



## Sarah Cowey

Call: 2006

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### 'A solid choice'

Legal 500

## Practice Profile

Sarah is currently on maternity leave and is not available to accept instructions.

Sarah practises in all areas of commercial law including insurance and reinsurance; shipping; international trade; sale of goods; professional negligence and private international law. Sarah has acted in cases on her own, as a junior and as part of a team of counsel, appearing in the High Court, County Courts and in arbitration (both in London and in Singapore). Sarah combines this with a substantial advisory practice, regularly advising and settling pleadings in a wide variety of commercial disputes, with particular experience in shipping and insurance and reinsurance matters. Sarah's more recent cases include a Commercial Court trial concerning a marine insurance claim for an actual total loss or constructive total loss of cargo aboard a vessel seized by Somali pirates (*Masefield AG v Amlin Corporate Member* [2010] EWHC 280 (Comm)) and the subsequent appeal of David Steel J's decision to the Court of Appeal ([2011] EWCA Civ 24), as well as a number of arbitrations concerning shipbuilding disputes and a property insurance claim.

### General Commercial Disputes

Sarah's practice encompasses a wide variety of commercial disputes:

#### Selected cases and experience:

- ***Magenta Netlogic Limited v British Telecommunications Plc***: Instructed as junior counsel for the Claimant in relation to claims for unpaid invoices. Attended the mediations at which the claim was settled.
- ***Teague v Exsus Travel Limited***: Acted for the defendant travel company in a fast track trial concerning allegations of misrepresentation and the recovery of a deposit.
- Provided advice and assistance (led by Stephen Hofmeyr QC) in relation to a shareholders agreement dispute which had

given rise to Nigerian arbitration proceedings and Court proceedings in the Netherlands and Nigeria.

- Instructed as a junior in a case concerning a dispute about the ownership of oil from Sudan.
- Instructed to appear in a two day multi-track trial concerning a contractual dispute over the division of profit in the context of the recruitment industry.
- Sarah also has experience in injunctive relief, including freezing injunctions and 'Vasso' orders.

## Insurance & Reinsurance

Sarah is regularly instructed in the areas of insurance and reinsurance in cases concerning all types of marine and non-marine business, in both Court and arbitration. Sarah is recommended in this area in the Legal 500 2012.

### Selected cases and experience:

- ***Masefield AG v Amlin Corporate Member Ltd*** [2011] EWCA Civ 24, [2010] EWHC 280 (Comm): This decision - the first case involving a piracy claim under an insurance policy for more than 150 years - clarifies the law of marine insurance, piracy and total losses, and the treatment of ransom payments as a matter of English law and public policy. Sarah was led by Peter MacDonald-Eggers QC at both first instance and in the Court of Appeal.
- ***Te Hsing Maritime SA and another v Certasig***: Sarah was instructed to act for insurers in relation to a claim for a constructive total loss under a marine insurance policy and to apply for security for costs ([2012] EWHC B16 (Comm)).
- ***Société Générale v Württembergische Versicherung AG & Ors***: Led by Alistair Schaff QC and Andrew Wales, Sarah was instructed to represent London placing brokers who were being sued for professional negligence in respect of an insurance claim concerning the alleged misappropriation of gold bullion in Turkey.
- ***Sierra Rutile Limited v Reliance Insurance Trust Corp (SL) Limited***. An insurance claim in the Commercial Court for property damage and business interruption arising from the capsizing of a dredger in Sierra Leone.
- ***CNA Insurance Company Limited v Willis Limited***: Sarah was instructed as part of a team of counsel to represent Willis in respect of substantial claims arising out of the PA LMX and Occupational Accident reinsurance markets in the 1990s.
- ***Zanrose Textiles Limited v NIG***: Acted as junior counsel for the insured in respect of an insurance claim arising from fire damage to a warehouse. The claim settled at mediation.
- Led by Christopher Butcher QC in an arbitration concerning a quantum dispute under an insurance policy in respect of a large DIY store in Greece which was damaged in a fire.

