



Caroline Pounds

Called: 2003

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Caroline is an experienced and sought-after senior junior (popular with leaders, instructing solicitors and lay clients alike), particularly in the shipping and energy/offshore fields. She won Shipping Junior of the Year at the Chambers UK Bar Awards 2023, an accolade which she has twice been awarded in 2020 and 2015. Caroline was also shortlisted for Shipping Junior of the Year for the Legal 500 UK Awards 2019. Caroline was named one of the top 10 maritime lawyers of 2020 by Lloyd's List. She was also recognised as one of Legal Week's 'Stars at the Bar', (*"Her attention to detail and analysis are first class and advocacy skills are excellent"*) and is further praised by Chambers UK for being *"hard-working, thorough and user-friendly"*; *"responsive, available and highly intelligent"* and *"tough as nails, very bright and very succinct"*.

Caroline's practice encompasses the broad range of general commercial litigation and arbitration. Her particular areas of specialism include shipping, carriage of goods, energy/offshore, shipping and commodities. She undertakes drafting and advisory work in all areas of her practice and regularly appears both in Court (Commercial Court, Court of Appeal and the Supreme Court) and in arbitration, both as sole counsel and as junior. Caroline has particular experience of 'heavy' cases (both in terms of documents and technical issues) and is known both for her skill in effectively managing, dissecting and presenting such cases and also her collaborative and user-friendly approach.

Caroline accepts appointment as arbitrator and has recently been appointed as sole, presiding and co-arbitrator in a number of SIAC and LCIA arbitrations.

What the directories say

- *"Caroline is clever, patient and intellectually nimble – a super senior junior."*(Legal 500, 2024)
- *"Caroline is incredibly bright, extremely thorough, is a true shipping specialist, and has a phenomenal eye for detail."*(Legal 500, 2024)
- *"Caroline has enormous attention to detail."*(Chambers UK, 2024)
- *"She is a complete all-rounder and my go-to junior."*(Chambers UK, 2023)
- *"Extremely approachable and easy to work with. Caroline has exceptional attention to detail; she sees all the angles."*(Chambers UK, 2023)
- *"Caroline is a trustworthy pair of hands who will ensure that the right advice is given."*(Chambers UK, 2023)
- *"She is very effective, very well prepared and incisive. She's also cooperative."*(Chambers UK, 2023)
- *"The quality of her work is great and she provides decisive advice. She's responsive and focused as well."*(Chambers UK, 2023)
- *"Caroline is an extremely thorough lawyer with a very sharp mind. She is always on top of the documents in a*

case and provides balanced and commercial advice."(Chambers UK, 2023)

