

# Gavin Kealey KC

Call: 1977 | Silk: 1994

"By far the leading advocate at the insurance Bar in a league of his own. Ruthless in cross-examination. Creative and ingenious when it comes to analysing and developing complex legal arguments."

Insurance and Reinsurance, Legal 500 2025



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Gavin Kealey KC is widely acknowledged to be one of England & Wales's leading commercial King's Counsel practising at the English Bar, both as counsel and as international arbitrator.

He is a Deputy High Court Judge assigned to the Commercial Court in London (where he has delivered some important judgments), Head of Chambers at 7 King's Bench Walk, and rated in Band 1 in either or both of Chambers & Partners and The Legal 500 for Insurance & Reinsurance, Aviation, International Arbitration (as counsel), International Arbitration (as arbitrator). He is the Chambers & Partners Star Individual in Insurance. He was the 2022 Legal 500 Financial Services Silk of the Year and the 2022 Chambers & Partners Insurance and Reinsurance Silk of the Year.

Gavin specialises in all areas of commercial law with considerable expertise in contentious litigation in court (at trial and on appeal to all appellate tribunals including the Supreme Court and Privy Council) and in international arbitrations – focusing particularly on contractual disputes of all kinds: commercial litigation, insurance/reinsurance, aviation, jurisdiction and conflicts of laws, financial services and banking, oil and gas, civil fraud, professional negligence, shipping, sports law, share sales, joint venture disputes and corporate/share valuations.

Known for the quality of his advisory work, strategic case management skills, meticulous preparation, team leadership, and incisive and effective examination of witnesses, Gavin is the go to silk for numerous clients and solicitors for cases involving complex legal arguments and intensive fact investigations at first instance and at all appellate levels up to the Supreme Court and the Privy Council.

Gavin also enjoys a significant practice as international arbitrator, regularly accepting appointments in all parts of the world. He is a Fellow of the Chartered Institute of Arbitrators, a Fellow of the AIAC (Malaysia), member of the LCIA, and JAMS International. As a result, Gavin is particularly familiar with New York, French, Colombian and Mexican laws of contract and insurance, as well as specialist arbitrations, such as those under the Bermuda Form scheme.

His considerable experience outside England as Counsel and as Arbitrator extends far and wide to such jurisdictions as the US, France, Singapore, Dubai, Abu Dhabi, Bermuda, New Zealand, Bahamas, Cayman Islands, Holland, and Italy.

Gavin is accustomed to giving expert evidence on English law, and he has given expert evidence in both Federal and State courts of the United States by affidavit, by oral deposition and in trial, as well as in France, Norway, and Spain. He also appeared as Counsel in Federal Court in Memphis, Tennessee, to argue complex and novel issues of English law in response to the Federal Judge's invitation to the parties to field English Counsel to make the oral arguments.

Recent cases include his appearances in the two leading Covid-19 business interruption test cases (**FCA Test Case** before the UK Supreme Court [2021] UKSC 1 and the Divisional Court [2020] EWHC 2448 (Comm), and **Stonegate v Amlin** [2022] EWHC 2548 (Comm)), as well as other Court of Appeal and High Court judgments and awards on BI interruption (to date) [2020] EWHC 2710 and **Policyholders v China Taiping** [2021]); on limitation [2022] EWCA Civ 1699; and on jurisdiction [2022] EWHC 2049 (Comm).

Gavin appeared for the successful major aviation insurers in the leading four-month billion-dollar aviation insurance test case arising out of the non-return of hundreds of aircraft out of Russia following the invasion of Ukraine in 2022 (**AerCap Ireland Ltd v AIG Europe SA & Ors (Russian Aircraft Lessor Policy Claims)** [2025] EWHC 1430 (Comm)).

He also acted in the Court of Appeal on issues of fundamental importance in fraudulent misrepresentation, to which permission for appeal to the Supreme Court was denied [2019] EWCA Civ 596, and an important Court of Appeal case on the scope of section 245 of the Insolvency Act, [2019] EWCA Civ 345.

Previously, he appeared in a four week hearing in the Commercial Court on aviation leasing [2018] EWHC 3315 (Comm), a share sale appeal [2018] EWCA Civ 2744, an Insolvency Act 1986 appeal, an oil & gas appeal [2018] EWCA Civ 25, and two trusts cases in the Privy Council [2017] UKPC 44, and [2017] UKPC 34.

Recently, international arbitrations (as Counsel and as Arbitrator) in the UK and Bermuda include political risk insurance in Sierra Leone, Africa (2021); clerical sexual abuse (2019/20); opioid US class actions (2019 – 2022); aviation accidents / disasters (2021) and a major South American \$800m catastrophic loss.

Other cases have involved toxic chemicals, medical malpractice, hip implants, pharmaceutical products, (2013 – 2019), medical devices (2016/7), aviation disaster (2016/7), **Ace Capital v Brit & QBE** [2016] LRIR 253, a series of arbitrations in New Zealand (2013 – 2015) on behalf of NZ insureds arising out of the Christchurch earthquakes, acting for BAT Industries in defending billion dollar claims relating to environmental pollution caused by PCBs in Missouri and Michigan (2012 – 2014), US manufacturers of toxic products claims (2013 – 2015), and punitive damages indemnity claim following a fatal aircraft disaster (2014).

## Expertise

### Banking & Finance

Gavin Kealey's well-known skills of analysis and his experience have made him a sought after leader in difficult and substantial financial litigation. Banking and finance work forms a small but significant part of his considerable practice.

