



Stephanie Barrett

Called: 2008

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Stephanie's practice encompasses a wide range of commercial litigation and arbitration, but is primarily focused on dry and wet shipping (especially charterparty and bill of lading disputes), shipbuilding and offshore construction, international trade, insurance, aviation/travel and energy. Her practice often involves cases of technical complexity, such as unsafe port claims, dangerous cargo claims and shipbuilding contract termination claims involving large numbers of defects. She undertakes drafting and advisory work in all areas of her practice. Stephanie also appears regularly (both as a junior and as sole counsel) in Commercial and Admiralty Court hearings and in commercial arbitrations on various terms including LMAA.

Given the predominance of arbitration in Stephanie's practice, many of her cases are unreported. In terms of reported Court cases, Stephanie recently acted as sole counsel in *The Amity* [2017] Bus. L.R. 2090, a case on the authority of junior employees to accept service of arbitration notices. She also acted as junior counsel in *Emma Moore v Hotelplan, t/as Inghams* [2010] EWHC 276 (QB), concerning tour operator liability for excursions, *Lloyds TSB Equipment Leasing (No. 1) Ltd v Revenue and Customs Commissioners* [2014] STC 2770 (Court of Appeal), concerning capital allowances on LNG tankers used in the Norwegian Snøhvit project, and *Ford v Malaysia Airlines* [2014] 1 Lloyd's Rep. 301 (Court of Appeal), concerning the meaning of "accident" under Article 17 of the Montreal Convention.

Stephanie is listed as an 'Up and Coming' Junior in the Chambers & Partners 2019 Directory .

What the directories say

- *"Stephanie's down-to-earth approach, dedication and hard work make her a joy to work with."*(Chambers UK, 2023)
- *"She is quick to act on urgent work."*(Chambers UK, 2023)
- *"Stephanie provides detailed yet clear and easy to follow advice."*(Chambers UK, 2023)
- *"Stephanie has a highly forensic mind and absorbs relevant information very quickly. Her analysis is precise and no-nonsense."*(Legal 500, 2023)
- *"Stephanie is very enthusiastic and very good at integrating with the team."*(Chambers UK, 2022)
- *"She has really good attention to detail. She delivers detailed advice."*(Chambers UK, 2022)
- *"She is a first-rate and fierce advocate."*(Legal 500, 2022)
- *"She is approachable and responsive."*(Chambers UK, 2021)
- *"She is a very good junior counsel."*(Legal 500, 2021)
- *"She's speedy and down to earth."*(Chambers UK, 2020)

- *"She turns around pleadings really quickly."*(Chambers UK, 2020)
- *"She is excellent."*(Legal 500, 2020)
- *"She is first-rate."*(Legal 500, 2020)
- *"She is a very able junior."*(Legal 500, 2019)
- *"She is a fierce advocate."*(Legal 500, 2019)
- *"Extremely thorough and very user-friendly."*(Chambers UK, 2019)
- *"Capable beyond her call, intelligent and hard-working."*(Chambers UK, 2018)
- *"...A dedicated and pragmatic advocate..."*(Chambers UK, 2018)
- *"...Excellent advocate, who is extremely hard working and easy to work with..."* *"Very strong and very responsive..."*(Chambers UK, 2017)
- *"...She was very diligent, proactive and her response times were very swift..."*(Chambers UK, 2017)
- *"...rising star..."*(Chambers UK, 2017)
- *"...Pragmatic and straightforward..."*(Legal 500, 2016)
- *"...she is excellent, tenacious and someone who never lets points go..."; "...she is a rising star who is energetic and user-friendly..."*(Chambers UK, 2016)
- *"...bright, tenacious and happy to accommodate the client's needs..."; "...a fearsome advocate with a first-rate intellect..."*(Chambers UK, 2015)

Shipping

Dry Shipping

Stephanie regularly undertakes advocacy and drafting work relating to a wide range of dry shipping disputes. She advises on time and voyage charterparty claims including a range of standard forms (such as NYPE 1946 and 1993, Shelltime 4 and gencon); late and early redelivery disputes; speed and consumption claims; off-hire; NYPE Interclub Agreement disputes; employment and agency claims, bunker quality disputes, oil major approvals clauses, and unsafe port claims; demurrage and despatch claims; time bar clauses; crane breakdowns and other stevedore damage claims; responsibility for cargo claims under charterparties and Hague/Hague-Visby Rules issues.

