

# Andrew Neish QC

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Andrew Neish QC is a commercial litigator who, as part of a practice involving a wide range of contractual and commercial disputes, has particular expertise in insurance and reinsurance litigation.

He also deals with professional negligence claims involving lawyers and financial professionals such as brokers and accountants.

As well as appearing in the English courts, Andrew has wide experience in international arbitration for and against UK, US and Bermudian clients under both institutional rules (e.g. LCIA and ICC) as well as on an ad hoc basis. He is a member of Pump Court International in Hong Kong, admitted in the BVI and the DIFC Court in Dubai.

Andrew has experience (as both advocate and mediator) of complex mediations. He has been instructed as an expert in English law in foreign proceedings including in the US, Australia and France.

## Insurance & Reinsurance

Andrew acts for a wide range of London Market, US and European insurance and reinsurance clients in litigation and arbitration in both London and Bermuda. He has been retained as an expert in English insurance law in connection with proceedings in Israel, California and Australia. He has been instructed by most of the major London solicitors active in this area as well as by attorneys in New York and the British Virgin Islands.

In the insurance field, Andrew has been instructed in major disputes involving most classes of business, including property, political risks, credit, third party and employers' liability, professional indemnity, financial contingency and legal expenses.

In reinsurance, Andrew has been instructed in connection with avoidance or other coverage disputes involving a wide range of facultative and treaty risks emanating from whole account and from marine, energy, aviation, property, casualty and workers' compensation and accident business.

## Featured Insurance & Reinsurance cases

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Advising various London Market insurers in relation to the potential impact of COVID-19 claims under insurance policies including those covering property damage and business interruption, events cancellation, personal accident and professional negligence.

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Advising professional indemnity insurers in relation to dispute with German cover holder arising from shipping container investment claims.

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Advising insurers in relation to claims for alleged currency inconvertibility in Central Asia.

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Advising insurers about claims relating to alleged political interference of a South American government in the business of foreign companies.

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Advising Bermuda Form insurers in relation to large claims arising from a dam collapse in Brazil.

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Advising Bermuda Form insurers in respect of large product liability claims.

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Advising property insurance about large business interruption claim arising from a blast furnace chill.

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Advising London Market personal accident insurers in relation to a claim about a Premier League football player.

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Acting for South African property insurers in relation to property and business interruption claim arising from flooding at a gold mine in the DRC [2019] Lloyd's Rep IR 467.

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Acting for Dubai credit insurer in relation to multiple claims.

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Acting for Bermudan credit insurers in relation to dispute relating to helicopter leases in Mexico.

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Acting for insurers of London art dealers in relation to a claim arising from sale of French Impressionist painting claimed by Philippines Government.

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Acting for credit insurers in relation to claims arising from bank financing of trading by counter-party said to have undisclosed links with Iran.

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Acting for credit insurers in relation to large claims arising from disappearance of bank financing relating to the construction of a steel mill in Morocco.

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Acting for D&O insurers in relation to claims arising from proceedings in Guernsey relating to the management of cell investment vehicles.

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Acting for the liability and D&O insurers of a major London bank in relation to US claims arising from LIBOR manipulation.

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Advising the credit insurers of a large flu vaccine manufacturer in relation to a claim brought in relation to the non-payment of substantial trade debts by US distributors.

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Acting for London Market insurers of risks arising from substantial claims under Charter Party Default cover.

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Acting for London market reinsurers of property insurers of large US homebuilder in relation to application of reinsurance terms and triggers to multiple losses in the US.

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Acting for London reinsurers of Australian insurers in dispute about application of aggregation language to bush fire claims.

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Acting for London market reinsurers of hydroelectric project in Brazil in related arbitrations in London and Geneva.

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Acting for London reinsurers in relation to a claim arising from pot freeze aluminium smelter in Saudi Arabia.

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Acting for Korean insurers in relation to a very substantial claim against reinsurers of risks relating to repayment guarantees provided under shipbuilding contracts.

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Advising London Market reinsurers in relation to very large BI claim arising from a landslip at an open cast mine in southern Africa.

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Acting for German reinsureds in successful defence of avoidance proceedings relating to WCA “carve out” protections written at Lloyds [2010] Lloyd’s Rep IR 93.

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Advising London Market reinsurers in relation to large inwards claims arising from UK bank exposures to market rigging claims relating to US municipal bond derivatives.

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Successfully defending German reinsureds in connection with a reverse declaratory claim of non-liability by Lloyd’s reinsurers based on alleged breach of claims condition [2009] Lloyd’s Rep IR 433.

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Acting for London Market reinsurers in recovery arbitrations relating to settlement of large political risk claim arising from “peso-fication” of Argentine economy.