#### Selected cases:

- Case regarding \$25 million loan for procurement of equipment, in which there was no repayment, guarantor dormant, involving liquidation issues, acting as sole Arbitrator.
- **Deslauriers v GAM** (Trinidad appeal to the Privy Council) [2017] UKPC 34.
- Sole (LCIA) Arbitrator in arbitration involving alleged fraud, breach of trust, breach of duty in connection with financial investments (2017/8).
- Representing **Calyon** in \$1.65 billion claim in the Commercial Court against IKB: derivatives, swaps, claim of fraud (2009/10).
- Representing private investors in bank fraud trial against **HSBC** in the Commercial Court (2006).

- **Alexiou v Campbell** [2007] UKPC 11. Share sale dispute before the Privy Council in its inaugural sittings in Nassau, The Bahamas (2006/7),
- Acting for Pictet Bank (Geneva and Nassau) in two month trial in the Bahamas (2005) in Trust/Banking litigation.
- **National Westminster Bank PLC v Bilgin** [2004] EWHC 2372. Piercing corporate veil, nominees & resulting trusts – Deputy High Court Judge.
- **Renault v Volvo**. International arbitration sitting in Paris/Amsterdam concerning company/share acquisitions (2003).
- **Den Danske Bank A/S, Nomura Bank, Bank of Tokyo v Skipton Building Society, Economic Ins. Co. Ltd. and Kleinwort Benson Ltd.** (Commercial Court, Thomas J.) judgment December 1997: Leading for defendants against all other parties in 2 month trial in the Commercial Court: loan portfolio transfers, construction of lending criteria, bank Broking Deeds and assignments, application of insurance terms, breaches of contract.
- **Sumitomo Bank, Sanwa Bank, Arab Bank v Banque Bruxelles Lambert** [1997] 1 Lloyd's Rep. 487. Leading for syndicate of Banks in trial against Agent Bank: Duties of care owed by agent bank to syndicate of banks, misrepresentation and duties in the context of commercial property lending and mortgage indemnity insurance policies, the syndication of credit risks, the construction of Loan Agreements.

## Insurance & Reinsurance

Gavin Kealey is and has been for many years one of the best-known and most highly-regarded insurance and reinsurance practitioners in England. In recent years, in which the insurance industry has been dominated by the pandemic, Gavin acted in the **FCA Test Case** litigation, the insurance industry's most significant case of 2020/1, and also acted in important related litigation regarding business interruption claims, while maintaining his interest in ongoing litigation from 2019 – 2021, ranging from cases involving political risks in Africa, allegations of church sex abuse (USA), opioid abuse (USA), construction all risks (Malaysia), and the failings of industrial concrete for one of London's gateway ports.

He is also an acknowledged expert on the Bermuda Form and is regularly appointed as Arbitrator in international insurance arbitrations. In 2005, he was the first recipient of the Chambers and Partners Insurance Silk of the Year Award, being in the very top rank of insurance and reinsurance silks in that directory and others ever since this area of practice was recognised.

### Selected cases:

- **AerCap Ireland Ltd v AIG Europe SA & Ors (Russian Aircraft Lessor Policy Claims)** [2025] EWHC 1430 (Comm).
- **FCA Test Case** litigation before the UK Supreme Court [2021] UKSC 1 and the Divisional Court [2020] EWHC 2448 (Comm). A unique case, both in terms of test case litigation, and market significance, worth billions of pounds.
- **TKC v Allianz** [2020] EWHC 2710 (Comm). One of the earliest decisions to test the way in which business interruption insurance policies respond to the consequences of the COVID-19 pandemic.
- **Policyholders v China Taiping** (2021) non-confidential arbitration on COVID-19 before Lord Mance as sole arbitrator.
- Political risk insurance arbitration in Africa (2020/1).
- Acting as Counsel on indemnity insurance aspects of sexual abused-related court settlements (2019/20).
- Acting as Counsel on insurance issues arising from opioid-related US class actions (2019-ongoing).
- Major US, UK, and Bermudan insurance arbitration regarding a South American \$800m catastrophic loss event, as Counsel (2019-2021).

- Aviation disaster (2019) as sole Arbitrator.
- Arbitrator and Counsel in numerous arbitrations involving Bermuda Form or modified Bermuda Form policies (2017-2021).
- **Ace Capital v Brit & QBE** [2016] LRIR 253.
- International arbitrations (as Counsel) in the UK and Bermuda involving casualty insurances relating to toxic chemical claims (2017), medical malpractice claims (2016/7), pharmaceutical products claims, (2013–2017).
- US litigation (Tennessee) as Counsel on behalf of **Smith & Nephew** (policyholder), and international arbitrations (Bermuda and London) involving medical devices (2016/7) and hip replacements (2019/20): Case No. 04-CV-3027 – STA.
- International aviation insurance arbitration as sole Arbitrator (2016-2018)
- Lithuanian oil refinery claim against international brokers in negligence claims exceeding \$100 million: Commercial Court trial October/November 2014.
- Acting as Counsel for aviation insurers in defending punitive damages indemnity claim arising out of an aircraft disaster in the US: International Arbitration (2014).
- Acting as Counsel for Bermuda Form insurers in mass tort toxic chemical casualty claim (2014).
- Acting as Counsel for Bermuda Form insurers in claims concerning landfill collapses and river pollution in U.S. (2012/13).
- Acting as Counsel for Bermuda Form insurers in claims concerning brokers' bid-rigging in N.Y. and U.S. (2012/13).
- Acting as Counsel for Bermuda Form insurers in claims concerning hormone replacement therapy: multi-district litigation in U.S. (2012).
- Representing Indonesian insurers in Singaporean arbitration against Indonesian mining insureds in relation to misrepresentation and non-disclosures arising in connection with mine collapses and landslides in Indonesia (2011/12).
- Representing mutual energy insurers in long running international arbitration hearing governed by New York law concerning North Sea oil platform collapse (2011).
- Representing New Zealand mutual insurers in claims against the international reinsurance market arising out of the 2010/11 Christchurch earthquakes. Two arbitrations in Auckland in 2014, March and November/December (2013/14): claims in the 100s of millions of dollars.
- Representing Bermudian insurer in international arbitration concerning medical equipment claims exceeding \$100 million under the Bermuda Form (2011).
- Representing UK Bank in domestic arbitration claim against UK insurers concerning UK and US Bankers Blanket Bond Policies (2011).
- **NFU v HSBC** [2010] EWHC 771 as a Deputy High Court Judge: double insurance.
- **Balli and PK Air Finance v Chartis & Others**. Representing 18 major aviation insurers in an action brought against them in the Commercial Court for \$150 million in connection with the theft and removal of three Boeing 747 aircraft to Iran (2009/10).
- Advising the **Law Society** in relation to claims against and coverage for solicitors in respect of professional indemnity (2010).
- Advising leading football club in relation to disablement claims arising from injuries sustained by former Captain on the football field (2010).
- Representing Excess Insurers in international arbitration on the **Bermuda Form** in resisting claim for \$75 million in connection with medical malpractice liabilities in the U.S. (2009/10).
- Representing insurers in resisting claims exceeding \$50 million by U.S. hospital company in an international arbitration on an amended **Bermuda Form** (2009/10).

