

Susannah Jones

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Languages: German (good working knowledge)



Overview

Susannah's practice focuses on commercial disputes in areas including fraud, banking, commodities, energy, insurance and shipping. She has considerable experience in substantial, multi-party, multi-jurisdictional litigation and is particularly noted for her ability to get on top of very complex legal and factual issues in very short order.

Almost all of Susannah's work has a substantial international element, concerning parties from across the world and frequently involving litigation in other fora and other countries which raise complex jurisdictional and conflict of laws issues.

Susannah has acted as counsel (alone and as part of a team) in cases before the English Courts and in many arbitrations seated in London and overseas. Most recently, Susannah, led by Philip Edey QC, acted for policyholder interveners at first instance in the landmark business interruption insurance test case brought by the FCA. Susannah was sole counsel in reply on behalf of the successful RSA 4 policyholders.

Susannah also accepts appointments as arbitrator, with particular experience as an ICC, LMAA and LCIA arbitrator.

She is ranked in the leading directories for commercial litigation, commodities and shipping.

Professional memberships

- Commercial Bar Association
- Commercial Fraud Lawyer's Association
- Gray's Inn
- London Common Law and Commercial Bar Association

Lectures / talks

Susannah regularly delivers talks to clients. Examples include: *"The Disclosure Pilot Scheme: Practice Direction 51U"* (2019).

Education

- University College London: LLB Law with German Law (first class)

Example cases

- *LMAA arbitrations* – nine references in this high-value (over US\$150 million) shipbuilding dispute, raising complex contractual issues in relation to design responsibilities of shipyards, assignment and compliance with contractual acceptance/rejection procedures.
- *Natixis v Marex Financial & others* [2019] 2 Lloyd's Rep 431 – multifaceted banking and commodities trading dispute arising out of a conditional repo financing transaction, also incorporating aspects of civil fraud and an insurance claim. Acted for the successful bank, which recovered the entirety of its US\$32 million claim. In [2019] 11 WLUK 336, appeared alone at the complex apportionment and consequential hearing.
- *London arbitrations* – regularly instructed by companies within a shipowning group specialising in subsea (oil and gas) and renewable energy. Charterparty issues arising included early redelivery, exercise of options and breach of warranty, together with bunker and guarantee claims.
- *Gramsci v Reoletos* – long-running Latvian dispute, acted for the former directors of the allegedly fraudulent companies, succeeding in having the claims dismissed.
- *Seagrain LLC v Glencore Grain BV* [2014] 1 All ER (Comm) 540 – arbitration appeal on the GAFTA prohibition clause, acted for the successful Respondent at first instance and in the Court of Appeal.
- *JSC BTA Bank v Mukhtar Ablyazov & others* – substantial multi-jurisdictional international litigation involving multiple claims against the ex-Director of a major Kazakh bank.
- *Fiona Trust v Privalov & others* [2013] EWCA Civ 275, [2010] EWHC 3199 (Comm) – successfully defended the ex-Director-General of Sovkomflot (Mr Skarga) in the Fiona Trust megatrial, lasting 6 months. All claims against Mr Skarga failed, together with the Claimant's appeals to the Court of Appeal and Supreme Court.
- *Fiona Trust v Privalov & others* [2011] EWHC 664 (Comm) & [2011] 3 Costs L.O. 338 – appeared (alone) for Mr Skarga in relation to the consequential issues after the Fiona Trust megatrial. Thereafter, continued to represent Mr Skarga in relation to action taken against him by the Russian State in Courts worldwide.

Commercial litigation

Susannah is ranked as a leading junior in the field of commercial litigation (The Legal 500 UK Bar 2020). She has appeared, been led and advised in a wide variety of disputes involving:

- Civil fraud (particularly by directors)
- Share purchase agreements
- Joint ventures and shareholder agreements
- Professional negligence (including banking, financial services and brokers)
- Commercial exploitation agreements
- Interim relief (including anti-suit, freezing and Norwich Pharmacal injunctions)
- Conditional repo financing
- Charterparties

Cases include:

- *Natixis v Marex Financial & others* [2019] 2 Lloyd's Rep 431 – multifaceted banking and commodities trading dispute arising out of a conditional repo financing transaction, also incorporating aspects of civil fraud and an insurance claim. Acted for the successful bank, which recovered the entirety of its US\$32 million claim.
- *January Investments Ltd v Habib Bank AG* – breach of mandate and negligence claim.
- *JSC BTA Bank v Mukhtar Ablyazov & others* – substantial multi-jurisdictional international litigation involving multiple claims against the ex-Director of a major Kazakh bank.
- *Confidential claim* – acting for a very well-known company in its £15.6 million claim against the purchaser of a significant piece of art.
- *Gramsci v Reoletos* – long-running Latvian dispute, acting for the former directors of the allegedly fraudulent companies

succeeding in having the claims against them dismissed.