Many of Stephanie's cases involve not just contractual issues but also complex technical evidence. Examples of Stephanie's experience include:

- Acting as sole counsel for shipowners in both a time charter and a bill of lading arbitration arising out of discolouration of a cargo of phenol. The issues include inherent vice, unseaworthiness allegations, detailed chemistry expert evidence and liability for hire and other costs during a period when the receivers refused to accept the cargo.
- Acting as sole counsel for a time charterer where the cargo interests had abandoned the cargo onboard the vessel and she had therefore sat outside the discharge port for over one year. Issues included liability for hire, bunkers and other expenses incurred by the head owners, the identity of the sub-charterer and an application to the Commercial Court for sale of the cargo.
- Acting as sole counsel in a number of charterparty arbitrations involving the 2011 Interclub Agreement in long chains of charterparties, including the operation of the security provisions in Article 9.
- Acting as junior to Michael Davey QC in multi-party Commercial Court litigation concerning letters of indemnity given in order to secure delivery of cargo without production of bills of lading, whether cargo had been "delivered" for the purposes of Chinese law, and the impact of an intermediate charterer issuing unauthorised "switch bills" for a cargo.
- More recently, acting as junior to Simon Croall QC in the quantum stage of an arbitration relating to the early termination of a time charter. This case raised very difficult issues of law concerning the assessment of damages, and expert evidence of cruise ship operation and lay-up and accountancy.

- Dangerous cargo and unsafe ports: Stephanie was instructed as junior counsel to Simon Rainey QC and Nevil Philips in a substantial arbitration concerning the loss of the *"BULK JUPITER"* and allegations of cargo liquefaction (bauxite). This case involved difficult contractual issues as well as complex soil mechanics and naval architecture expert evidence.
- Stephanie was instructed as junior to Nigel Cooper QC in a two-week arbitration concerning a ship's tank which ruptured due to over-pressurisation during line clearing operations when loading palm oil products.
- Instructed as junior counsel to Poonam Melwani QC in a large and complex unsafe port arbitration involving an allision between a vessel and a jetty during berthing.
- Instructed as junior to Simon Croall QC in a two-week arbitration involving late redelivery and illegitimate/unsafe orders in respect of a time charter of dredging equipment.
- Junior counsel to Lionel Persey QC in a substantial arbitration concerning various issues arising out of a long-term time charter, including the construction of the laycan clause, deliverable condition and the appropriate measure of damages for early redelivery.
- Junior to Chirag Karia QC in a week-long arbitration concerning the construction of trading range and oil major approvals clauses.
- Cargo claims: Stephanie often acts as sole counsel in bill of lading disputes, including a number of recent disputes relating to steel coil damage during transit and the application of the package limits under US COGSA. She also acted as junior to Robert Thomas QC in a bill of lading arbitration arising out of the loss of a sugar cargo due to the vessel grounding on a reef. The case concerned detailed navigational and ISM Code issues, deviation and unseaworthiness claims.
- She is also currently acting as sole counsel in a Commercial Court claim for sums paid by cargo interests to salvors following an engine breakdown (the *"SBI JAGUAR"*). This case centres around allegations of lack of due diligence to make the vessel seaworthy, and raises issues as to the responsibility of a vessel's new owner when taking over control of the vessel as regards checking previous maintenance.

Wet Shipping/Admiralty

Stephanie has advised and drafted pleadings for a number of Admiralty disputes and is familiar with issues concerning Admiralty Court jurisdiction and procedure. Stephanie has appeared in the Admiralty Court on several occasions, for instance in order to obtain an order for sale following arrest of a yacht and to amend Particulars of Claim relating to a de-gloving injury sustained onboard a seismic research and survey vessel in the North Sea. She is currently instructed in substantial Admiralty Court Proceedings for a P&I Club which repatriated the crew of two cruise vessels abandoned at Tilbury (*"COLUMBUS"* and *"VASCO DA GAMA"*) pursuant to Maritime Labour Convention "Blue Cards". This matter involves complex issues as to the application of the Maritime Labour Convention and as to priorities over the proceeds of sale of the vessels.

Recent instructions also include a number of collision or allision actions and an instruction as junior to Lionel Persey QC in a substantial salvage arbitration raising difficult issues as to salvaged value.

In addition, Stephanie has worked on a number of charter and bill of lading disputes where general average and salvage issues, or detailed navigational issues, have been raised. One category of work comprises a number of disputes about unseaworthiness and general average in the context of groundings and other accidents during laden voyages under charterparties and bills of lading. She is currently instructed as junior to Robert Thomas QC in a Commercial Court general average dispute arising out of the grounding of the *"PANAMAX QUEEN"* in 2017 when leaving Paranagua. This case raises numerous legal and factual issues, in particular as to the correct calculation of vessel and cargo contributory values under the York-Antwerp Rules and the correct characterisation of expenses incurred after the contract of carriage has been frustrated.

