

- Litigation & Arbitration
- Shipping & Maritime
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- Banking & Finance
- Civil Fraud
- Employment
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- Competition

Steven Gee QC

Call: 1975
 QC: 1993

Recorder
 Head of Chambers

Brasenose College, Oxford University, (Open Scholarship
 in natural Sciences)
 MA Law (First Class) (Oxon)
 Harvard University (Logic and Roman History)

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Steven Gee QC is a commercial litigator, and the author of "Commercial Injunctions" (published by Sweet & Maxwell, 6th edition forthcoming). Steven practises in the full range of commercial work including arbitrations, agency agreements, distribution agreements, commercial contracts, joint ventures, partnership, sale of goods, insurance, reinsurance, misrepresentation and civil fraud, shipping, shipbuilding, company law and banking.

He sits as a commercial arbitrator (appointors include the President of the Law Society) and has acted in numerous commercial arbitrations in England, Bermuda, New York, Paris and Geneva (including ICC arbitrations in England, New York, Paris and Geneva), and as counsel in cases about the enforcement of arbitration agreements and awards. He has appeared as counsel in Bermuda, in the Supreme Court of the Republic of Ireland, the Cayman Islands, the Turks and Caicos Islands, and Antigua. He sits as a Recorder of the Crown Court for civil, criminal and family matters.

He is a member of the New York Bar and admitted to practice in the State and Federal Courts in New York, and is a member of the Antigua Bar.

He is recommended in the Legal 500 and/or Chambers & Partners as a specialist in International Arbitration, Commercial Litigation, Civil Fraud, Insurance and Reinsurance and Shipping & Commodities.

Steven Gee QC ... "a formidable advocate with an outstanding intellect - judges just follow his every word." (Chambers & Partners 2012)

Steven Gee QC's "exceptional ability to pluck brilliant points out of seemingly thin air" sees him instructed in an impressive range of cases. (Chambers & Partners 2012)

Sources reserve special mention for his "mastery of interlocutory injunctions." (Chambers & Partners 2012) *Head of Stone Chambers Steven Gee QC is a "creative thinker" whose unique mind and tremendous experience make him a popular choice for commercial clients.* (Chambers & Partners 2011)

Steven Gee QC is known for his "encyclopaedic legal knowledge" and, whilst highly talented across the board, excels in charter party cases. (Chambers & Partners 2011)

Steven Gee QC has the gift of 'making everything seem easy', is superb for dry shipping. (Legal 500 2010)

The 'incredibly learned and intellectual' Steven Gee QC is the type of barrister who is 'likely to find a point in a case that no one else has considered.' (Chambers & Partners 2009)

Supreme Court / House of Lords Cases:

- *Global Process Systems v Syarikat Takaful Malaysia Berhad* [2011] UKSC 5 - the first marine insurance case to reach the new Supreme Court. The case turned on the scope of the inherent vice exclusion in the Institute Cargo Clauses.
- *The Starsin* [2003] 2 WLR 711 - identity of the contracting carrier on bills of lading, title to sue, the meaning and effect of the Himalaya clause, and interpretation of bills of lading.



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- *Astro Exitto Navegacion SA v Southland Enterprise Co Ltd* - interim specific performance of a contract for sale.
- *The Sennar No 2* - issue estoppel / res judicata.
- *The Lips* - damages for late payment involving a currency loss.
- *DSV v Shell No 2* - banking, garnishee orders, and the risk of double payment for a garnishee out of the jurisdiction.
- *Dimskal Shipping v ITF* - economic duress, and conflicts of law.

Recent Cases and Cases of Interest:

