



Benjamin Joseph

Called: 2019

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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. Benjamin is ranked as a "Rising Star" in Shipping by Legal 500 and a recommended barrister in Doyle's Guide for Maritime, Shipping & Transport Law.

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 the 'GTLK 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. ([2024] EWHC 734). The Case is one of The Lawyer's Top 20 Cases of 2024.
- Instructed in \$100m multi-party fraud proceedings in the Abu Dhabi General Market Court, led by Jeremy Richmond KC. Ben has appeared both as junior counsel and as sole counsel in a number of substantive hearings. The highlights include:
 - Appearing unled in obtaining the discharge of a \$100m worldwide freezing injunction for substantial non-disclosure [2023] ADGMCFI 0011.
 - Appearing unled in one of the first judgments in the Abu Dhabi General Market Court considering relief from sanctions [2024] ADGMCFI 0004, in which Ben's submissions were described by Sir Justice Andrew Smith as "impressive."
 - Sir Justice Andrew Smith's extensive judgment on jurisdiction [2023] ADGMCFI 0009.
- Appearing as sole counsel, responding to a worldwide freezing order and proprietary injunction in the Commercial Court, in Olympic Council of Asia v Novans Jets LLP.
- 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).
- 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.

Previous Legal Experience

Prior to joining Quadrant, Ben worked in the Marine and International Trade department at Stephenson Harwood in 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).

What the directories say

- "Ben is thorough in reviewing the factual basis and researching whatever legal aspects are relevant. His pleadings are uncluttered but nevertheless sufficiently detailed, also in terms of setting out more complex factual and legal situations." (Legal 500, 2025)

Shipping

Charterparties

- Acting, advising and settling pleadings as sole counsel in a wide variety of disputes under time charters, including off-hire, wrongful redelivery, speed and performance, liability for Covid-19 related issues, piracy issues, holds issues and various other claims, including pursuing dynamic strategies such as applications for partial final awards.
- Acting as sole counsel in a high value claim for damages and injunctive relief in LMAA Arbitration and the Commercial Court regarding a charterer's refusal to return a vessel following the termination of a bareboat charter.
- Advising and settling pleadings as sole counsel in a wide range of disputes under voyage charters, including laytime and demurrage and interim port disputes.

Carriage of Goods

- Acting as sole counsel for cargo interests in a dispute arising from the tragic sinking of a vessel in the Black Sea.
- Acting for owners and cargo interests in a wide variety of cargo damage and other disputes arising from the carriage of goods by sea, involving Hague/Hague-Visby Rules as well as jurisdictional issues.
- Acting as sole and junior counsel in general average disputes in the Commercial Court and LMAA Arbitration.

Admiralty

- Advising with regard to a dispute arising from the grounding of the MV "Ever Given".
- 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.

Superyachts

- Acting for the claimant (led by Nigel Cooper KC) in a claim for substantial defects affecting a luxury new-build superyacht.
- Acting as sole counsel throughout often bitterly contested superyacht charterparty disputes for both owners and charterers, including disputes regarding defective and unsatisfactory yachts and crew, disruptive and aggressive guests and the cancellation of charters.

Ship Sale & Purchase

- Acting as junior counsel (led by 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.

Commercial Dispute Resolution

- Instructed as junior counsel for the 'GTLK 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. **[2024] EWHC 734 The Case is one of The Lawyer's Top 20 Cases of 2024.**
- 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.
- Instructed in \$100m multi-party fraud proceedings in the Abu Dhabi General Market Court, led by Jeremy Richmond KC. Ben has appeared both led and unled in a number of substantive hearings. The highlights include:
 - o Appearing unled in obtaining the discharge of a \$100m worldwide freezing injunction for substantial non-disclosure. **[2023] ADGMCFI 0011**
 - o Appearing unled in one of the first judgments in the Abu Dhabi General Market Court considering relief from sanctions, in which Ben's submissions were described by Sir Justice Andrew Smith as "impressive." **[2024] ADGMCFI 0004**
 - o Sir Justice Andrew Smith's extensive judgment on jurisdiction. **[2023] ADGMCFI 0009**
- Appearing as sole counsel, responding to a Worldwide Freezing Order and proprietary injunction in the Commercial Court, in *Olympic Council of Asia v Novans Jets LLP*.

International Arbitration

- Acting as sole and junior counsel in the Commercial Court in challenges to arbitration awards under sections 67, 68 and 69 of the Arbitration Act 1996, including in the Court of Appeal (led by Chris Smith KC) in Mitsui Sumitomo Insurance Co Ltd v Dassault Aviation SA **[2024] EWCA Civ 5**
- Acting as sole counsel in a wide variety of jurisdictional challenges before LMAA Tribunals, including concerning the proper identification of parties to the contract(s) and the circumstances in which a principal will be bound to a contract concluded by his agent.
- 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 in an ICC Arbitration (led by Chris Smith KC) regarding the delayed delivery of certain maritime surveillance aircraft.

Commodities & International Trade

- 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 as junior counsel (led by Benjamin Coffey) in the Commercial Court in a multi-million-dollar dispute relating to contracts for the supply of oil to a West African Nation.
- Acting as junior counsel (led by Gemma Morgan) in the Commercial Court for Shell in a high value dispute arising from an energy supply contract.
- Acting as sole counsel in an \$8m energy dispute relating to the effect of the illegality of an international energy supply agreement under local law.
- Acting, advising and settling pleadings in a wide variety of disputes arising from international trade contracts, including issues such as delay, non-delivery, frustration, and force majeure.

Aviation & Travel

- Instructed as junior counsel for the 'GTLK 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. **[2024] EWHC 734 The Case is one of The Lawyer's Top 20 Cases of 2024.**
- Acting in an ICC Arbitration (led by Chris Smith KC) regarding the delayed delivery of certain maritime surveillance aircraft.
- 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.

Academic

Jesus College, University of Cambridge, LLB (2014-2017) – 1st Class

New York University, LLM (2017-2018) - Specialisation in International Trade Law, Investment Treaty Arbitration, and International Commercial Litigation and Arbitration

BPP Holborn, BPTC (2018-2019) – Very Competent

Awards

Excellence Award BPP 2018

Advocacy Award BPP 2018

Jesus College Scholarship 2017

John Colet Scholarship 2014