly formidable force."*(Legal 500, 2021)
- *"His advices are concise and punchy, and one is left feeling that help is always at hand and that he is a genuine team player."*(Legal 500, 2021)
- *"Very clever and assimilates complicated technical details very quickly. Nothing is too much trouble."*(Legal 500, 2021)
- *"Friendly, communicative, enthusiastic and bullish."*(Legal 500 Asia Pacific, 2020)
- *"Solution-orientated and able to identify risks across different jurisdictions, he gets the best result for the client quickly. He's excellent with clients and measured and considered in his advice."*(Chambers UK, 2020)
- *"He's perceptive, quick and combative."*(Chambers UK, 2020)
- *"He is always very thoughtful and academic but also pragmatic and practical, which is a great combination."*(Chambers UK, 2020)
- *"A clever lawyer whose advocacy is understated, calm and logical."*(Chambers UK, 2020)
- *"Has an excellent grip on the detail and is always ready to roll up his sleeves and assist in all aspects of a case."*(Legal 500, 2020)
- *"He is approachable and impressive with clients."*(Legal 500, 2020)
- *"He's very smart, very pragmatic, very practical in his suggestions and in mediation and advice. He's able to get to the nub of the issue very quickly."... "A very good lawyer who does a heck of a lot of aviation."*(Chambers UK,

2019)

- *"Very good on his feet. A safe pair of hands." ... "He has a good bedside manner and he is very sensible. He understands the commercial realities and he expresses himself clearly."* (Chambers UK, 2019)
- *"Very client friendly and has exceptional skill."* (Legal 500, 2019)
- *"Absolutely brilliant; he works well in a team and takes on-board views other than his own."* (Legal 500, 2019)
- *"Very approachable and organised." ... "Always a joy to work with. One of the most solicitor-friendly barristers at the Commercial Bar. His advice is always based on sound legal knowledge."* (Chambers UK, 2018)
- *"He is quick-thinking, pragmatic in responses, eloquent in making points, and he's a great person to have on a claim, because he's a really straight-line thinker."* (Chambers UK, 2018)
- *"Can deal with cases of the highest magnitude, very personable and human with it."* (Chambers UK, 2018)
- *"He's very good academically and has strong experience of the higher courts and European courts."* (Chambers UK, 2018)
- *"Smart, pragmatic, approachable and helpful."* (Legal 500, 2017)
- *"Fiercely intelligent, formidable and a master strategist."* (Legal 500, 2017)
- *"Very approachable, easy to talk to, very practical and excellent at drafting."* (Legal 500, 2017)
- *"A very clever, tough and tactically shrewd advocate" "Absolutely brilliant, he is a very robust litigator. Wonderful with clients". "Has the drive to deliver successful strategies." "A commanding presence and precise intellect when it comes to complex, multi-jurisdictional matters"* (Chambers UK, 2016)
- *"Intelligent, fearless and a superlative tactician in court"* (Legal 500, 2016)
- *"a top-flight lawyer who comes with the whole kit"; "Peers were quick to praise his 'diligence, persuasiveness in court and excellent eye for detail'"; "he brings much added value to all of his instructions"; "a very capable court performer"* (Chambers UK, 2014)
- *"Absolutely brilliant, he is a very robust litigator. Wonderful with clients, he will not get browbeaten when people bring in formidable barristers against him"* (Chambers UK, 2014)
- *"John Kimbell has a 'commanding presence and precise intellect when it comes to complex, multi-jurisdictional matters'; 'smooth and polished'; 'a very tenacious, forthright litigator'"* (Chambers UK, 2011)

## Aviation & Travel

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Leading Silk Band 2 (Chambers UK, 2022)

Leading Silk Tier 1 (Legal 500, 2022)

John is recommended by the legal directories as a leading silk in the fields of Aviation and Travel. He is instructed in a broad range of disputes especially those involving jurisdictional points, foreign law and the application of international conventions. John has recently been instructed in, amongst others, the following matters:

- An ICC arbitration (2023) in Singapore concerning a product liability claim following an accident involving a military helicopter
- ***Olympic Council of Asia v Novans Jets LLP*** [2022] EWHC 88 (Comm), [2022] EWHC 2910 (Comm), [2023] EWHC 276 (Comm) - a case involving a dispute about the lease / purchase of an aircraft and allegations of contempt
- A LCIA arbitration involving a claim by aviation hull insurers arising out of damage to a Boeing 787 aircraft in Denmark
- A High Court (QBD 2022) claim arising from a crash of an military jet in Europe involving issues of jurisdiction, applicable law and damages.
- ***Akulina v Ifly*** [2022] EWHC 166 (QB) claim involving jurisdiction issues under the Montreal convention
- ***Vandeputte v Egyptair*** [2017] QBD – jurisdiction dispute under Montreal Convention and Warsaw-Hague Conventions arising out of crash of Egyptair Flight 804
- ***Hogg v Qatar Airways*** [2017] QBD – accident allegedly on flight from Doha to Cape Town
- ***Gregg v Philpott*** [2017] - mid-air hang-glider crash in France