- *"She handles a lot of energy work concerning infrastructure and contractual disputes, and is extremely thorough and persuasive."*(Chambers UK, 2023)
- *"Detail-oriented, responsive and clever – everything you want in a top-notch commercial junior."* (Legal 500 Asia Pacific, 2023)
- *"The quality of her work is great and she provides decisive advice. She's responsive and focused as well."*(Legal 500, 2023)
- *Extremely approachable and easy to work with. Caroline has exceptional attention to detail; she sees all the angles."* (Legal 500, 2023)
- *"Caroline has an amazing eye for detail and a huge knowledge of the law. She is outstanding."*(Chambers UK, 2022)
- *"She is clear, concise and technically excellent."*(Chambers UK, 2022)
- *"Highly intelligent, thorough with an incredible eye for detail and yet commercial, quick and very approachable."* (Legal 500, 2022)
- *"Very diligent and hardworking, she is extremely thorough with a great attention to detail."*(Legal 500, 2022)
- *"Thorough and sharp, able to provide sound and considered advice as well as practical solutions."*(Legal 500 Asia Pacific, 2021)
- *"She is a pleasure to work with, a very bright and able junior."*(Chambers UK, 2021)
- *"Very thorough and brilliant on the detail of cases."*(Legal 500, 2021)
- *"Hardworking and diligent with the ability to absorb a mass of technical details, she is a fierce and insightful advocate."*(Legal 500, 2021)
- *"Well regarded for cases with challenging points of law."*(Legal 500 Asia Pacific, 2020)
- *"She's responsive, available and highly intelligent."*(Chambers UK, 2020)
- *"She's a pleasure to work with, very commercial and responsive."*(Chambers UK, 2020)
- *"Extremely diligent and intelligent."*(Legal 500, 2020)
- *"Provides an excellent service."*(Legal 500, 2020)
- *"She is able, responsive and diligent; an outstanding lawyer."*(Legal 500, 2019)
- *"She is incredibly thorough and immerses herself in the details of complex cases."*(Legal 500, 2019)
- *..."Hard-working, thorough and user-friendly."..."Bright."...* (Chambers UK, 2019)
- *"First-class. Has a very quick turnaround and operates at a very high level."..."Capable, responsive and commercially minded."*(Chambers UK, 2018)
- *"very hard-working and provides detailed, well thought-out advice."*(Chambers UK, 2018)
- *..."She is incredibly thorough and immerses herself in the detail of a complex case"...*(Legal 500, 2017)
- *..."She is clearly very knowledgeable on shipping and provides good, accurate, timely and commercial advice"...* (Chambers UK, 2017)
- *..." Preferred junior on very big and complex cases"...* (Chambers UK, 2017)
- *..."She works hard and clients love her"..."Has a very clear, persuasive style, and is very hard working and committed"...* (Chambers Global, 2016)
- *..."Incredibly hardworking and highly intelligent"...* (Legal 500, 2016)
- *..."A highly regarded junior who is impressing many solicitors and peers at the Bar with her excellent advocacy and drafting skills"...* (Chambers UK, 2016)

- *"She is tough as nails, very bright and very succinct"*(Chambers UK, 2015)
- *"An extremely hard working junior who is good on detail and has sound judgment"*(Legal 500, 2015)
- *"... she punches above her weight in shipping matters. She knows the law and delivers very high-quality work, first time, on time, every time"*... (Chambers UK, 2014)
- *"... Her keen grip on the technical law combines with an easy, no-fuss approach which gets the job done"....* (Legal 500, 2014)

Shipping

Dry Shipping

Recommended in the field of Shipping & Commodities in Chambers & Partners for fourteen years, as an *"outstanding junior"* who *"punches above her weight in shipping matters. She knows the law and delivers very high-quality work, first time, on time, every time"*.

Dry shipping work forms a cornerstone of Caroline's practice. She has extensive experience of bill of lading and charterparty disputes, including claims for damage to and/or mis-delivery of cargo, unsafe port cases, claims for early/late redelivery, off-hire disputes, claims for demurrage/damages for detention, claims in respect of off-spec bunkers, claims under letters of indemnity, claims under the NYPE Inter-Club Agreement and cases concerning the application and effect of the Hague, Hague-Visby and Hamburg Rules, and speed and consumption claims.

Illustrative cases include:

