



## Julia Dias QC

Silk: 2008 | Call: 1982

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Chambers & Partners 2020

## Practice Profile

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Julia Dias graduated from Cambridge University in 1981 with a triple 1<sup>st</sup> in law. She joined 7KBW in 1985 as their first female tenant and rapidly acquired a formidable reputation as a leading commercial junior before taking silk in 2008. She is also a member of the Gibraltar Bar, to which she was called in 1994.

Julia's principal areas of practice, in which she has extensive experience, are in arbitration, shipping, insurance and reinsurance and professional negligence, including associated jurisdiction disputes and injunctions. She is regularly asked to provide expert evidence for use in proceedings abroad, and to give binding and non-binding opinions on particular points.

She also has wide experience of commercial disputes generally and over the years has built up considerable expertise in many other areas such as international trade and sale of goods, shipbuilding, conflicts of laws, guarantees and letters of credit, and agency. She has been instructed in construction and oil and gas disputes.

Julia sits as a Deputy High Court Judge. She also sits as an arbitrator and is available to accept appointments both in England and abroad. She is a member of the LCIA and CIArb and a supporting member of the LMAA. Julia is a qualified mediator and has successfully mediated in her field of expertise.

She is a co-author of the new edition of Carver on Charterparties (published April 2017), to which she contributed the chapter on Time Charters.

Julia is conversationally fluent in French and competent in Russian with a working knowledge of Italian and a basic understanding of German.

## International Arbitration

### Selected cases:

- Julia holds a number of current appointments as arbitrator. She has recently acted as chair in a yachtbuilding dispute and has been appointed as either chair or wing arbitrator in various other shipping and sale of goods disputes.
- For much of 2015 and 2016, Julia was retained as part of a 7KBW counsel team in an extremely heavy ICC arbitration defending a claim for over €120 million under an agreement for the supply of steel plates to be manufactured into pipes for use in a submarine gas pipeline. The case raised complex sale of goods issues as well as requiring her to have detailed expert knowledge of metallurgy, fracture mechanics, continuous casting and subsea pipe-laying.
- Julia has considerable experience of applications to dismiss arbitration proceedings for want of prosecution under s.41(3)(a) of the Arbitration Act 1996, having presented both sides of the argument in difference arbitrations.

## Shipping & Transport

### Selected cases:

- Julia is current retained generally by Jan de Nul to advise in relation to various shipbuilding contracts which they have concluded and/or are in the process of negotiating. Particular issues include responsibility to obtain an export licence and the consequences of failure to do so, as well as advising on a commercial agreement to terminate a shipbuilding contract on grounds of delay on terms which allows JDN to complete the vessel at the yard's cost.
- Julia currently acts for the buyers in a long-running dispute under a series of shipbuilding contracts where the main issue is whether the cargo cranes were defectively designed.
- Julia recently acted for the defendants in an application to set aside a worldwide freezing injunction based on allegations of fraud.
- Julia led Charles Holroyd in a successful application by a mortgagee bank to vary a freezing injunction to permit the sale of a vessel where the claimant alleged that the bank had wrongfully repudiated a concluded agreement to sell the vessel to the claimant.
- Julia acted in arbitration proceedings for disponent owners of a Korean bareboat chartered ship which delayed passage through the Gulf of Aden in 2009 in order to join a Korean naval convoy due to fear of pirates. The main issue was whether owners' contractual discretion to take anti-piracy measures had been reasonably exercised.
- Julia acted for shipowners in a \$1.5m demurrage claim met by a counterclaim for cargo contamination. The cargo was loaded on to the vessel by STS transfer and the principal issue was which vessel caused the contamination. The claim was settled before trial with Julia's clients being paid in full.

- Julia provided practical and effective advice to buyers under two shipsale agreements which resulted in successful delivery of both vessels after a series of disputes had threatened to derail both contracts.
- **E & Ors v M** [2013] EWHC 895 (Comm): Julia obtained a series of worldwide freezing injunctions totalling over US\$31 million for claimant shipowners in a long-running High Court battle to obtain payment of hire under long-term time charters of three ships.. Following a failure by the defendant company to make asset disclosure as required, contempt proceedings were brought against the company and its chief executive and Julia successfully obtained orders for sequestration of assets and committal of the director to prison for 18 months. The company's cross-application to set aside the final freezing order on the grounds that the arrest by the claimant of a sister ship in South Africa constituted breach of the claimant's undertaking not to obtain similar relief in any other jurisdiction was rejected by Hamblen J. The claimant's further application for a non-party costs order against the director and the director's cross-application to set aside service of the contempt proceedings for want of jurisdiction were compromised in a settlement agreement on the eve of the hearing. The jurisdiction application would have raised a complex and important point on the court's power to give permission to serve an application notice on a non-party out of the jurisdiction.
- Julia has acted for owners in a charterparty dispute involving mutual allegations of repudiation resulting from owners' cancellation of the charter following failure by charterers to narrow the laycan and nominate the load port as required by the charterparty. The case raised issues of construction of the laycan narrowing and nomination provisions of the charterparty and whether compliance by charterers was a condition precedent to performance of owners' obligations. Julia was successful on all the legal points, although the case ultimately failed on the facts.