- *Reeves v Cranfield Hunter* (Shoreham Air Crash) 2017
- *Atherton v Carnival* [2016] – death on a cruise ship
- *Augusta Westland 139* [2015] - helicopter crash Norfolk
- *Stott v Thomas Cook* [2014] UK SC 15 [2014] AC 1347 [2014] 2 WLR 521; [2014] 2 Lloyd's Rep 207: on appeal from *Hook & Stott v. British Airways & Thomas Cook* [2012] [EWCA] Civ 66, [2012] 1 Lloyd's Rep 386 – The first case in which the Supreme Court has considered the Montreal Convention 1999. The issue was the relationship between EC Regulation 1107/2006 and the Montreal Convention 1999. The Supreme Court upheld the airline's case that the Montreal Convention is the exclusive source of damages claims for claims arising out of carriage by air and refused to refer this issue to the Court of Justice of the European Union.
- *Rogers v Hoyle* [2014] EWCA Civ 257 [2014] 3 WLR 148 : [2014] 3 All ER 550 – a test case in which the Court of Appeal held that air accident investigation reports produced the Department of Transport are admissible in civil proceedings outside of the provisions of CPR Part 35.
- *Donkers v Storm Aviation and Lufthansa Cityline* [2015] 1 All ER (Comm) 282 – a High Court claim arising out of an accident during ground handling at Manchester Airport involving issues of German law, EU social security law and the law applicable to IATA ground handling agreements.
- *Graham v Thomas Cook* [2012] EWCA Civ 1355. A Court of Appeal case on the remedies available under EU Regulation 261/2004.
- *Coakley v. Air France SA* [2012] QBD - A claim arising out of the loss of AF447 on 1 June 2009 in the Atlantic Ocean en route to Paris from Brazil.
- *Blue Sky One Limited and Others v. Mahan Air and Others* [2011] EWCA Civ 544 & 771; [2009] EWHC 3314 (Comm) ("Phase 1") and [2010] EWHC 631 (Comm) ("Phase 2"): Heavy Commercial Court dispute concerning ownership and aircraft mortgage rights in three 747 aircraft being operated in Iran involving issues of US sanctions laws, private international law, Iranian and Dutch property law

## Shipping

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Leading Silk Band 4 (Chambers UK, 2022)

Leading Silk Tier 4 (Legal 500, 2022)

John Kimbell KC has a flourishing commercial practice encompassing wet and dry shipping work. He routinely acts in LMAA arbitrations and in the Commercial and Admiralty Courts. He enjoys a substantial following among clients in Germany, where he is a qualified lawyer. He also sits as a GMAA arbitrator. He has appeared in the following:

- *RTE v NETWORK RAIL and Others* (2022) Admiralty and Com Court - £25 million claim arising from alleged damage to sub-sea cables caused by an anchor.
- *"FONARUN NAREE"* (2018) bulk cargo explosion ICA claim arising out of cargo claim in Kenya. Ongoing
- *"GRUMANT"* (2018) £50 million damage to gas pipeline in the North Sea
- *APL AUSTRIA* [2018] Commercial Court proceedings concerning an explosion on board a large container vessel off the coast of South Africa
- *LMAA arbitration* (2017) concerning contaminated bunkers causing engine damage
- *LMAA arbitration* (2017) concerning a fire on a large container vessel off the French coast
- *LMAA arbitration* (2017) on an alleged unsafe port in the United States involving damage to a gas terminal
- *CDE v Sure Wind* [2016] 1 Lloyd's Reports 586 – Court of Appeal case concerning the time limit for bringing collision claims
- *FSL-9 PTE v The Norwegian Hull Club* [2016] 2 All ER (Comm) – construction of an LOU for security
- *LMAA arbitration* (2016) representing German owners and their insurers in a claim arising out of bunker oil contamination at a Canadian port
- *LMAA arbitration* (2016) arising out of an explosion during loading of an oil cargo in Malaysia
- *The "Uranus" and The "Magnus"* [2015] 2 Lloyd's Rep 175 – jurisdiction dispute involving arbitration proceedings in Hamburg and in rem claims in London
- *Stena Bulk v Copley & Others* [2015] Lloyd's Rep Plus 5 and related interpleader arising out of the insolvency of OW Bunkers
- *"MACEDON"* [2016] QBD (Com Court) hull insurance dispute
- *"TOMBARRA"* [2016] QBD (Admlty Court) defending shipowner in a claim arising from death of a crewmember
- *"CAPE BIRD"* (2013) Com Court. Vessel seized by pirates off West Africa. Loss of cargo