- Representing one of the major international insurance brokers in resisting claims of \$500 million in the Commercial Court for alleged fraud in relation to PA LMX and Permanent Health covers (2008/9).
- Representing insurers in international arbitration on the **Bermuda Form** in resisting \$50 million claim by a major U.S. pharmaceutical company in respect of an internationally marketed and allegedly harmful drug (2008/9).
- Representing one of the major international pharmaceutical companies in a Bermudian arbitration on the **Bermuda Form** in obtaining recovery from liability insurers in respect of mass tort third party claims in the U.S.
- **Bedfordshire Police Authority v Syndicate 386** [2009] LRIR 607 (Commercial Court and Court of Appeal). Leading for public liability insurers in claim concerning Riot Damage Act liabilities.
- **HLB Kidsons v Lloyd's** [2009] 1 Lloyd's Rep 8; [2008] LRIR 237; [2008] 3 Costs LR 427 (Court of Appeal & Commercial Court). 2 month trial leading for Professional Indemnity Underwriters.
- **Limit (No 2) v AXA** [2009] LRIR 396 (Court of Appeal). Leading for reinsured against avoiding reinsurers: continuing representations.
- Representing Mexican insurers in defending a claim by U.S. aircraft lessors for excess of \$150 million in international arbitration governed by Mexican and English law in respect of the theft of a fleet of ageing aircraft (2007-2010).
- Acting for Colombian insurers in ICC arbitration: recovery from international reinsurers in claim arising from mortgage and savings liabilities of Banco de la Republica in Bogota (2006-2008).
- Acting for Bermudian insurers in an international arbitration in Bermuda on the Bermuda Form in resisting a \$50 million claim by a major U.S. motor manufacturer in respect of casualties in the U.S. (2006/7).
- **Talbot v Nausch Hogan & Murray Inc** [2006] 2 Lloyd's Rep 195 (Commercial Court). Undisclosed principals in insurance contracts.
- **Travelers v Sun Life** [2007] LRIR 619; [2006] EWHC 2885 (Commercial Court) Leading for insureds in claim under professional indemnity insurance.
- **Grecoair v Tilling** [2005] Lloyd's Rep. IR 151. Acting for reinsurers in successfully resisting the attempt by U.S. insured to cut through insurance provided by Angolan insurers to claim direct against reinsurers.
- **Lumbermens v Bovis** [2005] LRIR 74 (Commercial Court). Impact and enforceability of global settlements in liability insurance and reinsurance.
- Commercial Court trial (2 months) leading for international reinsurers (Swiss Re affiliate) insurance of a manufacturer's historical asbestos exposure in £166.6 million claim vs insurers and brokers (2005).
- Arbitration for insurers on World Trade Center coverage dispute (2005).
- **Tonicstar v American Home** [2005] LRIR 32 (Commercial Court) Anti-suit and anti-anti-suit injunctions and conflicts of laws in context of insurance.
- **Travelers Casualty v Sun Life** [2004] LRIR 846 (Commercial Court) Jurisdiction, conflict of laws.
- **Sun Life Assurance Co. of Canada v CX Reinsurance Co. Ltd** [2004] LRIR 58 (Court of Appeal). Formation of contract, incorporation of terms, existence of arbitration agreement in context of reinsurance.
- **Wise v Grupo Nacional Provincial** [2004] 1 All ER (Comm) 49. Affirmation/waiver.
- Acting for **Warner Chappell in Warner Chappell v Michael Bolton** (Commercial Court) Infringement of copyright by U.S. singer/songwriter and rights of subrogation between co-assureds (2004).
- **Assicurazioni Generali v CGU** [2003] LRIR 725. Deputy High Court Judge: leading case on follow settlements clauses – affirmed by the Court of Appeal.
- 3 week arbitration on the Bermuda Form (leading for U.S. insured) concerning mass tort silicone gel breast implant claims in the

U.S. (2003).

- 5 week reinsurance/brokers' negligence trial concerning energy insurance in the Commercial Court leading for reinsured (2002).
- 4 week international arbitration leading for US/Indonesian insureds against English/Continental insurers (2002).
- Film finance insurance trial (leading for insurers) in Commercial Court, London.
- **Gold Medal v Hopewell** 3 month insurance/reinsurance arbitration in Bermuda (leading for reinsurers) concerning illegal applications of pesticides in the USA on edible products (2001 – 2003).