- *Fiona Trust v Privalov & others* [2013] EWCA Civ 275, [2010] EWHC 3199 (Comm) – successfully defended the ex-Director-General of Sovkomflot (Mr Skarga) in the Fiona Trust megatrial, lasting 6 months. All claims against Mr Skarga failed, together with the Claimant’s appeals to the Court of Appeal and Supreme Court.

Arbitration

Susannah has acted in numerous arbitrations before the ICC, LCIA, LMAA, GAFTA, SIAC and ad hoc tribunals, covering a wide-range of disputes such as:

- Commercial exploitation of technology funded by the UK Government
- Share purchase agreements
- Commodities
- Charterparties
- Shipbuilding

Examples include:

- *LMAA arbitrations* – nine references in this high-value (over US\$150 million) shipbuilding dispute, raising complex contractual issues in relation to design responsibilities of shipyards, assignment and compliance with contractual acceptance/rejection procedures.
- *Ad hoc London arbitration* – a dispute between a government ministry and a UK contractor raising wide-ranging issues of construction and complex technical, scientific questions.
- *Singapore arbitration* – dispute between a shipowner and crane repair specialist centering on the applicability of onerous exclusion clauses.
- *ICC arbitration* – contractual disputes arising out of a purchase of a majority stake in a technology company by a London based private equity firm and partners.
- *Nanjiang Tianshun v Orchard Tankers* [2011] 2 All ER 789 – S67 & s69 appeals in relation to jurisdictional and time bar issues.

Susannah also accepts appointments as an arbitrator and has experience as a sole arbitrator, as member of a panel and of expedited procedures.

Banking and financial services

Susannah has advised and acted in many banking cases including:

- *Natixis v Marex Financial & others* [2019] 11 WLUK 336 – appeared alone at the complex apportionment and consequential hearing in this multi-party case.
- *Natixis v Marex Financial & others* [2019] 2 Lloyd’s Rep 431 – multifaceted banking and commodities trading dispute arising out of a conditional repo financing transaction, also incorporating aspects of civil fraud and an insurance claim. Acted for the successful bank, which recovered the entirety of its US\$32 million claim.
- *January Investments Ltd v Habib Bank AG* – breach of mandate and negligence claim.
- *JSC BTA Bank v Mukhtar Ablyazov & others* – substantial multi-jurisdictional international litigation involving multiple claims against the ex-Directors of a major Kazakh bank.

Civil fraud

Susannah’s extensive experience of multi-party, multi-jurisdictional cases involving fraud includes:

- *Natixis v Marex Financial & others* [2019] 2 Lloyd’s Rep 431 – multifaceted banking and commodities trading dispute arising out of a conditional repo financing transaction, also incorporating aspects of civil fraud and an insurance claim. Acted for the successful bank, which recovered the entirety of its US\$32 million claim.

- *Gramsci v Reoletos* – long-running Latvian dispute, acting for the former directors of the allegedly fraudulent companies succeeding in having the claims against them dismissed.
- *JSC BTA Bank v Mukhtar Ablyazov & others* – substantial multi-jurisdictional litigation involving multiple claims against the ex-Directors of a major Kazakh bank.
- *Confidential* – providing a second opinion to a prominent Russian businessperson shortly before the start of a very substantial fraud trial.
- *Fiona Trust v Privalov & others* [2013] EWCA Civ 275, [2010] EWHC 3199 (Comm) – successfully defended the ex-Director-General of Sovkomflot (Mr Skarga) in the Fiona Trust megatrial, lasting 6 months. All claims against Mr Skarga failed, together with the Claimant’s appeals to the Court of Appeal and Supreme Court.
- *Fiona Trust v Privalov & others* [2011] EWHC 664 (Comm) & [2011] 3 Costs L.O. 338 – Susannah appeared alone in relation to the consequential issues after the Fiona Trust megatrial. Thereafter, she continued to act for Mr Skarga in relation to action taken against him by the Russian State in Courts worldwide.

Commodities and international trade

Susannah is ranked as a leading commodities junior (Chambers UK Bar, 2020, Chambers Global, 2020, The Legal 500 2020). She has advised and acted as advocate in a wide range of commodities disputes in arbitration (including appearing before GAFTA) and in Court. Many of these cases have been the subject of confidential arbitrations, reported cases include:

- *Natixis v Marex Financial & others* [2019] 11 WLUK 336 – appeared alone at the complex apportionment and consequential hearing in this multi-party case.
- *Natixis v Marex Financial & others* [2019] 2 Lloyd’s Rep 431 – multifaceted banking and commodities trading dispute arising out of a conditional repo financing transaction, also incorporating aspects of civil fraud and an insurance claim. Acted for the successful bank, which recovered the entirety of its US\$32 million claim.
- *Seagrain LLC v Glencore Grain BV* [2014] 1 All ER (Comm) 540 – arbitration appeal on the GAFTA prohibition clause, acted for the successful Respondent at first instance and in the Court of Appeal.
- *Cereal Investments Co (CIC) SA v ED&F Man Sugar Ltd* [2008] 1 All ER (Comm) 873 – FOB contract and shipment period.

