



ANDREW NEISH QC

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Year of call 1988

Queen's Counsel 2009

Arbitration Chambers Hong Kong

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Practice areas

- Insurance and reinsurance
- Commercial disputes

Member Chartered Institute of Arbitrators

Member of the LCIA Users' Council

Admitted to practice in the British Virgin Islands

Recommendations

Andrew has long been recommended in the Legal Directories as a leading practitioner in both insurance and reinsurance and disputes arising out of professional negligence. Comments include:

- Praised for his intelligence, enthusiasm and professionalism
- Brilliant, passionate and tenacious
- A great fighter, he'll 'provoke a full and frank discussion' whilst always showing 'superb judgment'
- A master of complexity

Before taking silk, Andrew was Chambers & Partners "Insurance Junior of the Year" in both 2007 and 2008.

Practice

Andrew specialises in insurance and reinsurance disputes and his expertise extends across a wide range of Markets and classes of liability, property and speciality business. He has been instructed as an expert witness on English insurance law in disputes in Israel, the United States and Australia.

Andrew has considerable experience of LCIA and ICC Rules based International Arbitration. He is familiar with the IBA's Evidence and Conflicts Rules and with the UNCITRAL Model Law and Arbitration Rules (as reflected to differing extents in the domestic arbitration laws of various jurisdictions including the Arbitration Ordinance and the 2006 Interpretation of the 1994 China Arbitration Act by the Supreme People's Court), and with recognition and enforcement principles (including those established under the New York Convention).

Over the past decade, Andrew has been instructed for both insurers and insureds from around the world in international Arbitrations which have included disputes relating to whether:

- A Korean insurance company found liable to pay large claims under guarantees issued on behalf of Korean shipyards to the buyers of vessels which were not delivered can be recovered from Bermuda based credit insurers;
- Buyers of 3 vessels to be built in Vietnam by Vinashin but not delivered on time were entitled to recover the Advanced Payments made to Vinashin from their UK and US Insurers;

- Moscow based steel traders who, in connection with an order for coils to be made at a Thai mill, had made pre-payments under Red Clause Letters of Credit could recover from their New York insurers when the mill failed either to deliver the coils or repay the pre-payments;
- London Market insurers are liable for losses caused to banks which had invested in the Madoff Ponzi scheme;
- Losses caused by disruption to the construction of an oil pipeline across the Ecuadorian Andes caused by political demonstrations and a volcanic eruption were recoverable from local insurers or London reinsurers;
- Financial loss to banks pre-financing Brazilian agribusiness and sustained following the non-delivery of the crops under linked off-take agreements were recoverable from insurers who claimed that the security arrangements and effect of relevant Brazilian law had not been properly disclosed;
- London Market insurers were entitled to recover from their reinsurers in relation to their settlement of a claim brought by US investors in the privatised Argentine energy under their Political Risks insurance following the 2004 “peso-fication” of the Argentine economy;
- Bermuda insurers were liable in respect of a large property and business interruption claim arising from an explosion at a coal mine in West Virginia;
- Payments made under wrongfully called Performance Bonds issued by a large European telecoms company in connection with its supply of equipment for a mobile telephone network in Turkey could be recovered from Lloyd’s underwriters;
- The owners and builders of the Anaconda nickel/cobalt mine in Australia should have disclosed their intended use of innovative and unproven technology to their various London and International insurers providing is delayed start-up insurance;
- A consortium of international Banks which had provided finance for the purchase of airliners in Eastern Europe could recover under their Political Risk insurance following the confiscation of the aircraft by the Serbian authorities.

Commercial

In addition to his insurance practice, Andrew has wide experience in more general commercial disputes. His experience includes:

- Acting on behalf of the liquidators of Confederation Life Insurance Co in relation to disputes concerning alleged breaches of shared sale warranties arising from pension mis-selling claims;
- Acting on behalf of a Brazilian company director against whom personal costs orders were sought in proceedings involving an offshore drilling unit;
- Acting for CDO fund in obtaining judgment for repayment of sums advanced to Swiss property developers following default under a Subordinated Loan Note;
- Advising property development company in relation to dispute relating to valuation and forced sale of shares under security documents;
- Acting for former owners of shares in financial services company in defending claim for alleged breaches of warranties in share sale agreement;
- Advising car parts supplier in connection with potential claims for economic duress and misrepresentation.