## General Commercial Disputes

Gavin Kealey's expertise in Commercial Law and as an advocate is well-known. He is also particularly well-known for his preparation, analytical skills, team-work and cross-examination which put him in high-demand from domestic and international clients, lay and legal.

The diversity of his General Commercial work at all levels (see below, most recently in the Privy Council, Court of Appeal and Commercial Court) reflects his wide-ranging and acknowledged skills.

Alongside his disputes practice, he is regularly involved in advising on, and appearing in, complex fraud cases, where his forensic skills are in particular demand.

## Selected cases:

- **Consulting Concepts International Inc v Consumer Protection Association (Saudi Arabia)** [2022] EWHC 461 (Comm) and **Consulting Concepts Int'l Inc. v Kingdom of Saudi Arabia** Case 1:19-cv-11787-AKH (New York).
- International arbitration (6 weeks in 2021) concerning alleged African frauds.
- **BV Nederlandse v Rembrandt Enterprises** [2019] EWCA Civ 596.
- **Crumpler v Candey** [2019] EWCA Civ 345.
- **APFL v Alitalia** [2018] EWHC 3315 (Comm).
- **Towergate** [2018] EWCA Civ 2744.
- **Monde Petroleum v WesternZagros** (Kurdistan oil & gas dispute) [2018] EWCA Civ 25.
- **Deslauriers v GAM** (Trinidad appeal to the Privy Council) [2017] UKPC 34.
- **Whitlock v Moree** (Bahamas appeal to the Privy Council) [2017] UKPC 44.
- International arbitrations in the UK and Bermuda involving toxic chemical claims (2017), medical malpractice claims (2016/7), pharmaceutical products claims, (2013–2017).
- US litigation (Tennessee) on behalf of **Smith & Nephew** (Counsel in Federal Court).
- International arbitrations (Bermuda and London) involving medical devices (2016/7).
- International aviation insurance arbitration (2016–2018).
- Representing New Zealand mutual insurers in claims against the international reinsurance market arising out of the 2010/11 Christchurch earthquakes. Two arbitrations in Auckland in 2014.



- Representing Lithuanian oil refinery insureds against international brokers in claims for negligence exceeding \$100 million: Commercial Court trial October/November 2014.
- Representing charterers in defending multi-million dollar claim arising out of a 5 year contract of affreightment (2014).
- Representing a first tier City firm against claims of negligence brought against them by clients in previous shipping arbitration (2014).
- Representing Bermudian insurers in Bermuda Form insurance dispute with US insureds: mass tort toxic chemical casualty claim: Arbitration in London (2014).
- **BAT Industries Plc v Windward Prospects Ltd & Appleton Papers Inc** [2013] EWHC 4087 (Comm). Multi-million dollar claim for indemnity against potential liabilities arising from toxic environmental pollution caused by PCBs.
- **General Construction Limited v Chue Wing** [2013] UKPC 30 (Privy Council). Force majeure under Mauritian and French Law. Appeal from Mauritius.
- **Proton Energy v Orlen** [2013] EWHC 334 (sitting as a Deputy High Court Judge). Oil sale contract dispute between Swiss sellers and Lithuanian buyers.
- **Thinc Group Ltd v Armstrong** [2012] EWCA Civ 1227 (Court of Appeal). Contractual construction concerning contract between principal and agent.
- **Masri v Consolidated Contractors International** [2011] EWHC 1024 (Comm); [2011] EWCA Civ 898; [2011] WLR (D) 258. 4 week contempt hearing and appeals in one of the longest-running Commercial Court disputes involving breaches of court orders, contempt of receivership orders, civil contempt (2011).
- **Buyuk v Progress** [2010] EWHC 442. Challenges to arbitration award for irregularity and permission to appeal – Deputy High Court Judge.
- Retained by Force India to act for Formula One racing engineer/employee in resisting attempt by/on behalf of **Virgin Racing/Wirth Engineering** to enforce a non-compete provision in employment contract (2010).
- Representing **Calyon** in \$1.65 billion claim in the Commercial Court against **IKB**: derivatives, swaps, claim of fraud (2009/10).
- Acting for **International Motorsport** in claim against **Welsh Ministers** in respect of the cancellation of the Welsh world motor rally (2009).
- **Datasat v Swindon Town Football Club** [2009] EWHC 859. Loans, investments, share sale referred to at [2011] EWCA Civ. 84 Acting as a deputy High Court Judge.
- **Verizon v Swiftnet** [2008] EWHC 551. Deputy High Court Judge – telecommunications network dispute and forgeries.
- **Alexiou v Campbell** [2007] UKPC 11. Representing successful shareholders in share sale dispute before the Privy Council in its inaugural sittings in Nassau, The Bahamas (2006/7).
- Representing the **Rugby Football Union** in its dispute with the Premiership clubs in the QBD in London (2005/6).
- Representing private investors in bank fraud trial against **HSBC** in the Commercial Court (2006).
- Representing **EDF** in the High Court in its employment contract dispute with its former CEO (Sept 2005).
- Acting for **Pictet Bank** (Geneva and Nassau) in two month trial in the Bahamas (2005) in Trust/Banking litigation.
- Representing BAR in **BAR v Jenson Button and Williams Racing** to retain the services of Jenson Button for 2005 in Formula One – arbitration before the Formula One Contract Recognition Board in Paris, Milan and Geneva.
- Acting for Warner Chappell in **Warner Chappell v Michael Bolton** (Commercial Court) Infringement of copyright by U.S. singer/songwriter and rights of subrogation between co-assureds.

- **Renault v Volvo** International arbitration sitting in Paris/Amsterdam concerning company/share acquisitions.
- **Tonicstar v American Home** [2005] LRIR 32 (Commercial Court) anti-suit and anti-anti-suit injunctions and conflicts of laws.
- **National Westminster Bank PLC v Bilgin** [2004] EWHC 2372. Deputy High Court Judge – piercing corporate veil, nominees & resulting trusts.