Insurance and reinsurance

Susannah most recently appeared in the landmark FCA Test Case on business interruption insurance *FCA v Arch Insurance (UK) Ltd & others* [2020] Lloyd’s Rep IR 527. She was led by Philip Edey QC with Josephine Higgs (7 KBW).

Susannah appeared as sole counsel in reply on behalf of the intervening RSA 4 “Resilience” policyholders. The first instance court found in favour of the RSA 4 policyholders, referring expressly to Susannah’s arguments in reply. Insurers did not appeal the Divisional Court’s judgment on the RSA 4 wording.

Susannah is currently acting (led by Philip Edey QC) in four high value claims under reinsurance policies being heard in London arbitrations.

Her previous insurance cases include *Lexington Insurance Co v Multinacional de Seguros SA* [2009] 1 All ER (Comm) 35 in relation to time bar and the duties of reinsurers.

Shipping

Susannah is ranked as a leading shipping junior (Chambers UK Bar, 2020, Chambers Global, 2020, The Legal 500 2020). She has advised and acted as advocate in a wide range of shipping disputes including:

- *LMAA arbitrations* – nine references in this high-value (over US\$150 million) shipbuilding dispute, raising complex contractual issues in relation to design responsibilities of shipyards, assignment and compliance with contractual acceptance/rejection procedures.
- *London arbitrations* – regularly instructed by companies within a shipowning group specialising in subsea (oil and gas) and renewable energy. Charterparty issues arising included early redelivery, exercise of options and breach of warranty, together with bunker and guarantee claims.
- *LMAA arbitration* – charterparty dispute in relation to an offshore support vessel arising out of the head owner’s entry into administration and liability for additional war risks premiums. Also advised in a related dispute before the Singapore Courts in which the owners succeeded in obtaining judgment against the head owners.

- *Singapore arbitration* – dispute between a shipowner and crane repair specialist centering on the applicability of onerous exclusion clauses.
- *Seagrain LLC v Glencore Grain BV* [2014] 1 All ER (Comm) 540 – arbitration appeal on the GAFTA prohibition clause, acted for the successful Respondent at first instance and in the Court of Appeal.
- *Norspan v Shell International Middle East Ltd* – test case on the effect of the unprecedented deflation in Spain (settled before trial). Acted for the same owners on related claims under performance guarantees.
- *Fiona Trust v Privalov & others* [2013] EWCA Civ 275, [2010] EWHC 3199 (Comm) – successfully defended the ex-Director-General of Sovkomflot (Mr Skarga) in the Fiona Trust megatrial, lasting six months. All claims against Mr Skarga failed, together with the Claimant’s appeals to the Court of Appeal and Supreme Court.
- *Fiona Trust v Privalov & others* [2011] EWHC 664 (Comm) & [2011] 3 Costs L.O. 338 – Susannah appeared alone in relation to the consequential issues after the Fiona Trust megatrial. Thereafter, she continued to act for Mr Skarga in relation to action taken against him by the Russian State in courts worldwide.

Recommendations

She is a very strong junior and very impressive in court. [Chambers UK Bar 2021](#)

He has excellent analytical skills, and is always on top of her subject. [The Legal 500 UK Bar 2021](#)

She is easy to deal with, very thorough and very good at drafting. [Chambers UK Bar 2021](#)

Thorough and meticulous, she is always on top of the brief. [The Legal 500 UK Bar 2021](#)

Her legal writing, analysis and research are of the top order. [Chambers UK Bar 2020](#)

She is thorough, has a tremendous eye for detail and can be relied on to know her brief inside out. [The Legal 500 UK Bar 2020](#)

Very hard-working and bright. She rolls up her sleeves and gets involved in the detail. She is very helpful and easy to work with. [Chambers UK Bar 2019](#)

An excellent senior junior who is imaginative and thorough. [The Legal 500 UK Bar 2020](#)

She is very thorough and a safe pair of hands. [Chambers UK Bar 2020](#)

She's totally brilliant and her written work is just fabulous. [The Legal 500 UK Bar 2018](#)

She exhibits excellent attention to detail and is very clever; she has always been willing to roll up her sleeves and work closely with the client. [The Legal 500 UK Bar 2018](#)

Able to get on top of very complex legal and factual issues in very short order. [The Legal 500 2017](#)

Succinct and highly effective in her drafting. [Chambers UK Bar 2018](#)