Other examples of Stephanie's work in this area include:

- Instructed as sole counsel in a case concerning issues of beneficial ownership and resulting trusts where a vessel was registered in one name but a different individual provided the purchase funds.
- Instructed as sole counsel in two arbitrations (one under a charterparty and one under a bill of lading) arising out of a grounding off West Africa. The issues include deviation, unseaworthiness in the form of crew incompetence, navigational issues (including compliance with the Collision Regulations) and general average.

- Junior to Robert Thomas QC in a large charterparty arbitration arising out of a grounding on a reef. The case included consideration of navigational issues, ISM compliance, deviation and unseaworthiness.
- Junior to Sean O'Sullivan QC in an arbitration concerning jurisdictional issues surrounding a general average and charterparty claim.
- Instructed as sole counsel for a keel manufacturer in a multiparty dispute where a yacht sank due to alleged keel defects.

Commodities & International Trade

Stephanie acts in a range of commodities disputes, including FOB and CIF sales of commodities such as coal, wheat and oil. Illustrative cases include:

- Instructed as junior to Stewart Buckingham in two FOSFA and one GAFTA arbitrations arising out of sale contracts for soybeans. The issues include construction of bespoke pricing and delivery clauses, their interaction with FOSFA/GAFTA standard Default Clauses and the appropriate date for the assessment of damages where goods are not paid for and not delivered for a lengthy period.
- Instructed as junior counsel to Jonathan Gaisman QC in a Commercial Court dispute relating to pricing provisions under DES shipments of oil cargoes.
- Instructed as junior to Simon Croall QC in a Commercial Court case involving US biodiesel allegedly shipped in breach of EU Regulations imposing duties and penalties on US origin biodiesel.
- Advised on EU waste shipment regulations in respect of consignments of recycled carpet shipped from the UK to Pakistan.
- Instructed to advise in a case relating to the obligation to nominate a vessel under a FOB sale of coal.

More recently, Stephanie has advised on procedural issues concerning the use of evidence from one FOSFA arbitration in a related arbitration. In addition, she has been instructed as junior to Poonam Melwani QC in a large arbitration concerning several sale contracts on FOB and CIF terms, with difficult issues arising as to payment under a stand-by letter of credit, presentation of fraudulent bills of lading and set-off.

Shipbuilding

Stephanie has substantial experience of acting in shipbuilding, both as a junior to a range of chambers' Silks and as sole counsel. Many of these disputes have been lengthy and technically complex arbitrations concerning issues such as deliverability, ascertainment of the "drop dead date", permissible delay and warranty claims. She has acted for both buyers and yards and in respect of vessels ranging from bulk carriers, tankers and container vessels to specialist heavy-lift vessels and superyachts.

Examples of Stephanie's work in the field of shipbuilding are as follows:

- Appeared as Junior counsel to Lionel Persey QC and Nigel Cooper QC in a multi-million dollar, six-week shipbuilding arbitration concerning alleged repudiatory breach by a shipyard during construction of a Capesize bulk carrier. One of Stephanie's main tasks in this arbitration was to produce a detailed schedule analysing all the evidence in respect of more than 200 alleged technical defects in the vessel. The broader issues considered included poor supervision by the Classification Society, interference with inspection rights by the shipyard and a range of defects including welding and steelwork defects, shaft alignment problems and breaches of SOLAS.
- Stephanie was instructed as junior to Simon Croall QC in a lengthy arbitration concerning whether or not a tanker vessel was in a deliverable condition by the drop-dead date under a shipbuilding contract. The defects alleged included breaches of SOLAS relating to the arrangement of CO2 pipes in an electrician's workshop, and coating and cleanliness of tanks and bilges.
- Appeared as junior to Lionel Persey QC in a two-week arbitration concerning the construction of a specialist Heavy-Lift vessel and alleged delays caused by the buyers' site supervision team. The case included consideration of the critical path and the quality of welding and other work carried out by the yard.
- In addition, as set out in the Energy Section, Stephanie has been instructed in several offshore construction arbitrations.

Energy

Stephanie has substantial experience of acting in offshore construction and energy disputes, both as a junior to a range of chambers' Silks and as sole counsel. Many of these disputes have been lengthy and technically complex arbitrations concerning issues such as deliverability, ascertainment of the "drop dead date", permissible delay and warranty claims. She has acted for both buyers and yards and in respect of vessels ranging from bulk carriers, tankers and container vessels to specialist heavy-lift vessels and jack-up drilling rigs.