- *Great Eastern Shipping Co Ltd v Far East Chartering Ltd & Another (The "Jag Ravi")* [2011] EWHC 1372 (Comm) [2011] Lloyd's Rep Plus 65: contract – letter of indemnity – shipowners delivering cargo without production of bills of lading – whether shipowners entitled to enforce letter of indemnity issued by receivers – whether “delivery” under letter of indemnity – whether receivers entitled to rely on defence of public policy - Contracts (Rights of Third Parties) Act 1999.
- *Star Reefers Pool Inc v JFC Group Co Ltd* [2010] EWHC 3003 - allocation of jurisdiction - anti-suit injunction - applicable law of guarantees.
- *Phaethon International CO SA v Ispat Industries Ltd* [2010] EWHC 3446 (Comm) - arbitration clauses - foreign proceedings - injunctions interim measures. Acted on behalf of the London Underwriters in respect of a US\$65million insurance claim arising out of the alleged expropriation of an oil rig by the Government of Venezuela.
- *National Ability SA v Tinna Oils and Chemicals Ltd* [2009] EWCA Civ 1330 - Steven acted on behalf of charterers in the Commercial Court and Court of Appeal. It is the leading case on the limitation period for enforcing arbitration awards.
- *ACE Capital Ltd v CMS Energy Corporation* [2008] EWHC 1843 (Comm) - Political risk insurance dispute (concerning insured risks in South America), Steven acted for Lloyd's underwriters in this matter which is now the leading case on the interaction between an arbitration agreement and a US service of suit clause (a standard provision in US insurance policies).
- Provided expert evidence for the South African courts in a case concerning Himalaya clauses and the interpretation of bills of lading.
- *ACE Capital Ltd v CMS Energy Corporation* [2008] EWHC 1843 (Comm) - Political risk insurance dispute (concerning insured risks in South America), Steven acted for Lloyd's underwriters in this matter which is now the leading case on the interaction between an arbitration agreement and a US service of suit clause (a standard provision in US insurance policies).
- *Hospira UK Ltd v Eli Lilly & Co* [2008] EWHC 1862 - anti-suit injunctions - intellectual property - infringement.
- *The Noga litigation* which lasted over 65 days in front of Rix LJ and concerned freezing relief for \$800 million and a dispute over a settlement for US\$100 million, and see [2001] 3 AER 513 on the jurisdiction to reconsider, and in the Court of Appeal upon the effect of the declaratory remedy on the need to obtain permission to appeal: *Compagnie Noga d'Importation et d'Exportation SA v Abacha (No.3)* [2002] CLC 207 (declaration) affirmed [2003] 1 WLR 307, and interpretation of contracts : *Compagnie Noga d'Importation et d'Exportation SA v Abacha (No.4)* [2003] EWCA Civ 1100 [2003] 2 All ER (Comm) 915. For the judgment at first instance see: *Compagnie Noga d'Importation et d'Exportation SA v Abacha (No.1)* (Reserved Judgment) 2001 WL 542308.
- *Arkin v Borchard Lines* [2003] 2 Ll Rep 225 - a 40-day trial in the Commercial Court instructed by P&O - the first case to go to trial seeking damages under articles 81 and 82 of the EU treaty, concerning the effect of these articles in the context of liner shipping conferences and the EU Block Exemption on liner conferences, and *Arkin v Borchard Lines No 2* [2004] 1 Ll Rep. 88 concerning section 51 of the Supreme Court Act 1981 and professional funders, see also *Arkin v Borchard Lines Ltd (Costs)* [2001] CP Rep. 108 (costs and set off) *Arkin v Borchard Lines Ltd (Costs: Third Party Proceedings)* [2003] EWHC 3088 (2004) 154 NLJ 22. *Arkin v Borchard Lines Ltd (No.3)* [2004] 1 Ll Rep 636.
- *Petromec Inc. v Petroleo Brasilico S.A Petrobras & Ors case* [2004] 1 Ll Rep 629 - concerning the total loss of production platform “P 36”, which at one time was one of the largest offshore production platforms in the world, and the interpretation of contracts.



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- *Glencore v Metro No 1* [2001] 1 Ll Rep 283 - phase 1 of the Metro litigation which is one of the largest case managed cases in the Commercial Court and related to title to oil/bunkers in a floating oil terminal following the insolvency of the storage company, The Metro litigation phase 2 (judgment 1st August 2001).
- *The Fjord Wind* [1999] 1 Ll Rep 307 and [2000] 2 Ll Rep.191 - a leading case on Article III rule 1 of the Hague Rules and the obligation of due diligence.
- *Hamble Fisheries v L Gardener & Sons* [1999] 1 Ll Rep 1- on claims for economic loss in tort for loss caused by defective ship's engine manufacture.
- *Re Pinstripe Farming Co Limited* [1996] 2 BCLC 295 - insolvency
- *Chiron v Murex* intellectual property litigation
- *Yukong Line Ltd of Korea v Rendsburg Investments Corp of Liberia (The Rialto)* (Injunctive Relief) [2001] 2 Lloyd's Rep 113
- *Refco v Eastern Trading* [1998] 1 Ll Rep 159 - injunction in support of federal proceedings.
- *Yukong v Rendsburg No 2* [1998] 1 WLR 294 - claim on a cross-undertaking in damages and the court's jurisdiction to award damages for losses caused by a freezing order.
- *Re A Solicitor* [1997] Ch 1 - injunction to protect confidential information.
- *Union Bank v Lelakis* [1997] 1 WLR 590 - service out of the jurisdiction of an order for examination about assets.
- *Allied Irish Bank Plc v Ashford Hotels Ltd* [1997] 3 All ER 309 - interim receiver.
- *The Choko Star* [1996] 1 WLR 774 - limitation of actions and corporate changes.
- *Flettamentos v Effjohn* [1996] 2 Ll Rep 304 - arbitration/jurisdiction.
- *Balkanbank v Taher Nos 1 and 2* [1995] 1 WLR 1056 and 1067 - litigation relating to the enforcement of a cross-undertaking in damages, and an appeal before the Irish Supreme Court.
- *Trade Indemnity v Njord* [1995] 1 AER 796 - Brussels Convention.
- *Cheltenham & Gloucester Building Society v Ricketts* [1993] 1 WLR 1545 - enforcement of cross-undertaking in damages.
- *Mercantile Group v Aiyela* [1993] FSR 745 - injunction ancillary to enforcement of judgment.
- *Standard Chartered Bank v Walker* [1992] 1 WLR. 561
- *Republic of Haiti v Duvalier* [1990] 1 QB 202