

Emma Franklin

Call: 2021



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Emma Franklin is developing a busy practice across the breadth of commercial law, including insurance, shipping, general commercial disputes, international arbitration, shipbuilding and civil fraud.

She accepts instructions as sole counsel and as junior counsel in all of 7KBW's specialist areas and regularly acts as sole counsel in LMAA disputes.

Her current and recent instructions include being led in a marine insurance Commercial Court dispute following the Russian invasion of Ukraine; being led in an insurance broker's negligence dispute concerning the placement of business interruption cover; and acting in a multi-million euro superyacht construction arbitration, which involved the bringing of a successful urgent injunction against the builder in the Commercial Court. Emma regularly acts as sole counsel in LMAA disputes.

Emma spent nine months seconded to the insurance litigation department of a Magic Circle law firm.

Expertise

Insurance and Reinsurance

- Led by Rebecca Sabben-Clare KC in an insurance broker's negligence case in the Commercial Court concerning the placement of business interruption cover.
- Instructed in the Russian aircraft litigation, multi-billion dollar litigation concerning alleged losses of aircraft following the Russian invasion of Ukraine.
- Led by Stephen Hofmeyr KC in a multi-million dollar Commercial Court dispute concerning a marine hull war risks policy of insurance, following the Russian invasion of Ukraine.
- Led by David Bailey KC, in a multi-million dollar mortgagee's interest insurance policy, involving alleged losses sustained in breach of trading warranties.

- Acting as sole counsel in a pair of COVID-19 related Commercial Court business interruption insurance cases.
- Advised with Rebecca Sabben-Clare KC regarding the notification of circumstances under a number of liability insurance policies.
- Advised with Alexander MacDonald on the merits of a broker's negligence claim involving a business interruption insurance policy.
- Advised with James Brocklebank KC regarding coverage under an investment management insurance policy following a dispute involving an alternative investment fund manager.
- Advised with Peter MacDonald Eggers KC and Sandra Healy for insurers in a multi-jurisdictional dispute relating to war risks coverage of cargo, following the Russian invasion of Ukraine.
- Instructed with Peter MacDonald Eggers KC in a reinsurance arbitration.
- Advised insurers as sole counsel on the coverage position under a policy of employer's liability insurance following an employee's workplace injury.
- Advised as sole counsel on the insurance position in a dispute involving the development and sale of a property which was found to contain contaminated timber.
- Advised with Richard Waller KC on a political risk policy regarding the banking crisis in Lebanon.
- Acted as sole counsel in an LMAA arbitration concerning the constructive total loss of a yacht.
- Advised as sole counsel in a dispute regarding the proper interpretation of a legal expenses insurance policy.
- Assisted with the COVID-19 business interruption insurance claim before *Butcher J Stonegate v MS Amlin & Others* [2002] EWHC 2548 (as a pupil).
- Assisted with the mortgagee's interest insurance claim in *Piraeus Bank v Antares & Others* [2022] EWHC 1169 (Comm) before Calver J (as a pupil).

International Arbitration

- Acting with Jessica Sutherland in a multi-million euro dispute involving the construction of a superyacht, which involved the bringing of a successful urgent injunction against the builder in the Commercial Court
- Acted with Marcus Mander in a multi-million dollar LMAA shipbuilding dispute
- Acting in a \$400 million arbitration involving the disputed sale of a floating storage regasification unit.
- Tribunal Secretary to Lord Mance in a PCA arbitration concerning disputed charterparty agreements.
- Acted in a \$30 million superyacht arbitration, led by David Allen KC and Jason Robinson
- Acting in a multi-million dollar shipping dispute involving a vessel losing its moorings
- Advising in a dispute involving the construction of a nuclear power-plant.
- Assisted with a Bermuda Form arbitration involving defective construction materials (as a pupil).
- Assisted in advising on an application for the removal of an arbitrator pursuant to section 24 of the Arbitration Act 1996 (as a pupil).

Shipping

- Acting in an LMAA arbitration with Jason Robinson KC in a charterparty dispute
- Instructed as sole counsel in an LMAA arbitration involving demurrage.
- Instructed as sole counsel in an LMAA arbitration concerning sums due under a co-operation agreement in the shipping context.
- Advised disponent owners as sole counsel on liability for damaged cargo under various charterparty agreements.
- Advised with Stephen Hofmeyr KC on the proper interpretation of a charterparty following the late delivery of a vessel.
- Instructed in an LMAA arbitration concerning the alleged breach of a charterparty for a yacht that was redelivered in a damaged state.
- Prepared pleadings in an international charterparty dispute regarding an alleged mis-delivery of cargo.

Civil Fraud

- Instructed in a dispute involving an unlawful means conspiracy.
- Instructed in an application for pre-action disclosure proceedings for an applicant who was conned into paying a fraudster who held an account with the respondent bank.

Commercial Litigation

- As sole counsel, successfully obtained two urgent anti-suit injunctions in the context of a dispute involving a sale and purchase agreement
- Acted as sole counsel in a contractual dispute regarding the provision of legal consultancy services
- Conducted research into the law on expert determinations and injunctive relief in a dispute concerning the proper interpretation of a decommissioning security agreement.
- Conducted research in preparation for the trial of *ABN Amro Bank N.V v Royal Sun Alliance Insurance plc & Others* [2021] EWCA Civ 1789 in the Court of Appeal (as a pupil).

Education

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2017 – 2019 BA Jurisprudence (Hons) with Senior Status, University of Oxford (First Class)

2015 – 2016 LLB (Hons), University of Cape Town (*Cum Laude*)

2012 – 2014 BA (English Literature and Law), University of Cape Town

Scholarships and awards

- University of Oxford, Norton Rose Fulbright Prize in Constitutional Law (2019)
- University College, University of Oxford: Finalist's Scholarship Award (2019) and Exhibition Award (2018)
- University of Cape Town Law Faculty Scholarship (2016)
- University of Cape Town Dean's Merit List (2012 – 2016)

Languages

French