## Insurance & Reinsurance

Insurance and Reinsurance is one of Julia's main areas of practice. Whilst at Eversheds, she carried out advisory and advocacy work on a range of matters, including film finance cases, aggregation issues in relation to pensions mis-selling and the WTC attacks, brokers' duties and a wide variety of coverage disputes. She has been retained in a number of long-running arbitrations and High Court cases in the insurance/reinsurance field.

### Selected cases:

- Julia was recently retained on behalf of excess layer insurers to provide a non-binding opinion on various complex issues of attachment, aggregation and costs splitting under a programme of professional indemnity insurance. The insured was a SIPP administrator and facing a large number of complaints from investors, totalling many millions, who were encouraged to transfer their pension funds from safe schemes into more risky funds administered by the insured. Some of the introducers turned out not to be FCA-regulated and many of the investments failed. Numerous notifications spanning a number of policy years were made to insurers. Advice was sought on how redress payments and costs were to be apportioned between policy years where a complaint fell within the scope of multiple notifications to different years, and when the insurance market was not identical in each year.

- Julia is on a panel of counsel retained by Mactavish to assist in carrying out a comprehensive review of policy wordings for clients to ensure that the client's needs are adequately met and that various policies link together in a coherent manner.
- Julia has a good knowledge of the regulatory framework for insurance and has advised in a number of cases involving the Regulated Activities Order 2001.
- Julia was retained for a Syrian insurance company in a dispute with its facultative London market reinsurers concerning political risks cover granted to a Syrian businessman and his companies. The original insured claimed for damage and looting by armed rebels during the Syrian conflict. Reinsurers hinted at possible arguments of non-disclosure and Julia advised on the appropriate tactics to be adopted which led in due course to a satisfactory settlement.
- Julia acted for a firm of personal injury solicitors in a dispute concerning ATE insurance. Julia's clients purchased the business of another firm. The insurers who provided ATE insurance to the previous firm's clients claimed that Julia's clients were obliged to repay the ATE premiums even though these had not been recovered from the unsuccessful defendants (due to misconduct and mishandling by the previous firm) and even though the solicitors had never signed any coverholder agreement obliging them to do so.
- Julia recently acted on behalf of an insolvency practitioner following an adverse coverage decision in arbitration proceedings brought by his professional indemnity insurers. The award required the client to make immediate reimbursement of defence costs. Julia settled an application which successfully challenged the award on grounds of irregularity.
- Julia has advised the directors of a Finnish company in relation to their position under policies of D&O insurance.
- Julia was also recently retained to advise the GMB Union in relation to regulatory and other issues connected with insurance which have arisen in the course of their campaign against the "gig" economy.
- **AWBG v Lloyd's Insurers**: Julia acted for the claimant in a claim under a marine cargo insurance policy arising from the misappropriation of US\$100m of soybeans from a warehouse in Indonesia and raising issues of non-disclosure, insurable interest and foreign law. Julia was led by Dominic Kendrick Q.C. but was in sole charge of the day-to-day handling of the case which settled on very favourable terms after the first day of trial.
- Julia successfully acted for the respondent P&I Club in a **US64m** arbitration claim by third party claimants under the Third Parties (Rights against Insurers) Act 1930. The Club member was insolvent and incapable of complying with the "pay as may be paid" provision in the Club Rules. The claimants devised a funding scheme which they claimed would satisfy the Rule. They also sought to challenge the decision of the Club's directors to reject the claim under other provisions of the rules. Sir Gordon Langley as sole arbitrator rejected both arguments and found for the Club on all points. The case is of note as it considered and rejected a possible way of circumventing the "pay as may be paid rule"

and also defined the limits within which an exercise of discretion by the Directors could be challenged. The case also raised a difficult question of whether the respondent's costs of referring the claim to the Club Directors could properly be regarded as "costs of the arbitration" where consideration by the directors was a mandatory pre-condition to arbitration.