Examples of Stephanie's work in the field of energy are as follows:

- Instructed as junior counsel to Christopher Smith QC in four related arbitrations (two LMAA, two HKIAC) concerning the construction of two jack-up drilling rig units intended for use in the North Sea. The issues raised include permissible delay, an array of alleged defects (from inoperability at required service temperatures to welding defects) and whether or not a contemporaneous expert report is contractually binding.
- Stephanie was instructed as junior to Lionel Persey QC in a technically complex energy dispute concerning alleged manufacturing defects in electrical submersible pumps ("ESPs") supplied for use in a subsea context.
- Stephanie appeared as second junior (with David Ewart QC, Nigel Cooper QC and Raymond Hill) in the First Tier Tribunal (Tax Chamber) and Upper Tier Tribunal (Tax and Chancery) hearings concerning the tax treatment of bareboat and time charterparties of two LNG tankers involved in the Norwegian Snohvit LNG Project (*Lloyds TSB Equipment Leasing (No. 1) Ltd v Revenue and Customs Commissioners* [2014] STC 2770 (Court of Appeal), [2012] UKFTT 47 (TC) and [2013] UKUT 368 (TCC)).
- Appeared as junior to Lionel Persey QC in a two-week arbitration concerning the construction of a specialist Heavy-Lift vessel and alleged delays caused by the buyers' site supervision team. The case included consideration of the critical path and the quality of welding and other work carried out by the yard.

International Arbitration

Stephanie has extensive experience of commercial arbitrations under LMAA terms and substantial experience of arbitrations conducted under other terms such as LCIA and HKIAC, as well as arbitration applications in the High Court under the 1996 Act. More recently, she acted as junior to Lionel Persey QC in a complex salvage arbitration on Lloyd's Open Form terms. A substantial proportion of her shipping, international trade, shipbuilding and energy work relates to cases which are arbitrated and she is therefore often instructed to provide advisory and advocacy work in relation to arbitration.

She has experience of a range of issues relating to arbitration procedure, including disputes concerning appointment, disclosure, jurisdiction and appeals under sections 67, 68 and 69. Stephanie has advised upon and drafted a number of applications under sections 67 and 69 of the 1996 Act, including the necessary witness evidence and skeleton arguments. She acted as sole counsel in a charterparty arbitration where the parties had to apply to the Commercial Court for an order allowing the sale of cargo aboard a vessel which had been abandoned by the cargo interests.

Stephanie is familiar with the usual procedural disputes that arise during the course of an arbitration, such as timetabling, security for costs and disclosure. Stephanie has also drafted the necessary documents for an anti-suit injunction application to restrain proceedings brought outside the European Union in breach of an arbitration clause.

Examples of Stephanie's work in the field of International arbitration are as follows:

- Stephanie acted as sole counsel in *The Amity* [2017] Bus. L.R. 2090, concerning whether an arbitration notice sent by email to a junior employee in a "back office" department was validly served for the purposes of the Arbitration Act 1996.
- Several lengthy and substantial shipbuilding and offshore construction arbitrations, as set out in the Shipbuilding and Energy section. For instance, Stephanie appeared as junior to Nigel Cooper QC and Lionel Persey QC in a shipbuilding arbitration lasting six weeks.
- Several shipping arbitrations, including arbitrations relating to unsafe port claims, redelivery disputes under time charters and dangerous cargo disputes. For further details, please see under Shipping, Commodities and Transport

Aviation & Travel

Stephanie has significant experience of both aviation and travel work, having undertaken advisory and drafting work as well as advocacy on behalf of a number of major airlines, tour operators and airports. Her experience relates to a broad range of issues, from personal injury, baggage and delay claims under the Montreal Convention, the denied boarding (EC Reg 261/2004) and reduced mobility (EC Reg 1107/2006) regulations, personal injury claims against airports and tour operators, the Package Travel Regulations, the Athens Convention, and general contractual issues, such as disputes under ground handling agreements, wet-leases of aircraft and agreements between airlines and airports. Stephanie has appeared as sole counsel for airlines, cruise lines, tour operators or airports in a number of County Court fast and multi-track personal injury trials and in High Court disputes.