Wet Shipping

John regularly appears in the Admiralty Court and marine arbitrations in London and Hamburg. He has particular experience in collision cases. He is the joint editor (with Nigel Meeson KC) of Admiralty Jurisdiction & Practice (5th ed. 2017) Informa and in 2018 one of the two new joint editors of Marsden on Collisions at Sea. He has recently appeared in:

- *"SINAR SOLO" c/w "TAHO AUSTRALIA"* [2021] Admiralty Court, three vessel collision in the Singapore Straits due for trial in late 2023.
- *"ATLANTIC GRACE" c/w "AVIATOR"* in Gulf of Kutch on 26 November 2021 ongoing.
- *Trans-Tec International v The Owners of the Vessel Columbus* [2020] EWHC 3443 (Admlty) – a priorities dispute concerning a cruise ship
- *GRUMANT* [2017] Admiralty Court – snagging of anchor on oil pipeline causing US\$50 million loss and damage
- *MARITIME MAISIE v GRAVITY HIGHWAY*– [2017] QBD Admiralty Court collision between a gas carrier and a new build VLCC off South Korea
- *MARITIME MAISIE v GRAVITY HIGHWAY* [2017] Admiralty Court collision off south Korea
- *DAHAB v MAERSK TEXAS* (2014) Admiralty Court (ongoing)
- *TOMBARRA* [2014] Admiralty Court – a fatal accident on a car carrier in port involving issues of foreign law pursuant to the Rome II Regulation.
- *MIOM 1 LTD v SEA ECHO ENE* (No.2) [2011] EWHC 2715 - a case on the 'single liability principle' in collision cases and the application of s.190 of the Merchant Shipping Act 1995 to counterclaims.
- *MIOM 1 LTD v SEA ECHO ENE* (No. 1) [2010] EWHC 3180 - collision between two vessels in the river Mersey.
- *LMAA arbitration* (2009-2010) - Collision between two cruise vessels in Norway

## International Arbitration

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A large proportion of John's wide-ranging arbitration practice features an international element. He regularly appears before a variety of institutional arbitral tribunals such as the ICC and LCIA as well as a variety of ad hoc panels. John has extensive experience in dealing with arbitrations outside London including significant involvement in arbitrations with their seats in Hamburg, New York, Frankfurt and Zurich. He has acted as an arbitrator in London and Hamburg

- (2023) A LCIA arbitration in relation to a contract for the sale of coal in bulk
- (2023) An ICC arbitration about a long term contract of supply of petroleum products to an East African state
- (2022) A LMAA arbitration concerning delays in loading under a voyage charterparty

## Shipbuilding

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John advises in relation to Shipbuilding disputes concerning both the market standard vessel sale and purchase forms (such as Saleform) and also custom drafted MOAs.

John is also instructed to advise on non-contentious matters relating to the drafting of MOAs and other commercial agreements. He has recently been instructed in the following related matters:

- *LMAA arbitrations* (2016 – 2018) a series of arbitrations acting for German companies concerning the cancellation shipbuilding contracts for vessels built in China on the ground of delay.
- *Arbitration* (2016) concerning propeller problems arising from the modification of a cruise ship
- *LCIA arbitration* (2013) concerning major structural errors in the construction of a car carrier.
- *LMAA arbitration* (2012) arising out of the sale of cargo vessel in which owners claimed US2 million in damages.
- *LMAA arbitration* [2011] concerning the construction of a series of vessels in China and rights of cancellation for delay in construction and the enforceability of supporting bank guarantees.
- *ICC arbitration* [2010] concerning a contract for the supply of pumping equipment in Libya.
- *LMAA arbitration* [2010] concerning a contract for a supply vessel to the oil industry off the West African coast

## Academic

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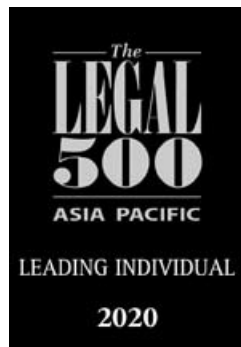
B.A. (Hons.) (Cantab); M.Phil (Cantab); BCL (Oxon)

## Awards

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## Ranking

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## Other qualifications

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Rechtsanwalt (Hamburg, Germany) since 2001 - qualified to practice as a lawyer in Germany.

## Memberships

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COMBAR; LMAA (supporting member); GMAA (German Maritime Arbitration Association); DVIS (German Association for International Sea Law); BGJA (British-German Jurists Association), DIS (German International Arbitrators Association), GRUR (German Association for the Protection of Intellectual Property), Admiralty Bar Group (Chairman). Chancery Bar Association (Honorary Member)

## Languages

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German fluent