

Quadrant House, 10 Fleet Street, London EC4Y 1AU

Tel: +44 (0)20 7583 4444

Email [clerks@quadrantchambers.com](mailto:clerks@quadrantchambers.com)



## Benjamin Joseph

Called: 2019

Email: [benjamin.joseph@quadrantchambers.com](mailto:benjamin.joseph@quadrantchambers.com)

Benjamin Joseph specialises in shipping, international trade, aviation and insurance disputes. He is regularly instructed as sole counsel against significantly more senior opposition in the Commercial Court and in arbitration, as well as acting as junior counsel in complex and high value disputes.

### Ben's recent highlights include

- Acting for the successful appellant insurer (led by Chris Smith KC) in the Court of Appeal in *Mitsui Sumitomo Insurance Co Ltd v Dassault Aviation SA* [2024] EWCA Civ 5. The Court of Appeal's decision that a statutory assignment to an insurer was not caught by a contractual prohibition on assignment provides important clarity and is likely to be of considerable wider market interest..
- Instructed as junior counsel for a group of claimants (led by Chirag Karia KC and Peter Stevenson) in a \$2.5 billion claim against international insurers concerning aircraft stranded in Russia following the invasion of Ukraine. The 'Operator Policy Claims' - brought by the owners/lessors of aircraft currently in Russia and of which this group's claim is one of the largest - have been ranked in The Lawyer's Top 20 Cases of 2024. The jurisdiction hearing takes place in February 2024.
- Led by Jeremy Richmond KC in complex multi-party fraud proceedings in the Abu Dhabi General Market Court. The judgment on jurisdiction is publicly available with the reference at [2023] ADGMCFI 0009.
- Successfully opposing the continuation of a \$100m worldwide freezing injunction in the Abu Dhabi General Market Court. The judgment of Mr Justice Andrew Smith is publicly available with the reference [2023] ADGMCFI 0011.
- Success as sole counsel in a two-day trial involving complex issues of law and fact arising out of congestion in the wider container market and shipments from China.
- Led by James Turner KC in obtaining urgent injunctive relief in the Queen's Bench Division and Commercial Court to preserve a large quantity of oil stored in Spain. [2022] EWHC 1011.
- Acting for one of the claimants as sole counsel in complex, multi-party admiralty proceedings arising out of the insolvency of cruise ship operators in the wake of the Covid-19 crisis - [2021] EWHC 310 (Admlty).
- Junior counsel (led by Henry Ellis) in a trial relating to the sale-purchase of a VLCC in Singapore during the peak market volatility of the Covid-19 crisis.
- Acting as junior to John Kimbell KC in a complex ship management dispute in the Commercial Court.
- Regular appearances as sole counsel in a wide variety of hearings, including applications for interim relief, summary judgment, strike out and unless orders in the Commercial and Admiralty Courts.

### Ben's regular practice involves

#### Charterparties

- Advising and settling pleadings as sole counsel in a wide variety of damage and hire disputes under bareboat, time and voyage charters including in disputes relating to laytime and demurrage, off-hire, speed and performance, liability for Covid-19 related issues, piracy expenses, hold cleaning and various other claims.
- Acting as sole counsel throughout often bitterly contested superyacht charterparty disputes for owners and

charterers.

## Carriage of Goods

- Acting for owners and cargo interests in a wide variety of carriage by sea disputes, involving Hague/Hague-Visby Rules and jurisdictional issues.
- Advising, settling pleadings and appearing in freight forwarding and air cargo disputes, including carriage under the BIFA terms.

## Admiralty

- Acting as sole counsel for a claimant in complex, multi-party admiralty proceedings arising out of the insolvency of cruise ship operators in the wake of the Covid-19 crisis, [2021] EWHC 310 (Admlty).
- Regular appearances as sole counsel in the Admiralty Court in order to apply for arrest, default judgment and sale, including obtaining the arrest and sale of the MV "Poseidon", "White Heather VI" and "Tecoil Polaris" as part of in rem proceedings.

## International Arbitration

- Preparing and responding to appeals under sections 67, 68 and 69 of the Arbitration Act 1996, and acting as sole counsel in jurisdictional challenges before LMAA Tribunals.
- Acting as junior counsel in a \$500m foreign direct investment dispute in ICC Arbitration.
- Assisting as junior counsel in a high-value dispute concerning trading in breach of sanctions on Iran.
- Acting as sole counsel in an \$8m energy dispute relating to the effect of the illegality of an energy supply agreement under local law.

## Ship Sale & Purchase

- Acting as junior counsel to Henry Ellis in a three-day trial relating to the failed sale-purchase of a VLCC during the peak market volatility of the Covid-19 crisis.
- Acting as sole counsel for buyers in a \$3m dispute arising from the sale-purchase of an oil tanker in the UAE.
- Acting as sole counsel for sellers in an LMAA Arbitration regarding defects alleged following the sale and delivery of a valuable cargo vessel.
- Advising and settling pleadings in a dispute relating to the sale-purchase of a vessel for recycling in Bangladesh.

## Aviation

- Advising and settling pleadings in a range of carriage by air disputes, with a particular focus on claims under the Montreal and Warsaw Conventions.
- Acting as sole counsel in a high-value air cargo dispute in the Circuit Commercial Court.

## Previous Legal Experience

Prior to joining Quadrant, Ben worked in the Marine and International Trade department at Stephenson Harwood in Summer 2019, gaining experience in a number of significant charterparty, commodities, casualty and insurance disputes, as well as a better understanding of solicitors' practice. Ben also has experience working at Herbert Smith Freehills (Hong Kong) and Debevoise & Plimpton (London).

## Academic

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Cambridge Law 2014-17 (First Class)

New York University LLM 2017-18

(Specialisation in International Trade Law, Investment Treaty Arbitration, and International Commercial Litigation and Arbitration)

BPP Holborn BPTC 2018-19 (Very Competent)

# Awards

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Elected President of the Middle Temple Students Association 2019  
Excellence Award BPP 2018  
Advocacy Award BPP 2018  
Jesus College Scholarship 2017  
John Colet Scholarship 2014