Illustrative cases include:

- Stephanie successfully represented Malaysia Airlines at a preliminary issue hearing on whether negligent medical treatment administered by one passenger to another constituted an "accident" under Article 17 of the Montreal Convention, and also appeared as junior counsel to Robert Lawson QC when this issue was appealed to the Court of Appeal (*Ford v Malaysia Airlines* [2014] 1 Lloyd's Rep. 301).
- Stephanie was junior to Michael McParland QC in *Emma Moore v Hotelplan, t/as Inghams* [2010] EWHC 276 (QB) concerning the liability of a tour operator for devastating injuries suffered by the Claimant whilst participating in a skidoo excursion which was not part of the original package holiday but booked through the Defendant's resort representative. Stephanie acted as junior counsel for the successful Claimant.
- Stephanie acted for the tour operator "Club Med" (initially as sole counsel and subsequently as junior to Chirag Karia QC) in a personal injury dispute concerning an ice-climbing excursion during a teambuilding trip to France (see *Committeri v Club Mediterranee* [2016] EWHC 1510 (QB), although Stephanie did not attend the hearing). The issues raised by the case included questions of conflicts of law and the Rome I and Rome II Regulations.
- Acting as sole counsel for a tour operator in relation to a personal injury case brought by the widower of a guest who sustained a minor fall while on holiday but subsequently died due to a combination of consequential immobility and pre-existing illness. This case therefore raised difficult issues of causation and medical evidence.
- Stephanie was instructed as sole counsel by Advantage Travel in an action against an individual travel agent member which involved allegations of fraud and breach of regulatory requirements in relation to the handling of customer deposits.
- More recently, Stephanie has been instructed as sole counsel for a P&I Club faced with a direct personal injury claim made by a passenger under an Athens Convention "Blue Card". She is also currently acting as sole counsel for an airline under a wet-leasing dispute in the Commercial Court.

Commercial Dispute Resolution

Stephanie has assisted with sale of goods disputes ranging from international sales to quality and condition disputes under the Sale of Goods Act. She regularly advises on issues of contract and tort law in a wide spectrum of commercial disputes such as sale of goods and supply of services and carriage of goods by road (both domestic and international). She is currently instructed as junior to Poonam Melwani QC in a large arbitration concerning several sale contracts on FOB and CIF terms, with difficult issues arising as to payment under a stand-by letter of credit, presentation of fraudulent bills of lading and set-off.

Examples of Stephanie's general commercial work include acting as sole counsel in the following: an arbitration relating to a FOB sale contract for coal; a Mercantile Court claim concerning the carriage of a tank container of zirconium nitrate by road; a contractual dispute concerning the sale of allegedly defective recycling machinery; and a Commercial Court claim concerning the theft of copper concentrates through fraud from a depot in Zambia. She has also assisted Michael McParland QC with a large shareholder dispute being litigated in the British Virgin Islands.

Stephanie has experience of assisting with issues of conflicts of laws and jurisdiction both in an EU and non-EU context, and in relation to both contract and tort. She has advised on issues such as service out of the jurisdiction, and incorporation of jurisdiction and arbitration clauses into contracts.

Insurance

Stephanie has experience of a range of insurance and reinsurance matters, both marine and non-marine, including the construction of standard terms in a marine policy and assisting in advising on recovery and quantum under a property and business risks policy. She has also advised on more unusual clauses, such as the construction of an exclusion for "stand alone warehouses", and on jurisdiction and subrogation in respect of a hangarkeeper's policy following a fire which destroyed a number of helicopters.

Stephanie was instructed as fourth junior to Simon Bryan Q.C. and Guy Blackwood Q.C. in the multi-million dollar Commercial Court dispute between Markerstudy and other insurance companies and their claims handlers in respect of negligent handling. This was a complex and substantial dispute involving work on a detailed Scott Schedule of sample claims over a period of around 8 months.

Recent instructions include a number of disputes concerning the construction of Protection & Indemnity policies and direct liability of P&I Clubs under MLC and Athens Convention "Blue Cards".

Academic

B.A. in Jurisprudence, University College, Oxford (1st Class)
Bachelor of Civil Law, University College, Oxford (Distinction)
Bar Vocational Course, BPP London (Very Competent).

Awards

Exhibitioner of University College, Oxford and awarded 2 College prizes for consistent good work. Winner of the Birks prize (2007) for the best Restitution examination paper on the BCL.
Middle Temple Queen Mother Scholar (2007-8).

Ranking



Appointments

Tutor in Equity at School of Oriental and African Studies 2007-8.

Memberships

COMBAR
LCIA Young International Arbitration Group

Languages

Welsh (conversational)
Czech (Intermediate)