- Julia advised jointly with Gavin Kealey Q.C. on the construction and application of an Airline Hull and Liability Policy. The insured had leased a number of aircraft. The lessors alleged that a number of parts were missing, lost or stolen and sought to claim under the insured's policy to which they were parties by virtue of AVN 67B. Particular issues included the number of losses and the application of the deductible.
- Julia has advised a shipowner on creative ways to present an insurance claim for partial repairs and depreciation under a hull and machinery policy. The vessel suffered damage to its crank shaft, which was sufficiently repaired to allow the vessel to continue trading but could not be restored to its pre-accident condition and, in particular, was at the very limit of acceptability with no further tolerance. Advice was initially sought on the application of s. 69 of the Marine Insurance Act 1906 and how to maximise the amount recoverable under the insurance policy (between **US2-US\$4 million**). The crankshaft subsequently failed some years later for an unrelated reason. The insurers under the later policy paid for the cost of replacement and further advice was sought on how this affected the earlier claim.
- ***Dunlop Haywards (DHL) Ltd v Erinaceous Insurance Services Ltd***, [2009] L.R.I.R. 464 (CA); [2010] L.R.I.R. 149. Julia acted for an insurance broker defending a claim for professional negligence brought against it by its client. As advocate, Julia successfully applied to the Court of Appeal for permission to join the insurers into the action after the application had been rejected by the High Court. She also represented the broker at trial where the issues involved rectification of the policy and claims in contract and tort against a sub-broker.

## Professional Negligence

### Selected cases:

- Julia assisted a client to achieve a successful settlement at a mediation involving alternative claims against the client's PII insurer under the policy and for professional negligence against the broker in having failed to secure adequate cover on renewal.
- ***Dunlop Haywards (DHL) Ltd v Erinaceous Insurance Services Ltd***, [2009] L.R.I.R. 464 (CA); [2010] L.R.I.R. 149. Julia acted for an insurance broker defending a claim for professional negligence brought against it by its client. As advocate, Julia successfully applied to the Court of Appeal for permission to join the insurers into the action after the application had been rejected by the High Court. She also represented the broker at trial with Adam Fenton Q.C. where the issues involved rectification of the policy and claims in contract and tort against a sub-broker.

## General Commercial Disputes

## Selected cases:

- Julia represented a Russian third party client affected by the terms of an English freezing order relating to a cargo of VGO in Russia sold by the client to a purchaser. The dispute in England is between rival claimants to the cargo, but turns on the question whether Julia's client itself acquired good title from its seller, which is in turn the subject of proceedings in Russia.
- Julia recently acted for clients in relation to an application to set aside worldwide proprietary and general freezing orders for c. €5m obtained in a case involving allegations of fraud.
- She is also advising a retired solicitor on a claim for unpaid fees going back several years and raising potential time bar issues.
- **AWBG v Lloyd's Insurers**: Julia acted for the claimant in a claim under a marine cargo insurance policy arising from the misappropriation of US\$100m of soybeans from a warehouse in Indonesia and raising issues of non-disclosure, insurable interest and foreign law. Julia was led by Dominic Kendrick Q.C. but was in sole charge of the day-to-day handling of the case which settled on very favourable terms after the first day of trial.
- Following the successful outcome of **AWBG v Lloyd's Insurers**, Julia and Dominic Kendrick Q.C. were again retained to advise in the early stages of a dispute under long-term (20 year) iron ore supply agreement. The main issues concerned potential changes to the pricing formula and the respective obligations of the parties as to deliveries. Julia was separately retained to advise on operational issues arising in relation to deliveries under the supply agreement.
- **General Construction Ltd v Chue Wing & Co. Ltd** [2013] UKPC 30: Julia represented the appellants with Gavin Kealey Q.C. in a Privy Council appeal from Mauritius arising from the collapse of the appellant's crane during a cyclone. The case involved a serious and controversial issue of French/Mauritius law as to the correct test for force majeure. Julia formulated the argument by which Gavin Kealey Q.C. was able to persuade the Privy Council to find in the appellant's favour on the legal issue.

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## Education

Trinity Hall, Cambridge (1978-1981): Julia was awarded a scholarship to Trinity Hall to read law where she gained a triple first, winning numerous scholarships and prizes, including the George Long Prize for Roman Law (1980); Squire Scholarships for performance in the Law Tripos (1979, 1980); Trinity Hall Henry Bond Prize for Law (1980) and a Trinity

Hall Studentship (1981). In her first year she also gained a Certificate of Competent Knowledge in Russian with distinction in the oral examination. She was awarded a tennis blue in all three years, played in the Cambridge University Chamber Orchestra and was invited to lead CUMS 1.

