



Gemma Morgan

Called: 2006

gemma.morgan@quadrantchambers.com

Practice Overview

Gemma is a popular choice with instructing solicitors and lay clients in a range of commercial disputes particularly in the fields of shipping, commodities, energy/offshore and construction (shipbuilding). She provides an efficient and thorough service and combines accurate legal analysis and advice with practical commercial and tactical awareness. She has extensive experience of heavy and technically-complex cases, in particular those in the shipping and energy sectors, and enjoys working well as part of a team.

Gemma is identified by Legal Week as one of its ten [Stars at the Bar for 2016](#) in a profile piece on the most promising young barristers. Gemma received the following praise from clients:

- **"razor sharp mind, ideally suited to complex commercial disputes".**
- **"... retains a strong sense of commercial awareness, which, allied with a combination of intellect, enthusiasm, and emotional empathy, marks her out as someone special."**
- **"Her confident advocacy means she can win the ear of the judge even when pitted against far more senior opponents."**
- **"... excellent at giving a clear tactical steer at the outset and recognising the broader commercial considerations."**

Gemma is consistently recommended by Chambers UK as a **'Leading Junior'** in the fields of Commercial Dispute Resolution and Shipping. She has been identified as *"a junior to play close attention to"* (Chambers UK 2014) and is *"especially noted for handling complex shipbuilding cases and matters of a highly technical nature"* (Chambers UK 2016).

What the directories say

"She can easily hold her own against QCs on paper and in hearings."
(Legal 500 Asia Pacific, 2019)

'She is commercially aware and is technically excellent.'
(Legal 500 2019)

'She is led by top silks in challenging shipbuilding cases.'
(Legal 500 2019)

... "A delight to work with. Clear, insightful and thorough."... "Very bright, efficient and adaptable. A real shipping specialist."...
(Chambers UK 2019)

"Very bright and very capable." "Very sharp."
(Chambers UK 2018, Shipping & Commodities)

'She is intelligent, very easy to work with, efficient, practical and does not over complicate things.'
(Legal 500, 2017 - Shipping)

"An outstanding junior with an excellent eye for detail."
(Legal 500 Asia Pacific 2017)

"Good on her feet, nice to work with and easily fits in as part of the team"
(Chambers UK 2017, Shipping & Commodities)

"Decisive, smart and user-friendly."
(Chambers UK 2017, Shipping & Commodities)

"Always approachable and pragmatic"
(Legal 500, 2016 - Shipping Leading junior)

"...excellent on her feet."
(Chambers UK 2016, Shipping & Commodities)

"Very bright and very hard-working."
(Chambers UK 2016, Shipping & Commodities)

"Deals with tricky points well and gets good results."
Chambers UK 2016, Commercial Dispute Resolution)

"... noted for her commercial expertise..."
(Chambers UK 2015, Commercial Dispute Resolution)

"She is very able, and one would have confidence instructing her on almost any matter"
(Chambers UK 2014, Shipping & Commodities)

"She has a very strong intellect, and this is demonstrated in her legal analysis"
(Chambers UK 2014, Shipping & Commodities)

"She is very switched-on and really approachable. She's pleasant to work with"
(Chambers UK 2014, Commercial Dispute Resolution)

An "extremely hard-working, conscientious and bright lawyer"
(Chambers UK 2013, Commercial Dispute Resolution)

She has "command of the detail of a case"
(Chambers UK 2013, Commercial Dispute Resolution)

"Able to advise "confidently and strongly on strategy"
(Chambers UK 2013, Commercial Dispute Resolution)

Energy & Natural Resources

Gemma is frequently instructed in technically demanding, complex energy and offshore work, both as sole and junior counsel. Gemma has acted this year in two major commercial disputes in the oil and gas sector. Gemma is regularly instructed to act for and to advise clients both in respect of technical disputes and in claims arising out of issues of contractual construction and recoverability of sums paid under terminated contracts. She has extensive experience of drafting detailed pleadings in complex cases as well as advising in relation to a full spectrum of legal and technical issues arising out of energy and offshore contracts.