- ***"Ever Given"***: Instructed as junior counsel (led by Nigel Jacobs K.C.) on behalf of the owners of the "Ever Given" in their Commercial Court dispute with Smit Salvage B.V. following the high profile grounding in the Suez Canal in March 2021.
- ***Shagang Shipping Co. Ltd v HNA Group Co. Ltd***: Claim for US\$60 million in respect of unpaid hire and damages for repudiatory breach of a long term time charterparty, involving allegations of bribery and torture and the correct approach to weighing up evidence alleged to have been obtained by torture. Caroline acted on behalf of the successful claimants at first instance ([2016] EWHC 1103 (Comm), led by Luke Parsons Q.C.), in the Court of Appeal. ([2018] EWCA Civ 1732, led by Dinah Rose Q.C.) and in the Supreme Court ([2020] UKSC 34, led by Lord Pannick Q.C.).
- Claims and counterclaims arising under a Baltime charterparty following a fire on board a Ro-Ro ferry resulting in the vessel becoming a constructive total loss, led by Luke Parsons K.C.
- Unsafe port claim (US\$140 million) under an NYPE charterparty in respect of the grounding and total loss of a Capesize vessel off the coast of South Africa, led by Jeremy Russell Q.C.
- Claim for damages in respect of an alleged repudiatory breach of a voyage charter arising out of the owners' reliance on the war risks and / or sanctions clauses in light of the Russia-Ukraine war.
- Claim for damages / specific performance in respect of the non-performance of obligations owed to the claimant pursuant to a letter of indemnity in respect of the delivery of cargo without production of the original bill of lading.
- Claim for damages in respect of allegedly off-spec bunkers supplied to a containership (involving issues in respect of GCMS testing).
- Multiple claims for damages under various bills of lading (based on alleged unseaworthiness of the vessel) in respect of an explosion on board a chemical tanker, led by Jeremy Russell Q.C.
- Claims arising under various bills of lading and non-negotiable cargo receipts following the grounding of a vessel carrying high-value vehicles in UK waters (led by Luke Parsons Q.C.). Issues arising included the applicable liability regime (i.e. Hague / Hague-Visby), causation and remoteness.
- Claim for an indemnity / damages under a NYPE charterparty in respect of the consequences of the arrest of the chartered vessel at the suit of an unpaid bunker supplier.
- Claim concerning the correct construction of various sanctions clauses in an amended BPVOY charterparty.
- Claim for damages in respect of the seawater contamination of a valuable consignment of rail during the course of carriage (led by Michael Coburn Q.C.).
- Claim for damages for breach of a contract for the design and construction of a luxury yacht.
- Claim for damages under a bareboat charterparty on the Barecon form in respect of the defective condition of the vessel on delivery.
- Claims under various charterparties regarding the allegedly wrongful insistence by the Master on clausing the relevant bills of lading.

Wet Shipping

In addition to the "dry" side of her practice, Caroline also has experience of numerous "wet" and other admiralty matters, including arrests, limitation claims, orders for sale and maritime liens. Illustrative cases include:

- Caroline was instructed as junior counsel (leg by Nigel Jacobs Q.C.) in a substantial claim for damages (based on apportionment pursuant to section 187 of the Merchant Shipping Act 1995) arising out of a grounding and near-miss incident in the Suez Canal, resulting in significant oil pollution.
- An urgent application to the Commercial Court out-of-hours to permit inspection of a vessel in Singapore in respect of a dispute arising under a bareboat charterparty.
- Numerous cases of grounding of vessels – Caroline has a wealth of experience in this area.

Energy

Caroline is rapidly becoming a junior of choice in the energy / offshore field, with an ever-increasing amount of experience in this highly technical, complex and commercial area. She has extensive experience of drafting detailed and technical sets of claim and defence submissions and advising in relation to difficult issues of contract construction and complex expert reports. Her rising profile in the sector was recognised with her entry into the rankings (Band 3) in Chambers UK, 2023, which noted that she "continues to impress in heavy contractual disputes across the oil and gas sector involving construction issues, terminated contracts and disputed payments". Illustrative cases include:

- Acting on behalf of one of the largest construction contractors in the US in a dispute relating to the construction of an offshore gas platform (led by Lionel Persey K.C. together with Andrew Leung and Andrew Carruth), giving rise to issues relating to project delay, acceleration and change order claims.
- Acting on behalf of the former buyers of a semi-submersible drilling unit in their claims for a refund of the pre-delivery instalments, plus damages for repudiatory breach, following their termination of the contract with the shipyard in light of the delay in the construction of the unit, led by Stephen Dennison Q.C. and James Howells Q.C.
- Claim in respect of the alleged wrongful termination of a long-term charterparty of an LNG floating storage and regasification vessel, led by Luke Parsons K.C.
- Acting (on a sole basis) in an ICC arbitration in respect of a dispute arising out of the termination of a contract for seismic data acquisition on the grounds of *force majeure* due to the COVID-19 pandemic.
- Commercial Court claim for US\$40 million for sums alleged to be owing under a drilling contract. Issues arising included the extent to which the contract constituted a complete code and the defendant company's liability to pay for periods of non-productive time attributable to the contractor's negligence and / breach of contract. Caroline was led by Simon Rainey Q.C.
- Claims and counterclaims arising in respect of the cancellation of a shipbuilding contract in respect of a semi-submersible drilling vessel, led by Richard Jacobs Q.C.
- An LCIA arbitration concerning a dispute under a Memorandum of Agreement relating to a project for the engineering, procurement, construction and commissioning of First Commercial Production facilities for an oilfield development in Iraq, led by Luke Parsons Q.C.
- Commercial Court claim for €300m for sums owing pursuant to a contract for repair and upgrade works to an FPSO, led by Luke Parsons Q.C.
- Acting as sole counsel in a US\$23 million dispute arising out of a contract for the provision of an ultra-deepwater drilling unit for the purposes of oil / gas exploration in the Arctic offshore West Greenland following the malfunctioning of the sub-sea blowout preventer.
- Acting as sole counsel in a dispute arising out of a series of contracts relating to the provision of pipelay and ancillary services for a gas project in Nigeria. The contracts involved comprised a charter (on an amended Supplytime 2005 form) of a pontoon, together with a contract for the provision of trenching services. The dispute centred on claims for damages following damage to, and loss of, a post-trenching machine.