## Entertainment & Sport

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Gavin Kealey has a relatively small but nonetheless well-developed practice in Sports Law, deriving principally from his acknowledged reputation and skills in contractual analysis, cross-examination and legal presentation. This is an area of practice he particularly enjoys.

### Selected cases:

- Acting for **Premiership Football Club** in respect of disablement claims arising from injuries sustained by former Captain on the football field (2010).
- Retained by **Force India** to act for Formula One racing engineer/employee in resisting the attempt by/on behalf of Virgin Racing/Wirth Engineering to enforce a non-compete provision in employment contract (2010).
- Acting for **International Motorsport** in claim against Welsh Ministers in respect of the cancellation of the Welsh world motor rally (2009).
- **Datasat v Swindon Town Football Club** [2009] EWHC 859. Loans, investments, share sale in connection with Football Club referred to at [2011] EWCA Civ. 84 – acting as a deputy High Court Judge.
- Representing the **Rugby Football Union** in its dispute with the Premiership clubs in the QBD in London (2005/6).
- Representing **BAR in BAR v Jenson Button and Williams Racing** to retain the services of Jenson Button for 2005 in Formula One – arbitration before the Formula One Contract Recognition Board in Paris, Milan and Geneva.
- Acting for **Warner Chappell in Warner Chappell v Michael Bolton** Commercial Court concerning the infringement of copyright by U.S. singer/songwriter and rights of subrogation between co-assureds.

## Aviation

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Gavin Kealey's main involvement in aviation concerns aviation insurance in relation to which he is an acknowledged expert. His work spans London market instructions to cases further afield, including the Middle East.

### Selected cases:

- **AerCap Ireland Ltd v AIG Europe SA & Ors (Russian Aircraft Lessor Policy Claims)** [2025] EWHC 1430 (Comm)
- Significant aviation claim (2020/1) involving sovereign wealth fund in Abu Dhabi Global Market Courts.
- US-related aviation engineering claim with parallel proceedings in Federal Courts including the US Supreme Court (as arbitrator) (2021).
- Aviation disaster (2019) as sole Arbitrator in 5 week arbitration.
- **APFL v Alitalia** [2018] EWHC 3315 (Comm).



- International aviation insurance arbitration involving aircraft loss (2016 – 2018).
- Acting for Aviation insurers defending claim for punitive damages indemnity arising out of an aircraft disaster in the US: International Arbitration (2014).
- Representing insurers in dispute over recoverability of US punitive damages award against US aviation company (2011).
- Acting for insurers in the Commercial Court in an action for the loss by theft of three 747 aircraft valued at \$150 million and their retention in Iran (2009/10). *PK Airfinance, and Balli, v Insurers*.
- Acting for Mexican insurers defending claims by U.S. aircraft lessors for excess of \$150 million in international arbitration in respect of the theft of a fleet of ageing aircraft (2008–2010): after a 2 month arbitration before two Mexican Arbitrators and one English Arbitrator, the U.S. lessors' application for permission to appeal the award against them was finally dismissed with costs.
- *Grecoair v Tilling* [2005] Lloyd's Rep. IR 151. Acting for reinsurers in successfully resisting the attempt by U.S. insured to cut through insurance provided by Angolan insurers to claim direct against reinsurers.

## Professional Negligence

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Gavin Kealey began his professional negligence practice when he first joined Chambers. His practice has evolved from representing one of the big four accounting firms in much of its early litigation in the UK and in The Bahamas, to dealing with and managing substantial cases involving a variety of classes of professional, most notably insurance brokers, solicitors and valuers.

### Selected cases:

- Representing Lithuanian oil refinery insureds against international brokers in claims for negligence exceeding \$100 million: Commercial Court trial October/November 2014.
- Representing a first tier City firm against claims of negligence brought against them by clients in previous shipping arbitration (2014).
- Advising the **Law Society** (2010/11) in relation to claims against (and coverage for) solicitors in respect of professional indemnity.
- Representing one of the major international insurance brokers in resisting claims of \$500 million in the Commercial Court for alleged fraud and negligence in relation to PA LMX and permanent health insurance (2008/9).
- *HLB Kidsons v Lloyd's* [2009] 1 Lloyd's Rep 8; [2008] LRIR 237; [2008] 3 Costs LR 427 (Court of Appeal & Commercial Court). 2 month trial leading for Professional Indemnity Underwriters. Claims by accountants against their insurance brokers, insurance advisers, claims managers and solicitors.
- *Talbot v Nausch Hogan & Murray Inc* [2006] 2 Lloyd's Rep 195. Undisclosed principals of insurance brokers in insurance contracts.
- Commercial Court trial (2 months) leading for international reinsurers (**Swiss Re** affiliate) in case concerning the insurance of a manufacturer's historical asbestos exposure in £166.6 million claim vs insurers and brokers: (2005).

## International Arbitration

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Gavin Kealey is known for his considerable expertise in domestic and international arbitrations. He is regularly instructed as Counsel

on substantial commercial cases where his skills as a legal and factual analyst, as a cross-examiner, and as an advocate highly-respected by the international markets, are in high-demand.

He is also regularly appointed in significant arbitrations as an Arbitrator. His arbitrations cannot be described with any particularity in view of the confidentiality of the process.

However, he has a tremendous reputation and is particularly known for presiding fairly and efficiently, with a light and relatively informal touch, over arbitrations where he is a party-appointed Arbitrator, or the sole Arbitrator, and increasingly, as the president of eminent tribunals.

He also makes it a point of writing and delivering his awards swiftly following the conclusion of any hearings.

