

Karen Maxwell

CALL: 1992

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Languages: French; German (conversational)



Overview

Karen practises in commercial law and international trade, with a particular focus on arbitration and shipping.

After being called to the Bar, Karen practised at Twenty Essex where she established a commercial law practice. She then spent time at Practical Law Company (PLC), establishing and leading Practical Law Arbitration, before returning to the Bar. At PLC, Karen wrote and developed guidance and current awareness covering all legal and practical aspects of English and international arbitration, including commercial and investment treaty arbitration. Following the acquisition of PLC by Thomson Reuters, she was appointed Head of Current Awareness, with responsibility for updates published in Lawtel, Westlaw and Practical Law. Karen returned to resume her practice at Twenty Essex in 2016.

Karen is regularly instructed to advise and appear in shipping, shipbuilding and arbitration disputes. She has particular expertise in procedural issues relating to arbitration, including award challenges, appointments and arbitrator challenges, costs and enforcement. Karen has recently advised in several cases involving sulphur emissions and MARPOL Annex VI.

She also writes and lectures widely on arbitration, private international law and shipping topics. Karen is the co-author of *London Maritime Arbitration*, the fourth edition of which was published in 2017. She accepts appointments in maritime and commercial arbitration references.

Publications

- 'Interim and Emergency Relief - In Support of Maritime Arbitration Under English Law' TDM 1 (2021) (co-authored with Clare Ambrose and Michael Collett QC).
- *London Maritime Arbitration*, published by Informa Law and now in its fourth edition (2017) (co-author).

Professional memberships

- LMAA: Supporting Member

Lectures/talks

Karen delivers talks and lectures regularly on topics including:

- Competing jurisdiction and arbitration clauses
- Demurrage update
- Confidentiality in arbitration
- SOx emissions and MARPOL Annex VI
- Cyber unseaworthiness

Education

- University of Oxford, St Hugh's College: MA in Jurisprudence, First Class; Bachelor of Civil Law, First Class

Example cases

- *Grindrod Shipping Pte Ltd v Hyundai Merchant Marine Co Ltd*[2018] EWHC 1284 (Comm): s 68 Arbitration Act 1996.
- Confidential arbitration (2018): represented respondent in application to strike out under s 41 Arbitration Act 1996.
- Confidential arbitration (2017): represented cargo claimants in title to sue dispute.
- Confidential arbitration (2017): represented disponent owners in charterparty dispute relating to war and piracy risks.
- Confidential arbitration (2017): instructed by owners in dispute relating to repudiation of charter and quantum of damages.
- Confidential arbitration (2017): represented shipyard in shipbuilding dispute raising issues relating to scope of guarantee and measure of damages.
- Confidential arbitration and associated court proceedings (2016): represented respondent bareboat charterers in dispute relating to option to purchase/sell vessel and quantum of damages.
- Confidential arbitration (2016): represented claimant owners in bill of lading cargo shortage claims raising title to sue issues.
- Advised shipyard in dispute relating to delivery under amended Shipbuilders' Association of Japan shipbuilding contracts.

International arbitration

Karen has been instructed in various arbitral proceedings including LMAA, LCIA, UNCITRAL and ICC proceedings seated in London. She regularly advises on procedural issues in arbitration, including issues such as liability for costs of arbitral proceedings; interim and partial awards; jurisdictional challenges; appointment and arbitrator challenges.

Arbitration-related court proceedings include: various award challenges under sections 67, 68 and 69 of the Arbitration Act 1996; various issues relating to limitation, commencement of arbitral proceedings and validity of notice of arbitration; numerous cases raising issues as to scope of arbitration agreement; anti-suit injunctions and other remedies for breach of arbitration agreement; 'section 44 application for interim injunctive relief; New York Convention award enforcement proceedings. Karen also accepts arbitral appointments.

Karen writes and lectures widely on arbitration topics (commercial and investment treaty) and is co-author of *London Maritime Arbitration (Informa)* (fourth edition published 2017).

Shipping

Karen regularly advises and represents claimants and defendants in charterparty and bill of lading disputes in the commercial court and arbitration, particularly LMAA arbitration.

Areas of expertise include unsafe port claims, redelivery disputes, off-hire, deviation, notice of readiness disputes, unsafe cargo disputes, seaworthiness, detention/demurrage, speed and performance, cancellation, economic duress; sanctions; cargo claims. Karen has also been instructed in several ship sale and shipbuilding arbitrations, including arbitral proceedings relating to guarantee claims under SAJ form contracts, claims for injunctive relief relating to ship sale MoA, claims relating to delivery under amended SAJ form contracts.

- Confidential arbitration (2017) - represented disponent owners in charterparty dispute relating to war and piracy risks.
- Confidential arbitration (2017) - instructed by Owners in dispute relating to repudiation of charter and quantum of damages.
- Confidential arbitration (2017) - represented shipyard in shipbuilding dispute raising issues relating to scope of guarantee

and measure of damages.

- Confidential arbitration and associated court proceedings (2016) – represented respondent bareboat charterers in dispute relating to option to purchase/sell vessel and quantum of damages.
- Confidential arbitration (2016) – represented claimant owners in bill of lading cargo shortage claims raising title to sue issues.
- Advised charterers in relation to redelivery/withdrawal dispute.
- Advised shipyard in dispute relating to delivery under amended SAJ shipbuilding contracts.
- Advised owners in cargo contamination dispute on legal issues relating to quantum and assessment of damages.
- Confidential arbitration and associated court proceedings (2015) – instructed by claimant sellers under ship sale MoA in dispute relating to delivery.
- Confidential Arbitration (2015) – represented shipyard in 7-day arbitration raising issues relating to post-delivery guarantee, measure of damages and remedies.
- Confidential Arbitration – instructed by intervening mortgagee in arrest proceedings raising issues relating to unpaid hire, insolvency, issue estoppel arising from previous arbitral proceedings.
- Confidential Arbitration – instructed by claimant shipyard in arbitration arising from early termination of contract for construction of oil tanker.
- Confidential Arbitration – instructed by yard in dispute relating to validity of notice of readiness tendered under shipbuilding contract.
- Confidential Arbitration – instructed by claimant buyers in Norwegian Sale Form arbitration.
- *Stocznia Gdanska S.A. v Latvian Shipping Company & Ors* [1998] UKHL 9; [2001] EWHC 500 (Comm) – shipbuilding; entitlement to cancel; liability for keel laying instalment; total failure of consideration; effect of default clause; repudiatory breach; affirmation.
- *Niru Battery Manufacturing Company & Anor v Milestone Trading Ltd & Ors* [2002] EWHC 1425 (Comm) – presentation of false documents under letter of credit; liability under counter-indemnity; deceit; breach of trust; restitution; negligence.
- “*David Agmashenebeli*”, *Owners of the Cargo v Owners of the Ship* [2002] EWHC 104 (Admlty) – claused bill of lading; delay in berthing; title to sue; duties of master in respect of bill of lading.
- *Macieo Shipping Ltd v Clipper Shipping Lines Ltd* [2001] EWHC 545 (Comm) – time charterparty; liability for costs incurred by reason of fire caused by stevedore negligence.
- *Vinmar International Ltd. v Theresa Navigation SA* [2001] EWHC 497 (Comm) – loading of ethylene cargo despite obvious contamination of initial samples; unseaworthiness; causation; damages.

Recommendations

Karen is extremely responsive and always on hand for ad hoc queries. She is quick to get to grips with the finer details of a matter and provides robust and clear-cut advice. [Chambers UK Bar 2021](#)

Her written work is phenomenally good and well received. [Chambers UK Bar 2021](#)