

## Richard Jacobs QC

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Richard Jacobs QC appears regularly as counsel in the English High Court and appellate courts and in international arbitrations conducted in London and abroad, and also sits as arbitrator, in a wide range of commercial disputes. He is co-Head of Essex Court Chambers. Richard specialises in commercial law in litigation and arbitration.

In recent years, his court cases have included disputes relating to insurance and reinsurance, the ISDA Master Agreement, offshore oil exploration, arbitration and public international law issues arising from a satellite contract, and major accountant and insurance broker professional negligence actions. Between 1995 and 2008, he appeared, in the Commercial Court and the Court of Appeal, in a large number of 'Lloyd's litigation' cases. He has appeared at all levels of the English court system. He has acted as counsel in disciplinary proceedings in the insurance sector, has sat as a Recorder (part time judge) in criminal cases in the Crown Court for over 10 years, and is a panelist member of the Bar Tribunals and Adjudication Service where he sits as disciplinary tribunal chairman.

His recent arbitration cases as counsel include many 'Bermuda Form' liability insurance disputes; a reinsurance dispute involving New Zealand earthquakes; a partnership dispute relating to a Canadian oil-sands venture; a substantial business interruption claim arising from a US hurricane; ICC arbitrations relating to a power project in India, a pharmaceutical distribution agreement, and sale of goods disputes relating to steel manufacturing; shipbuilding contracts; contingency risk insurance; an Article 81 shipping industry competition case; as well as court applications relating to arbitration proceedings. He has also been involved in a number of disputes concerning expert determinations, particularly in relation to offshore oil and gas industry contracts.

He is the co-author of 'Liability Insurance in International Arbitration: the Bermuda Form' (2nd Edition published by Hart Publishing Ltd. in January 2011).

He has been appointed as arbitrator in LCIA, DIFC-LCIA, ICC, SIAC and ad hoc arbitrations. His recent experience as arbitrator includes matters relating to insurance and reinsurance (Bermuda Form, business interruption and other disputes), TV broadcasting rights, a hedge-fund partnership dispute, commodities, offshore oil production, shipbuilding, ship management, joint ventures, share sale agreements, power projects, aircraft leasing, distribution agreements, a Cayman Islands exempted limited partnership, the systems for a beef processing plant and container management. He also served as arbitrator on the Appeals Tribunal of the International Commission on Holocaust Era Insurance Claims.

Directory comments include:

*"A lawyer with a truly great intellect who is very good on the detail."*

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*"He is a first-class advocate and knows how to get the legal high ground in a dispute."*

*"A highly experienced silk with significant experience of cases where energy and insurance law overlap."*

*"He did a wonderful job of bringing himself up to speed in the case and was a very effective advocate. He actually sits and listens and understands what clients are looking for."*

*"Very skilful in navigating complex legal technical issues." "Personable, very hard-working, diligent and reliable."*

*(Chambers and Partners 2017)*

*"Organised, focused and precise in his preparation."*

*"Willing to roll up sleeves and get stuck into the detail."*

*"He is incisive, effective, calm and has a relaxed manner with the tribunal."*

*"User-friendly and calm under fire."*

*(Legal 500, 2016)*

### **Recent Arbitrations Include:**

- Reinsurance disputes arising from workers compensation/ personal accident claims;
- Commodities disputes;
- Holocaust Era insurance claims;
- Insurance arbitrations e.g. involving business interruption, political risks, and Bermuda Form claims;
- Dispute relating to TV cricket rights;
- Claim arising from UK government contract;
- ICC arbitration relating to joint venture agreement.

### **Recent Arbitrations as Counsel:**

- Bermuda Form arbitrations arising from products liability claims in the US (e.g. medicines, plumbing fittings, vehicle components, petroleum products, underfloor heating);
- Article 81 competition case relating to maritime industry;
- Reinsurance disputes relating to accountants' professional indemnity risks;
- Reinsurance disputes relating to pipeline explosion insured under Bermuda Form (for subsequent court proceedings, see *Noble Assnce Co. v Gerling* [2007] EWHC 253;
- Insurance of 'viatical' risks in the Lloyd's market;
- Shipbuilding dispute relating to a fast ferry;
- Insurance disputes relating to pensions mis-selling;

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- Dispute relating to agreement for distribution of products in China;
- Commodity disputes, including arbitrations before the Sugar Association of London (for subsequent court proceedings, see *CR Sugar Trading Ltd. v China National Sugar and Alcohol Group* [2003] EWHC 79).

### Professional Career:

Barrister: 1979

QC: 1988

Recorder (part-time Judge in Crown Court): 2002 to date