## Selected Cases:

- Political risk insurance arbitration in Africa (as Counsel) (2020).
- Acting as Counsel on liability insurance claims arising out of Church sex abuse cases in the US (2019–2021).
- Acting as Counsel on insurance issues arising from opioid-related US class actions (2019–ongoing).
- Significant shipping arbitration involving one of the world’s largest shipbuilders, as presiding Arbitrator (fellow Arbitrators from UK).
- Aviation disaster (2019) as sole Arbitrator in complex case involving extensive technical and expert evidence, as well as difficult legal issues.
- US-related aviation engineering claim with parallel proceedings in Federal Courts, as presiding Arbitrator, (fellow arbitrators from UK).
- Arbitration concerning rare and precious metals, in which he is the presiding Arbitrator (fellow arbitrators both former High Court judges).
- Very complex Directors’ & Officers’ liability claim in arbitration in which he sat with distinguished arbitrators known to the London market.
- US insurance arbitration in which he sat as presiding Arbitrator with two American arbitrators of high standing.
- Major US, UK, and Bermudian insurance arbitration regarding a South American \$800m catastrophic loss event, as Counsel (2019–2021).
- Kuala Lumpur insurance arbitration (2018–2021) as presiding Arbitrator (fellow arbitrators from UK and Australia).
- International arbitrations in the UK and Bermuda (Counsel) involving toxic chemical contamination claims (2017/8), pharmaceutical products claims (2013–2018), medical devices (2018).
- Bermuda arbitration (Arbitrator) involving medical malpractice claims (2016–2018).
- Arbitrator in London arbitration involving copyright (2017/8).
- Sole Arbitrator in London arbitration concerning US financial services (2017/8).
- Sole Arbitrator in London arbitration concerning aviation (aircraft) loss (2016–2018).
- Counsel in natural disaster arbitrations (New York, London) (2017/8).
- Sole Arbitrator in Bermudian arbitration concerning \$1 billion marine casualties (2015).
- Arbitrator in London and Geneva concerning oil and gas development and production contracts in Iraq (2014).

- Arbitration (Counsel) concerning claim governed by Pennsylvania law (2014).
- Sole Arbitrator in arbitration between UK and Romanian companies as to proper construction of written agreements and liabilities for damages: 2005–2014.
- Final hearings (Counsel) in (a) international pharmaceutical arbitration involving Israeli and European companies (sitting in New York) (2012/13); (b) international arbitrations concerning shipbuilding and oil/gas licensing disputes (2012/13); (c) international arbitration with juridical seat in Paris (sitting in Paris, French law, French and English languages) (2013).
- Arbitration (Arbitrator) concerning impact of Icelandic volcanic ash cloud on insurance and reinsurance policies (2012).
- Dubai arbitration (Counsel) involving hotel management contract (2015).
- Counsel for New Zealand mutual insurers in claims against the international reinsurance market arising out of the 2010/11 Christchurch earthquakes. Two arbitrations in Auckland in 2014, March and November/December (2013/14): claims in the 100s of millions of dollars.
- Punitive damages indemnity arbitration (Counsel) arising out of aircraft disaster in the US: International Arbitration (2014).
- Arbitration (Counsel) concerning landfill collapses and river pollution in U.S. (2012/13).
- Arbitration (Counsel) concerning brokers' bid-rigging in N.Y. and U.S. (2012/13).
- Arbitration (Counsel) concerning hormone replacement therapy: multi-district litigation in U.S. (2012).
- International (Greece/China) arbitration: shipbuilding/sale dispute, as Counsel (2012).
- International arbitration hearing (Counsel) governed by New York law concerning oil platform collapse (2011).
- Representing UK Bank in domestic arbitration claim against UK insurers concerning UK and US Bankers Blanket Bond Policies (2011).
- Representing Indonesian insurers in Singaporean arbitration against Indonesian mining insureds (2011/12).
- **Buyuk v Progress** [2010] EWHC 442. Challenges to maritime arbitration award for irregularity and permission to appeal – Deputy High Court Judge.
- Arbitration concerning US hospital company claim (2009/10).
- S. pharmaceutical company claim in an international arbitration in respect of an internationally marketed drug (2008/9).
- Representing Mexican insurers in defending a claim by U.S. aircraft lessors for excess of \$150 million in international arbitration in respect of the theft of a fleet of ageing aircraft (2008–2010).
- Acting for Bermudian insurers in resisting a \$50 million claim by a major U.S. motor manufacturer in an international arbitration in Bermuda in respect of casualties in the U.S. (2006/7).
- Acting for Colombian insurers in ICC arbitration: seeking recovery from international reinsurers in claim arising out of mortgage and savings liabilities of Banco de La Republica in Bogota (2006–2008).
- Acting for Formula 1 motor racing team to retain the services of their no. 1 driver for 2005 in Formula One – arbitration before the Formula One Contract Recognition Board in Paris, Milan and Geneva.
- International arbitration sitting in Paris/Amsterdam concerning company/share acquisitions under aegis of Dutch Arbitration Court.
- International arbitration held bilingually in French and English concerning share sales and company valuations.
- Arbitration for insurers on World Trade Center coverage dispute.
- 3 week arbitration concerning mass tort silicone gel breast implant claims in the U.S.

## Pharmaceutical / Medical

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Gavin Kealey has considerable experience of international arbitrations for and against US pharmaceutical and medical companies (mostly, the largest in the world).

