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## Lydia Myers

Called: 2020

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Lydia is developing a busy litigation and arbitration practice in wet and dry shipping, commodities, banking, financial services, and insurance matters. Lydia has gained experience in a broad range of work in these specialist fields and in general commercial and international law. Lydia has experience both as sole and junior counsel in arbitrations and court proceedings.

Lydia's recent instructions include work on a s67 challenge to an arbitral award in the High Court, instructions in a high value misdelivery claim in the Admiralty Court and she also frequently acts in LMAA and GAFTA arbitrations as sole counsel dealing with issues ranging from standard charterparty disputes around demurrage and off hire to high value super yacht disputes. Lydia is often praised for her skills as an advocate and her ability to cut through complex issues with ease and clarity.

Before joining the Bar, Lydia spent two years studying at the Sorbonne in Paris for her Licence 3 and Masters in French Law. Lydia has been exposed to international private law from both a French and English perspective and is able to conduct legal submissions and witness handling in French if required.

Lydia is developing a practice with a strong international element and can accept instructions in all areas of Chambers' work.

### Banking

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Lydia has a broad commercial practice and frequently deals with cases with a financial dimension. Lydia is particularly interested in the law of unjust enrichment, knowing receipt and commercial conspiracy.

Examples of work include:

- Dispute arising out of a mistaken payment to a fraudster's bank account. The Commercial Court made Norwich pharmacal Order to assist in a tracing exercise to determine the final destination of the fraudulently obtained assets.
- Disputes arising out of the payment of undisclosed commissions to credit brokers by sub-prime lenders.
- Dispute concerning apparent and ostensible authority: Lydia acted as sole counsel in a London seated arbitration which sought to determine whether a party to a charterparty had signed in its own name or in the name of, and for the account, of another associated company.
- Dispute arising out of a contract for the sale of ammunition with allegations of bribery and fraud.
- Preparing and drafting an application for an interim injunction to obtain a freezing order to prevent the dissipation of assets in Dubai.

### Commodities & International Trade

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Lydia has a keen interest in all matters involving international trade and is frequently instructed as sole counsel in an

advisory capacity and as an advocate and has been commended for her skills as an advocate. Lydia often acts against senior counsel (including KCs) and has been praised for her calmness under pressure and ability to think on her feet.

Examples of work include:

- Acting as sole counsel against a Silk in a challenge to a GAFTA arbitral award under s67 of the Arbitration Act 1996 in the High Court. The case was subsequently reported in the Lloyd's Law Reports.
- Acting as sole counsel in a Swiss Seated Arbitration concerning the provision of industrial grade fermented ethyl alcohol. Issues involved included whether a contractual variation was effective and the interpretation of the 'product', 'specification' and force majeure clauses.
- Advising on the impact of the conflict in Ukraine on standard term GAFTA and FOSFA contracts.
- An arbitration arising out of a dispute as to the existence and terms of a contract for the purchase of petroleum coke.

## Insurance

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Lydia is frequently instructed in insurance disputes and is developing a strong insurance and reinsurance practice. Lydia has acted in multiple disputes concerning the Third Parties (Rights against insurers) Act 2010 both in an advisory capacity and as an advocate.

Examples of work include:

- Advising on limitation periods under the Limitation Act 1980 in relation to a claim under the Third Parties (Rights against insurers) Act 2010.
- Dispute in which Lydia acted as junior counsel involving the proper interpretation of VOYWAR and CONWAR clauses contained in a series of time and voyage charterparties.
- Dispute involving the interpretation of an insurance policy concerning limitation and the applicability of a limitation of liability clause.
- Dispute involving the interpretation, applicability and validity of a choice of jurisdiction and law clause in an insurance policy.
- Application in the High Court for the disclosure of an insurance policy pursuant to the Third Parties (Rights against insurers) Act 2010.

## Private International Law

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Lydia has a keen interest in private international law having a bi-jurisdictional legal education. Lydia can advise on European conventions including Rome I and Rome II as well as on the Brussels Recast Regulation and the Hague and Lugano Convention from an English and a French perspective. Lydia wrote her Master's thesis on the impact of *Brexit* on jurisdictional disputes. Lydia is well placed to advise on matters of English and French law and can act in French seated arbitrations as well as conduct arbitrations and witness handling in French and English.

Examples of work include:

- Advising on the impact of *Brexit* on the Limitation Act 1980.
- A dispute concerning the arrest of a vessel and the applicability of Regulation No. 1215/2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (recast).

## Shipping

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Lydia's core practice is in shipping both wet and dry and she has developed a very successful practice in this area. Lydia is frequently instructed to draft submissions, advise on matters of charterparty interpretation and as an advocate in domestic and international seated arbitrations. Lydia has a keen interest in bills of lading and has written on the Hague Visby rules for Chamber's newsletter.

Examples of work include:

- Disputes involving off-hire claims arising following the COVID-19 pandemic and the current conflict in Ukraine.

- A dispute involving the charter of a superyacht with issues involving the quality of service required under such contracts as well as issues of penalty clauses and loss of enjoyment damages.
- Lydia is currently being led by Charles Debattista on a demurrage claim arising out of the prohibition of a vessel from entering several countries around the Mediterranean.
- Lydia frequently advises on the applicability and validity of force majeure clauses and frustration involving the non-performance of charterparties.
- Demurrage disputes arising following the COVID-19 pandemic and current conflict in Ukraine.

## Academic

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2020 – BPP University – LLM Legal Practice (Barristers) – Distinction

2019 – Université Paris I, Panthéon Sorbonne – Maîtrise en Droit – Mention Assez Bien

2019 – King's College London – LLB English and French Law – First Class Honours

2018 – Université Paris I, Panthéon Sorbonne – Licence 3 en Droit – Mention Assez Bien

## Awards

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2019 – Lord Justice Holker Scholarship – The Honourable Society of Gray's Inn

2019 – Career Commitment Scholarship – BPP University London

2016 – Winner of Essex Court Chambers Commercial Law Moot

2015-2019 – Dickson Poon Scholar – King's College London, Dickson Poon School of Law

## Publications

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Lydia is currently engaged as a Visiting Lecturer in Banking Law at King's College London and has previously acted as a Visiting Lecturer in Commercial Law.

## Languages

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French – Professional Proficiency

German – Elementary Proficiency

Russian – Elementary Proficiency