Commodities & International Trade

Caroline undertakes a variety of work in the commodities field and has experience of a broad range of commodities dispute. Her recent cases include the following:

- *Vitol S.A. v JE Energy Ltd* [2022] EWHC 2494 (Comm): Commercial Court dispute concerning a claim for damages in respect of the repudiation of an FOB contract for the purchase of fuel oil.
- *Euro-Asian Oil SA v Credit Suisse AG* [2018] EWCA Civ 1720: Commercial Court dispute concerning a carousel

fraud in which the key issues were whether or not the sale contract was properly characterised as a CIF contract and the proper measure of damages under a letter of indemnity in respect of the seller's failure to deliver the goods. Caroline was led by Jeffrey Gruder Q.C.

- ***Mena Energy DMCC v Hascol Petroleum Ltd*** [2017] EWHC 262 (Comm): Claim for damages in the Commercial Court in respect of the repudiation of two contracts for the sale of fuel oil / gas oil, the issues arising included whether or not binding contracts were concluded (and, if so, on what terms) and a counterclaim based on alleged wrongful presentation of documents pursuant to the associated letter of credit. The quantum issues extended to whether or not the claimant ought to have hedged its losses in mitigation. Caroline was led by Simon Rainey Q.C.
- Advising a leading producer of iron ore pellets as regards the correct construction of a long term iron ore supply agreement, in particular its pricing provisions based on various indices and prevailing market practice.
- Advising an international trading house in respect of quality and demurrage claims pursuant to a contract for the sale/purchase of reinforced steel bars.
- Advising a well-known energy company in respect of a quality/quantity dispute and time bar issues arising under a contract for the sale/purchase of crude oil.

Shipbuilding

Caroline has extensive experience of the full-range of shipbuilding disputes and is well-versed in their complex legal and technical aspects. She is regularly instructed by a number of different shipyards (predominantly based in China and Korea) and has particular experience of drafting detailed claim and defence submissions and advising in relation to complex contractual and technical issues in this area. Illustrative cases include:

- Acting for the Buyers (led by Stephen Dennison Q.C. and James Howells Q.C.) in a very substantial LMAA arbitration (culminating in a six-week hearing) in respect of the cancellation of shipbuilding contract in respect of a semi-submersible drilling rig.
- Acting for the Buyers (led by Richard Jacobs Q.C.) in another LMAA arbitration in respect of the cancellation of a shipbuilding contract in respect of a semi-submersible drilling vessel.
- Acting for the Buyers in two connected LMAA arbitrations (collective value US\$60 million) turning on whether or not the delivery dates under two shipbuilding contracts concluded with a major Korean shipyard had been extended by agreement, led by Simon Rainey Q.C. The case also gave rise to the more unusual issues of abuse of process and res judicata and was successfully resolved in Caroline's clients' favour following the hearing.
- Acting for the Sellers (led by Simon Croall Q.C. and James Turner Q.C.) in two connected LCIA arbitrations in which the Buyers sought to resist the Sellers' claims for non-payment of instalments on the grounds of alleged illegality.
- Acting for the Sellers (led by Lionel Persey Q.C.) in concurrent arbitrations focussing on delay claims and whether or not the Sellers were entitled to an extension of time in which to build the vessels (by reason of various modifications requested by the Buyers). This was a highly technical dispute in which Caroline took a very active role in terms of advising as to the necessary factual and expert evidence, travelling abroad to assist those instructing her as required. The case eventually settled shortly before the hearing.
- Numerous other disputes concerning delay in this context – damages at large and liquidated damages; rescission and repudiation; and the effect of (in)action by the buyer.