Current and recent notable cases that Gemma is or has been instructed on include:

- ***Seadrill Ghana Ltd v Tullow Ghana Ltd*** [2018] EWHC 1640 (Comm) (instructed by Haynes Boone CDG). 3 week Commercial Court trial. The owner of the semi-submersible drilling rig “WEST LEO” claimed \$250 million from the Defendant arising out of the operation of a long-term contract for the use of an ultra-deep water semi-submersible rig offshore Ghana. Extensive evidence was heard in the case dealing with (i) Tullow’s JOA arrangements with its JV partners, including issues of authorisation to drill, liabilities for costs incurred for mutual benefit and whether or not adequate consents had been obtained by Tullow as operator for work done on behalf of the JV; and (ii) the technical requirements for drilling five wells together with the feasibility and necessity of drilling those wells. Gemma acted for the successful Claimant, Seadrill.
- Acting as junior counsel (to Simon Rainey Q.C.) for a claimant oil major in a complex claim arising out of the operation and contractual construction of a Unit Agreement which governs the parties’ rights and obligations in respect of the joint development of a major oilfield, located offshore Nigeria. Two OPLs traverse the oilfield and the respective shares of cost and revenue between them each of those OPLs is in dispute. The claim is worth approximately US\$ 2 billion. Gemma appeared as junior counsel at a 5-day LCIA arbitration hearing in June 2015 and is instructed to appear in the second phase of the arbitration in Lagos in December 2017. Gemma also advises the Claim.
- Instructed as junior counsel (to Simon Rainey Q.C.) for the Claimant in Commercial Court litigation Talisman Sinopec Energy UK Limited, Baker Hughes Limited [2015]. The claim was for damages for breach of contract, misrepresentation and restitutionary remedies arising out of a contract for the design, manufacture, supply and install a number of Electrical Submersible Pumps and the provision of ancillary services to a number of oil fields in the North Sea. The Claim was for a sum in excess of £230 million and gave rise to complex, technical engineering issues as well as complicated damages calculations for loss of profit and use claims arising out of a loss of production in the affected wells. The dispute also turned upon the effectiveness of a contractual exclusion upon recovery for loss of profit and consequential loss. The case has recently settled.
- Acting as sole counsel for the claimant North Sea oilfield operator to advise in respect of recovery of sums due under a Lease and Use Agreement relating to the lease of a number of assets and licences in a North Sea oilfield. Gemma advised in relation to issues arising out of the use the assets by the lessee, breach of warranty and recovery of damages for loss caused by the lessee failing to maintain the assets to the required standard.
- Instructed for the buyer against a South Korean shipyard in respect of a US\$500 million complex arbitration dispute arising out of the construction of a specialist offshore semi-submersible oil drilling unit and cancellation of the construction contract. The buyer cancelled the contract following late delivery and the yard now claimed in respect of alleged losses arising out of the same. The case involved highly technical engineering issues as well as complex legal issues concerning the recoverability of payments made by the buyer prior to cancellation. Gemma was led by Lionel Persey Q.C. of Quadrant Chambers together with two other junior counsel.
- Acts as sole counsel for the claimant owners of two off-shore vessels in two, concurrent arbitrations concerning claims against the respondent Charterers for unpaid hire worth about US\$8.5 million arising in relation to

offshore oil exploration in Nigeria. Charterers' counterclaims raise technical issues of breach of charterparty arising out of alleged breaches of warranty of description. The case raises a novel contractual damages point about the cross-recoverability of losses suffered under related but distinct contracts. Gemma is also instructed to advise Owners on various interlocutory matters, including the enforcement of several partial arbitration awards in multiple jurisdictions.

- Acted as junior counsel (to Lionel Persey Q.C. and Michael Davey Q.C.) for the successful Claimant buyers in an arbitration claim for US\$40 million concerning the construction of two offshore supply vessels and repudiatory breach due to late delivery.

Commercial Dispute Resolution

Gemma is frequently instructed in her own right and as junior in general commercial disputes, usually in those with significant contractual or jurisdictional issues, and has a well-established international arbitration practice.