### Selected cases:

- Acting as Counsel on insurance issues arising from opioid-related US class actions (2020–ongoing).
- Highly complicated arbitration involving US federal law and regulation on hip replacements.
- As Counsel in Federal Court in Memphis, Tennessee, to argue complex and novel issues of English law in response to the Federal Judge’s invitation to the parties to field English Counsel to make the oral arguments: Case No. 04-CV-3027 – STA.
- International arbitrations in the UK and Bermuda involving casualty insurances relating to toxic chemical claims (2017), medical malpractice claims (2016/7), pharmaceutical products claims, (2013–2017).
- International arbitrations (Bermuda and London) involving medical devices (2016/7).
- Acting as expert for US insureds in relation to a Federal Court claim against international insurers concerning prosthetic implants 2011 – 2015 and continuing.
- Representing Bermudian insurers in Bermuda Form insurance dispute with US insureds: mass tort toxic chemical casualty claim: first stage International Arbitration (2014).
- Representing Bermudian insurer in international arbitration concerning hormone replacement therapy: multi-district litigation in U.S. (2012).
- Representing Bermudian insurer in international arbitration concerning medical equipment claims exceeding \$100 million under the Bermuda Form (2011).
- Representing insurers in resisting claim exceeding \$50 million by a U.S. hospital company in an international medical malpractice arbitration (2009 – 2010)
- Representing insurers under the Bermuda Form scheme in resisting claim for \$75 million in connection with medical malpractice liabilities in the U.S. (2009 – 2010).
- Representing insurers in an international arbitration in resisting \$50 million claim by a US pharmaceutical company in respect of an internationally marketed and allegedly harmful drug (2008/9).
- Representing major international pharmaceutical company in obtaining recovery from liability insurers in a Bermudian arbitration in respect of mass tort third party claims in the U.S. arising out of on and off label marketing/sales of medical drugs (2008).
- 3 week arbitration on the Bermuda Form (leading for U.S. insured) concerning mass tort silicone gel breast implant claims in the U.S. (2003).
- 3 month insurance/reinsurance arbitration in Bermuda (leading for reinsurers) concerning illegal applications of pesticides in the USA on edible products (2001 – 2003). ***Gold Medal v Hopewell***.

## Jurisdiction / Conflict of Laws

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Given the international and commercial nature of his practice, Gavin Kealey often advises on issues of private international law: on

issues of governing law, jurisdiction, anti-suit injunctions. He is constantly involved in the important strategic and tactical decisions that need to be made on these issues which often directly or indirectly affect the outcome of any dispute.

## Selected cases:

- **Consulting Concepts International Inc. v Kingdom of Saudi Arabia** Case 1:19-cv-11787-AKH (2021) (2<sup>nd</sup> Circuit Federal Court): jurisdiction, governing law.
- **Masri v Consolidated Contractors International Company SAL** [2011] All ER (D) 142 (Commercial Court), jurisdiction, stay, Articles 27 and 28 Council Regulation (EC) 44/2001.
- **Tonicstar v American Home** [2005] LRIR 32 (Commercial Court) anti-suit and anti-anti-suit injunctions and conflicts of laws in context of insurance.
- **Travelers Casualty v Sun Life** [2004] LRIR 846 (Commercial Court) jurisdiction, conflict of laws.
- **DR Insurance v Central National Ins.** [1996] 1 Lloyd's Rep. 74. Leading on issues of Private International law, Jurisdiction, Proper law, illegality.

## Product Liability

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Gavin Kealey has an established product liability practice with a focus on the insurance aspects of pharmaceutical and aviation industries.

## Selected cases:

- Highly complicated arbitration involving US federal law and regulation on metal in metal hip replacements (2017-2019).
- As Counsel in Federal Court in Memphis, Tennessee: Case No. 04-CV-3027 – STA.
- International arbitrations in the UK and Bermuda involving casualty insurances relating to toxic chemical claims (2018), medical malpractice claims (2016/7), pharmaceutical products claims, (2013–2017).
- International arbitrations (Bermuda and London) involving medical devices (2016/7).
- Representing Bermudian insurers in Bermuda Form insurance dispute with US insureds: mass tort toxic chemical casualty claim: first stage International Arbitration (2014).
- Insurance arbitration concerning a substantial claim by German insureds against international insurers under liability insurance governed by Pennsylvania law (2014).
- Representing Aviation insurers in defence of claim for punitive damages indemnity arising out of an aircraft disaster in the US caused by a defective engine and blades: International Arbitration (2014).
- **BAT Industries Plc v Windward Prospects Ltd & Appleton Papers Inc** [2013] EWHC 4087 (Comm). Multi-million dollar claim for indemnity against potential liabilities arising from toxic environmental pollution caused by PCBs.

## Energy & Natural Resources

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Gavin Kealey has been instructed in several major energy disputes in recent years, especially in offshore energy claims, but also in

insurance-related disputes. With a long-running interest in litigation and arbitration in the energy sector, he remains instructed by leading law firms in this sector on a regular basis, both as advocate and as an Arbitrator.

## Selected cases:

- Arbitration involving offshore oil and gas drilling contractor to the energy industry (2020).
- **Monde Petroleum v WesternZagros** (Kurdistan oil & gas dispute) [2018] EWCA Civ 25.
- Representing subrogated insurers in claim involving polypropylene dehydration technology in Saudi Arabia against US and UK companies (2017).
- Representing Lithuanian oil refinery in claims exceeding \$100 million in respect of refinery explosion: Commercial Court trial October/November 2014.
- International arbitration in London and Geneva concerning oil and gas development and production contracts in Iraq, the allocation of working interests, the value of working interests, revenues and costs associated with onshore exploration and production fields (2014).
- Arbitrator in international arbitration governed by Bermudan law concerning North Sea oil platform casualty resulting in property damage and liability losses exceeding \$1 billion (2014/15).
- Representing Lithuanian oil refinery insureds against international brokers in claims for negligence: Commercial Court trial October/November 2014.
- **BAT Industries Plc v Windward Prospects Ltd & Appleton Papers Inc** [2013] EWHC 4087 (Comm). Multi-million dollar claim for indemnity against potential liabilities arising from toxic environmental pollution of land and air caused by PCBs.
- Representing US Energy Company against a \$50 million claim following the collapse of a major coal ash facility (2013).
- **Proton Energy v Orlen** [2013] EWHC 334 (sitting as a Deputy High Court Judge). Oil sale contract dispute between Swiss sellers and Lithuanian buyers.
- Representing Indonesian Insurers in insurance claim brought by Indonesian insureds concerning mine disaster and collapse of land: arbitration in Singapore (2011/12).
- Representing energy mutual in claim concerning oil platform collapse: arbitration in London governed by New York Law (2011).
- Representing international insurers in connection with proceedings in Australia concerning mining flood disaster (2011/12).