- Instructed as part of a team of counsel in respect of a large reinsurance arbitration relating to a whole account excess of loss reinsurance programme.
- Advising reinsurance brokers in Malaysia in respect of a professional negligence claim brought by the reinsureds.

## Professional Negligence

Sarah's practice in this area has included:

### Selected cases and experience:

- ***Société Générale v Württembergische Versicherung AG & Ors***: Led by Alistair Schaff QC and Andrew Wales, Sarah was instructed to represent London placing brokers who were being sued for professional negligence in respect of an insurance claim concerning the alleged misappropriation of gold bullion in Turkey.
- ***Sara Dayman (as trustee) v Lawrence Graham*** [2008] EWHC 2036 (Ch) Instructed as junior counsel for the Defendant law firm in respect of a professional negligence claim.
- ***CNA Insurance Company Limited v Willis Limited***: Sarah was instructed as part of a team of counsel to represent Willis in respect of substantial claims arising out of the PA LMX and Occupational Accident reinsurance markets in the 1990s.
- Advising reinsurance brokers in Malaysia in respect of a professional negligence claim brought by the reinsureds

## Shipping & Transport

Sarah is frequently instructed in this area and has experience of a wide variety of shipping and international carriage of goods matters.

### Selected cases and experience:

- ***Masefield AG v Amlin Corporate Member Ltd*** [2011] EWCA Civ 24: This decision - the first case involving a piracy claim under an insurance policy for more than 150 years - clarifies the law of marine insurance, piracy and total losses, and the treatment of ransom payments as a matter of English law and public policy.
- ***Euro-Baltic Shipping Services Limited v Timbermart (UK) Limited and others***: Sarah was instructed by cargo interests to defend a general average claim in the Admiralty Court.
- Led by Robert Bright QC in a SIAC arbitration concerning a shipbuilding dispute which raised issues of the construction of the shipbuilding contract and illegality.
- Acted as a junior in an arbitration involving claims for payments due under shipbuilding contracts for "super" yachts, led by S J Phillips QC.

- Regularly instructed to advise, settle pleadings and appear in relation to charterparty and bill of lading disputes, including:
    - claims for under-performance of a vessel;
    - claims for demurrage;
    - off-hire disputes;
    - cargo claims;
    - the construction of an addendum to a time charterparty;
    - a dispute concerning the identity of the parties to the contract of carriage;
    - claims for deadfreight.
  - Advising on the application of the Inter-Club New York Produce Exchange Agreement.
  - Advising owners of vessels in relation to the application of EU sanctions against Iran.
  - Advising in relation to piracy related issues.
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## **Education**

Downing College, Cambridge: MA in law, first class (2004). Downing College, Cambridge: LLM, highest first in the year (2005). During her time at Cambridge, Sarah was awarded a number of law scholarships and prizes by the University and Downing College: the Chancellor's Medal for English Law; the BRD Clarke Prize; the Gareth Jones Prize for the Law of Restitution; Downing College Association Prize for Outstanding Performance; the University Norton Rose Prize for highest 1st in Law Tripos Part 1A; Downing College Tripos Prizes 2002, 2003 and 2004; and Senior Harris Scholarship. Inns of Court School of Law: Bar Vocational Course, Outstanding Sarah was awarded the Everard Ver Heyden Foundation Prize and the Bar Association Prize for Commerce, Finance and Industry. Sarah was a Middle Temple Queen Mother Scholar and a Harmsworth Entrance Exhibitioner. From 2005 to 2006, Sarah supervised Contract Law at Selwyn College, St Edmund's College and Christ's College, Cambridge University.

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## **Directories**

- 'Highly rated for her marine and non-marine insurance expertise.' Legal 500 2021
- She is recommended for marine and non-marine insurance work. Legal 500 2020
- A solid choice for marine and property insurance claims. Legal 500 2017
- Experienced in property-related insurance disputes. Legal 500 2016
- Recommended for her contentious and non-contentious insurance expertise. Legal 500 2015