Gemma has considerable experience of seeking interim relief in the Commercial Court, with a focus on applications for worldwide freezing orders and anti-suit injunctions and the particular complexities that such types of relief involve.

Examples of ongoing and important instructions include:

- **Compania Sud Americana de Vapores SA v Hin-Pro International Logistics Ltd** [2014] EWHC 3632 (Comm): Judgment from the Court of Appeal is currently awaited in this ongoing jurisdictional dispute about the scope of an exclusive jurisdiction clause. Gemma acts as junior counsel (to [Poonam Melwani Q.C.](#)) for the Claimant which has obtained anti-suit and freezing injunctions in both the Commercial Court and in Hong Kong.
- Gemma acts as junior counsel (to [Chirag Karia Q.C.](#)) for a major Chinese oil importer and producer in relation to a series of claims, both in the High Court and LCIA arbitration, arising out of delivery of off-spec oil cargoes under a series of sales contracts.
- **The "APL Chicago"**: Acted as junior counsel (to [Simon Rainey Q.C.](#)) for the Claimant Owners of a vessel in this professional negligence claim in the High Court against the manufacturers of an integral part of a vessel's main engine which failed, causing massive damage.
- Instructed as sole counsel to advise the defendant manufacturer of wood pulp in a dispute arising under a long term transportation contract, worth US\$5 million.
- Acted on behalf of the claimant owners in an LMAA arbitration for claims worth US\$60 million for unpaid hire and repudiatory breach of a long term time charterparty. The claim involved questions of the scope of Owners' obligations to equip a vessel and of damages in the absence of an available market. The case has also involved ancillary enforcement proceedings in multiple jurisdictions, predominantly Dubai, and the obtaining of worldwide freezing and disclosure orders in the Commercial Court. Gemma was led by [Poonam Melwani Q.C.](#)
- Gemma was instructed as sole counsel in a High Court action defending a pharmaceutical company against a Claim brought by another pharmaceutical company alleging breach of contract for the transfer of licences to manufacture certain drugs and breach of duty under joint venture agreement for the exploitation of certain drugs.
- **Ace European Group Ltd v Chartis Insurance UK Ltd** [2013] Lloyd's Rep. I.R. 485; [2012] 2 Lloyd's Rep.

117: Acted as junior counsel both at first instance and in the Court of Appeal (to [Guy Blackwood Q.C.](#) and [Simon Rainey Q.C.](#)) for the defendant insurer in this dispute between major insurers in dispute as to liabilities arising out of construction project of waste-to-energy plant.

- **Blue Sky One Ltd v Mahan Air** [2010] EWHC 631 (Comm) and [2009] EWHC 3314 (Comm). Junior counsel (to [John Kimbell Q.C.](#)) in these two related trials on behalf of the defendant which concerned ownership and aircraft mortgage rights of aircraft being operated in Iran; they involved issues of US sanctions, conflict of laws, and Iranian and Dutch property law. See too related Court of Appeal proceedings concerning the imposition of conditions upon the pursuit of an appeal ([2011] EWCA Civ 771).

Shipping & Maritime

Gemma is recommended by Chambers UK as a **Leading Junior** for **Shipping & Commodities**.

A core area of Gemma's practice, she handles a full range of dry shipping, commodities and international carriage of goods work and advises owners, charterers, carriers and cargo interests. As a result of the international flavour of her work Gemma has particular experience in jurisdictional and conflicts of law issues. Much of Gemma's instructions are in respect of arbitrations on LMAA and LCIA terms, amongst others, and in both the ordinary format and on a documents-alone basis.