## Property Damage

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Thanks in part to Gavin's experience in the insurance aspects of this field, and from his acknowledged reputation and skills in assessing expert evidence, cross-examination and legal presentation, he has a stellar reputation in this area of the law.

## Selected cases:

- Arbitration involving a "hyper-structure" (a globally high profile building) with two distinguished construction arbitrators (2020).
- Arbitration involving property damage to a very large container port project, in which he acted as Counsel (2019/20).
- Long-running series of arbitrations, relating to a catastrophic property collapse (2018 – 2021).

- Representing Bermudian insurers in Bermuda Form insurance dispute with the insureds: mass tort toxic chemical casualty claim: Arbitrations in London (2014 – 2017).
- Representing New Zealand mutual insurers in claims against the international reinsurance market arising out of the 2010/11 Christchurch earthquakes. Two arbitrations in Auckland in 2014, March and November/December (2013/14): claims in the several hundreds of millions of dollars.
- **BAT Industries Plc v Windward Prospects Ltd & Appleton Papers Inc [2013] EWHC 4087 (Comm)**. Multi-million dollar claim for indemnity against potential liabilities arising from toxic environmental pollution.

## Shipping & Transport

Gavin Kealey's practice in Shipping has developed from a thriving junior's specialism into a leading silk's practice in which his experience and expertise are very much in demand in substantial cases both as Counsel and also as an Arbitrator. For many years he has been instructed in many of the shipbuilding disputes from major maritime centres on claims which are in excess of \$100 million.

### Selected cases:

- Significant shipping arbitration involving one of the world's largest shipbuilders, as presiding Arbitrator (fellow Arbitrators from UK) (2020).
- Arbitration held in Rio de Janeiro, subject to Brazilian law, involving Brazilian, US and French firms with Gavin Kealey as sole UK Counsel (2019).
- Party-appointed Arbitrator in LCIA arbitration regarding oil rig owning company (2018)
- Arbitrator in shipping and shipbuilding disputes (2015/6).
- Representing a first tier City firm against claims of negligence brought against them by clients in previous shipping arbitration (2014).
- Arbitrator in international arbitration governed by Bermudian law concerning two substantial marine casualties resulting in property damage and liability losses exceeding \$1 billion (2014/15).
- Representing charterers in defending a multi-million dollar claim arising out of a 5 year contract of affreightment (2014).
- International arbitration (LMAA) for highly complex contractual shipbuilding dispute (2014).
- International (Greece/China) arbitration: shipbuilding/sale dispute, as Counsel (2012).
- Arbitrator in international arbitration concerning shipbuilding contracts (2012).
- **Buyuk v Progress** [2010] EWHC 442. Challenges to maritime arbitration award – Deputy High Court Judge.
- Acting as Arbitrator in charterparty disputes (2005 – present).
- Representing a variety of shipowners in relation to shipbuilding disputes and charterparty disputes in arbitration – cancellation of contracts, instalments, repudiation (2008/9).
- **Golden Fleece Maritime v St Shipping** [2008] 2 Lloyd's Rep 119 (Court of Appeal). Leading for shipowners against time charterers. Effect of change of International Regulations on Shipowners' obligations.
- **Petroleum Oil & Gas Corp. of South Africa v FR8** [2009] 1 Lloyd's Rep 107 (Commercial Court, Steel J.). Leading for Shipowners in claim under Shelltime 4 form.



- Representing Norwegian oil rig owners in 2 month arbitration against rig builders (2005).

## Appointments

Gavin Kealey is not only known for his considerable expertise in acting as Counsel in domestic and international arbitrations but he also has a well-established practice as an Arbitrator. He is a Fellow of the Chartered Institute of Arbitrators, a fellow of the AIAC (Malaysia) member of JAMS International, the LCIA and an ICC Arbitrator. His appointments cannot be described with any great particularity in view of the confidentiality of the process.

However he is regularly appointed as sole Arbitrator in aviation, insurance and reinsurance, financial services and energy disputes, and as a party-appointed Arbitrator in other areas of commercial disputes. His acknowledged expertise is also reflected in his judgments while sitting as a Deputy High Court Judge in the Commercial Court.

## Education

BA (Jurisprudence) University College, Oxford University; First Class. Distinction in Law Moderations, Oxford University; Fletcher Scholar (Oxford).

Lecturer in Laws, King's College, London University (Contract, Evidence, Jurisprudence).

Assistant Recorder of the Crown Court, 1999; Recorder (Crown Court Judge) 2000 – 2010.

Deputy High Court Judge of the King's Bench Division of the High Court, assigned to the Commercial Court.

Fellow of the Chartered Institute of Arbitrators; Member of JAMS International, the LCIA, the AIAC (Malaysia) and an ICC Arbitrator.

Head of Chambers at 7KBW.

"Chambers and Partners" Insurance Silk of the Year 2005.

Director of the Bar Mutual Indemnity Fund Ltd 2001 – 2010.

Languages: French