Inner Temple/Inns of Court School of Law, London (1981-2): While studying for her Bar Finals, Julia was awarded an Inner Temple Major Scholarship and the Hughes Parry Prize for Equity.

Institut de Droit Comparé, Paris, France (1982-1983): Following her Bar Finals, Julia worked as Assistante Associée de langue anglaise at the Institute of Comparative Law in Paris where she taught a course of basic English law and terminology (in French) and became a competent French speaker. She contributed to the Institute's then current research project which was subsequently published in June 1989 as *La Détermination du Prix dans les Contrats*.

In 1985, Julia was invited to serve on the Rawlinson Committee on the Constitution of the Senate of the Inns of Court and the Bar which led to wholesale reform of the governance of the profession and of the relationship between the Inns and the Bar. She was substantially responsible for drafting the report which was published in April 1986.

She is frequently asked to speak at conferences and regularly lectures on arbitration and legal topics.

Languages: French (conversationally fluent); Russian and Italian (working knowledge).

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## **Memberships**

Julia is a member of COMBAR (serving on the Equality and Diversity Committee from 2005-2010), BILA, the London and Common Law Bar Association, and the London Shipping Law Centre. She is also a supporting member of the London Maritime Arbitrators' Association and a Member of the LCIA and Chartered Institute of Arbitrators.

Julia is a Fellow of the RSA and a trustee of a learning disability charity, Magpie Dance.

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## **Appointments**

Julia was elected a Governing Bencher of the Inner Temple in July 2012 and appointed Chairman of the Inn's Finance Committee in 2017. She also serves on the Inn's Executive and Investment Committees.

She served as a Disciplinary Tribunal Chairman for the Council of the Inns of Court (latterly BTAS) from 2009 to 2018.

In 2018 Julia was appointed to sit as a Deputy High Court Judge.

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## General Information

### Publications

*Resignation in the Face of Confidentiality? (June 2019) Transnational Dispute Management* – a substantial article discussing the consequences of the Court of Appeal’s decision in *Halliburton v Chubb*.

*Carver on Charterparties (2017) (Sweet & Maxwell)*. Julia has contributed the chapter on Time Charters in this completely re-written edition of a major shipping textbook: accessed [here](#).

*Spar Shipping, The Astra and the Status of the Obligation to Pay Hire Punctually: Watching a Falling Star* (2016) 22 JIML 345. This article can be found in the December edition of The Journal of International Maritime Law. Please click [here](#) to view a copy of the article.

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### Directories

- “She is clever and precise, an impressive player in the space.” “Her clients are in awe of the quality she provides.” Chambers & Partners 2021
- “Julia Dias is one of the most underrated silks at the commercial Bar – she is brilliant, clever and thorough. Although unassuming, she is fearsome as an opponent.” “An excellent all-rounder, she is very good on commercial shipping or marine insurance cases.” Chambers & Partners 2021
- ‘A silk whose expertise is very much appreciated by clients.’ Legal 500 2021
- ‘She is knowledgeable, provides practical advice and is a pleasure to work with.’ Legal 500 2021
- “Julia Dias is one of the most underrated silks at the commercial Bar – she is brilliant, clever and thorough. She is fearsome as an opponent.” “An excellent all-rounder, she is very good on commercial shipping or marine insurance cases.” Chambers & Partners 2020
- ‘She stands out for the clarity of her advice and for her user-friendly approach.’ Legal 500 2020
- ‘Her written advice is clear and succinct.’ Legal 500 2020
- “She comes up with incisive points and is a calm advocate.” “Bright intellectually.” Chambers & Partners 2019
- ‘Able to present difficult arguments superbly well.’ Legal 500 2018
- “Very analytical, very thorough and user-friendly.” “Fantastic on tribunals.” Chambers & Partners 2018
- Creative in her advocacy and clear in her writing. Legal 500 2017
- “Very good and very bright, user-friendly and very hard-working.” “She’s excellent on her feet.” Chambers & Partners 2017
- Tough and imaginative as an advocate and sound in written presentation. Legal 500 2016



- A well regarded insurance barrister with a strong commercial practice. Legal 500 2015
- Excellent academically, very helpful and a tenacious advocate. Legal 500 2015