Examples of Gemma's recent and current instructions in this area include:

- Acts for Claimant Owners in two related references worth US\$8million concerning two vessels deployed in a Nigerian offshore oil field. The claims are for off-hire and involve various defences under the SUPPLYTIME 89 form as well as equitable set-off.
- Represented as sole counsel defendant time Charterers against Owners at a three day LMAA arbitration hearing in a repudiatory breach claim worth US\$10million.
- Acted on behalf of the claimant owners in an LMAA arbitration concerns claims worth US\$60 million for unpaid hire and repudiatory breach of a long term time charterparty. The claim involves questions of scope of Owners' obligations to equip a vessel and of damages in the absence of an available market. Gemma was led by [Poonam Melwani Q.C.](#)
- Instructed in long-running dispute for ship managers in a claim brought by owners for US\$10million in damages for breach of agreement on the SHIPMAN 98 form for the technical management of an oil tanker; allegations of loss of oil major approval, earning potential and oil pollution. As well as complex engineering issues this case raised an important and undecided point about the scope and interpretation of the limitation provision in the widely-used standard form management agreement.
- Acted on behalf of Owners as junior counsel (to [Nigel Jacobs Q.C.](#)) in related High Court and arbitration proceedings arising out of the grounding of a vessel off the coast of Papua New Guinea. Gemma represented Owners in both the cargo claims and claims under the charterparty.
- Advised Owners under a time charter on NYPE 93 form as to their rights in withdrawing a vessel or refusing to follow orders as to employment where potential infringement of EU sanctions relating to the Ukraine arose.
- Acts on behalf of defendant Charterers in an ongoing claim for demurrage which raises issues about delay caused by the fault of Owners and the scope of that defence to a claim for demurrage under a charter on

SHELLVOY 5 terms.

- Acts on behalf of the Claimant cargo interests in a claim arising out of wet damage to a cargo of bagged flour; the claim raises issues of unseaworthiness and Article IV.2 Hague Rules defences.
- Acted for owners in a claim for unpaid hire and repudiatory breach of a time charter and claims under a supporting LOU. Issues included the validity or otherwise of the LOU by reason of it having been issued in breach of Chinese regulations.
- Advised owners as to their entitlement to recover from the shipper in respect of fire damage to their vessel caused by negligent hot work. Issues of crew competence and seaworthiness under the Hague-Visby Rules involved.

Shipbuilding

Gemma regularly acts for both yards and buyers and deals with all types of contractual claims arising out of the common standard forms, e.g. guarantee claims, late delivery claims, repudiatory breach claims and claims involving the prevention principle. She has significant experience of drafting detailed pleadings in complex shipbuilding cases and advising in relation to a full spectrum of legal and technical issues arising out of shipbuilding contracts. Gemma also has experience of superyacht construction disputes.

Current and recent notable cases that Gemma has acted on include:

- Acting as junior counsel (to [Luke Parsons Q.C.](#)) for the defendant yard in a guarantee claim for US\$ 10 million arising out of main engine damage caused by a burst luboil filter.
- Acted as junior counsel (to [Lionel Persey Q.C.](#) and [Michael Davey Q.C.](#)) for the successful Claimant buyers in an arbitration claim for US\$40 million concerning the construction of two offshore supply vessels and repudiatory breach due to late delivery.
- Acts as junior counsel (to [Chirag Karia Q.C.](#)) for a major Chinese oil importer and refiner in relation to a series of claims, both in the High Court and LCIA arbitration, arising out of delivery of off-spec oil cargoes under a series of sales contracts.
- Instructed as junior counsel (to [James Turner Q.C.](#)) on behalf of a Chinese yard to defend two concurrent references brought by buyers in respect of the cancellation of two construction contracts.

International Arbitration

International arbitration is a mainstay of Gemma's practice. She appears most regularly in LCIA and LMAA arbitrations as well before ICC and specialist commodities tribunals. Gemma has particular experience of and interest in advising clients about appropriate forms of interlocutory relief and in circumstances where a dispute involves multiple jurisdictions.

Gemma is regularly instructed on s.44 applications to the Court for interim relief and s.68 and s.69 appeals.