Ship Sale and Purchase

Caroline also handles ship sale and purchase disputes and has particular experience of the Norwegian Sale Form. Illustrative cases include:

- Acting (with Simon Rainey Q.C.) on behalf of the buyers of a vessel in a claim for damages for breach of the implied term as to satisfactory quality pursuant to section 14 of the Sale of Goods Act 1979 in a contract concluded on the Norwegian Sale Form (relying on the decision in ***The Union Power*** [2012] EWHC 3537 (Comm)).
- Acting as junior counsel (led by Lionel Persey Q.C., and Luke Parsons Q.C., respectively) in two different arbitrations in which the buyers alleged that they had been induced to enter into the MOA by fraudulent misrepresentations by the sellers as to the condition of the vessel.

International Arbitration

A significant proportion of Caroline's practice comprises cases dealt with by way of arbitration, in particular on the LMAA and LCIA terms, of which Caroline has extensive experience. Caroline is a persuasive and effective oral advocate, with a wealth of experience both in terms of substantive hearings and interlocutory applications. A number of LMAA arbitrations proceed to an award on a documents-alone basis, where Caroline's skill lies in identifying the important issues and producing clear, focused and persuasive written submissions.

Caroline's LCIA experience includes the following:

- Junior counsel in a dispute under a contract for the design and construction of a fixed production platform for processing gas.
- Junior counsel in a dispute under a Memorandum of Agreement relating to a project for the engineering, procurement, construction and commissioning of First Commercial Production facilities for an oilfield development in Iraq.
- Dispute under a joint venture agreement in respect of a Panamanian investment vehicle for the operation of long term charters.
- Junior counsel representing a Russian investment vehicle as against a former CIS state for expropriation of aviation assets (US\$20 million).
- In the international field, Caroline was instructed as junior counsel (led by James Turner as he then was) representing a Chinese shipyard in a shipbuilding dispute which went to arbitration in Hong Kong.

Caroline has also been instructed in a number of cases concerning applications to the Court under the 1996 Act, in particular applications under section 68 and 69. Her cases include *W Ltd v M Sdn Bhd* [2016] EWHC 422 (Comm), in which Caroline acted (with Luke Parsons Q.C.) and successfully resisted a s. 68 challenge to an arbitration award on the grounds of alleged apparent bias on the part of the arbitrator, notwithstanding that the conflict in question fell within the Non-Waivable Red List of the IBA Guidelines.

Insurance

Caroline has experience in both marine and non-marine insurance matters, acting for assureds, underwriters and brokers in cases concerning such issues as coverage, non-disclosure and misrepresentation defences and claims co-operation clauses. Caroline also has experience of claims pursuant to P&I Club rules and claims under the Third Parties (Rights Against Insurers) Act 1930.

Government

Caroline was junior counsel to the highly regarded and influential Nimrod Review, an independent, private review conducted by Charles Haddon-Cave QC (as he then was) into the broader issues surrounding the loss of the Royal Air Force Nimrod MR2 aircraft XV230 in Afghanistan on 2 September 2006.

Academic

Hertford College, Oxford - B.A. (Oxon) Jurisprudence (First Class Honours)
Université Panthéon-Assas (1999 – 2000) – Certificat Supérieur de Droit Français (Mention Bien)
BPP Law School – Bar Vocational Course (Very Competent)

Ranking



Other qualifications

Lincoln's Inn Mansfield, Hardwicke & Droop Scholar.
Winner of the Robert Wright Mooting Competition 2003.

Memberships

COMBAR; Young International Arbitration Group of the LCIA; Young Arbitrators Forum of the ICC.