Examples of ongoing and recent instructions include:

- Gemma acts as junior counsel (to [Chirag Karia Q.C.](#)) for a major Chinese oil importer and producer in relation to a series of claims, both in the High Court and LCIA arbitration, arising out of delivery of off-spec oil cargoes under a series of sales contracts.
- Instructed to advise Chinese clients as to the availability of anti-suit relief in support of a Hong Kong arbitration.
- Instructed as sole counsel to advise the defendant manufacturer of wood pulp in a dispute arising under a long term transportation contract, worth US\$5 million.
- Acts for Claimant Owners in related references worth US\$8million concerning two vessels deployed in a Nigerian offshore oil field.
- Acted on behalf of the claimant owners in an arbitration claims worth US\$60 million for unpaid hire and repudiatory breach of a long term time charterparty. The claim also involved ancillary enforcement proceedings in multiple jurisdictions, predominantly Dubai, and the obtaining of world-wide freezing and disclosure orders in the Commercial Court. Gemma was led by [Poonam Melwani Q.C.](#)

Insurance & Reinsurance

Gemma is regularly instructed in both marine and non-marine insurance matters. She advises and undertakes drafting in a full range of policy issues, including misrepresentation, non-disclosure and fraud.

An example of a recent important instruction in this area is **Ace European Group Ltd v Chartis Insurance UK Ltd** ([2013] Lloyd's Rep. I.R. 485; [2012] 2 Lloyd's Rep. 117) in which Gemma acted as junior counsel both at first instance and in the Court of Appeal (to [Guy Blackwood](#) and [Simon Rainey Q.C.](#)) for the defendant insurer in this dispute between major insurers in dispute as to liabilities arising out of construction project of waste-to-energy plant.

Aviation & Travel

Gemma has gained considerable General Aviation experience, acting frequently for the major airlines in carriage matters involving the full range issues under the Conventions and EC Regulation 261/2004. In addition Gemma has acted in a number of personal injury matters arising out of accidents both in aircraft and at airports, as well as several aircraft repair and leasing disputes.

Gemma appeared as junior counsel for the Defendant (to Michael Crane Q.C. and [John Kimbell Q.C.](#)) in **Blue Sky One Ltd v Mahan Air** [2010] EWHC 631 (Comm.) and [2009] EWHC 3314 (Comm.), two related trials on behalf of the defendant which concerned ownership and aircraft mortgage rights of aircraft being operated in Iran.

Salvage, Collision & Admiralty

Gemma is gaining significant wet shipping experience, acting in collision and salvage matters. She has also been instructed in a number of disputes concerning ports, harbours and pollution issues.

In the '**ATLANTIC POLARIS**' Gemma is instructed as sole counsel by Owners in this High Court Claim brought by owners and insurers of an oil terminal against the Owners of a vessel for damage to the oil terminal jetty caused by allision of the vessel with it. The case raises issues of navigation, safety oil terminal operating procedures, Colombian law and the defence of compulsory pilotage.

Gemma (as junior to [Simon Rainey Q.C.](#)) represented Owners of the RED JASMINE in the High Court action arising out of the girting and sinking of the tug FLYING PHANTOM on the Clyde in thick fog in December 2007. The contractual claim brought by the tugowner was based on the 1986 United Kingdom Standard Conditions.

Gemma was junior counsel (to [Jeremy Russell Q.C.](#)) in the collision action The '**WESTERN NEPTUNE**' [2010] 1 Lloyd's Rep. 158 which arose out of the between a seismic streamer vessel and a container ship.

Academic

M.A. (Law) (Double First) – Queens' College, Cambridge.
B.C.L. – Brasenose College, Oxford.

Other Qualifications

2006 - Queen Mother Scholarship, Middle Temple; Caroline Lester Prize for Mooting, Middle Temple.
2004 - Lucas-Smith Prize for best performance in Law finals, Queens' College, Cambridge.
2003 - Elected Foundation Scholar, Queens' College; College Prize for Law, Queens's College.

Appointments

2005-07 - Tutor in Contract Law, Queens' and Gonville & Caius Colleges, Cambridge.
2005-06 - Tutor and Examiner in Private Law, Department of Land Economy, Cambridge.

Memberships

COMBAR, LCLCBA.

In-House Experience

Gemma has undertaken secondments at in the shipping departments of leading London firms.