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Acting for Equitas in relation to reinsurance claim made by Canadian insurer arising from cover issued in respect of pollution and clean-up liabilities.

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## Professional Negligence

Andrew’s brokers’ negligence practice crosses over from his insurance and reinsurance work. He is also regularly instructed in cases involving other professions including lawyers, accountants and other financial professionals.

### Featured Professional Negligence cases

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Acting for brokers in connection with a professional negligence claim arising from a fire at the Littlewoods Building in Liverpool.

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Acting for insurance consultant in negligence proceedings joined to *HLB Kidsons v Lloyd’s Underwriters* following decision in preliminary issues trial in that action.

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Successfully defended insurance brokers holding binding authority in proceedings arising from rock fall on to a house.

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Acting for US based insurance brokers in respect of negligence action brought in relation to disputed insurance claim by major accountants arising from the collapse of Parmalat.

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Acting for London market brokers in a claim arising from alleged non disclosures made at placement of large worldwide property cover for a Danish bacon company.

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Acting for London market brokers in litigation against brokers in respect of alleged non disclosures made in connection with a North Sea oil industry risk.

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Instructed for Euclidian in Lloyd's Names action arising from the design and marketing of the Integer personal stop loss insurance at Lloyd's.

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Representing Equitas against brokers responsible for maintaining historical records for policies going back to the 1940s required to make reinsurance recoveries following settlement of a large US pollution claim.

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Acting for international accountancy firm in connection with jurisdiction issues relating to claims in Canada arising from tax advice.

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Acting on behalf of leading accountants in relation to alleged negligent advice in connection with sale of family jewellers and in alleged negligent auditing.

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Acting on behalf of accountants accused of giving negligent investment advice in respect of Property Enterprise Trusts.

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Acting for Big 4 accountants in relation to allegations of negligent VAT advice given to charity operating a private members club.

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Acting for Big 4 accountants in relation to alleged negligent failure to detect misappropriations by finance director or large furniture company during statutory audits.

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Acting on behalf of accountants accused of negligent valuation of minority shareholding in private company compulsorily acquired under pre-emption rights.

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Acting for solicitors sued in relation to a series of moneylending transactions said to be subject to Jewish religious law.

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Acting for solicitors in litigation relating to allegedly negligent advice in respect of the development of a golf club.

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Acting for claimant in litigation in the British Virgin Islands relating to solicitors' failure to detect the absence of a right of access onto a private estate.

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Acting on behalf of City solicitors in litigation relating to a failure to register an option to purchase in connection with a lease of industrial premises.

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Representing panel solicitors involved in the Miners' claims arising from the UDM's handling of claims under the employment related injury compensation schemes.

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Acting for solicitors in relation to alleged negligent failure to advise in relation to security allegedly required in relation to money lending transactions.

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# Commercial Disputes

Andrew also practises more generally in the commercial field.

## Featured Commercial Disputes cases

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Acting for large UK software company in relation to proceedings against Israeli bank for breaches of software licences.

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Acting for former owners of shares in financial services company in defending claim for alleged breaches of warranties in share sale agreement.

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Advising car parts supplier in connection with potential claims for economic duress and misrepresentation.

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Acting for insurers in relation to Test Cases relating to loss of use claims brought by, credit hire company, Accident Exchange.

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Acting from Czech component supplier in dispute with UK industrial lift manufacturer.

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Advising in relation to McDonalds franchise dispute in Macedonia.

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Acting on behalf of a Brazilian company director against whom personal costs orders were sought in proceedings involving an offshore drilling unit [2007] 2 Costs LR 212.

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Successfully defended director of Flashpoint Limited in directors disqualification proceedings arising in relation to the Film Finance insurance disputes.

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Acting for Body Shop franchisee in dispute about retail franchise agreement.

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Acting for manufacturers of HVAC units for use in commuter trains in sale of goods claim relating to supply of defective horizontal compressors.

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Acting for CDO fund in obtaining judgment for repayment of sums advanced to Swiss property developers following default under a Subordinated Loan Note.

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Advising property development company in relation to dispute relating to valuation and forced sale of shares under security documents.

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Acting in Chancery Division proceedings involving claims of breach of contract and confidence in connection with London nightclub, Ministry of Sound.

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Acting on behalf of company directors in lengthy contempt proceedings arising from litigation about alleged fraudulent conspiracy to use confidential commercial information.

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Acting on behalf of the liquidators of Confederation Life Insurance Co in relation to proceedings brought by Sun Life Assurance concerning alleged breaches of share sale warranties arising from pension mis-selling claims.

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## Appointments

- Admitted to practise in the British Virgin Islands

## Memberships

- MCI Arb
- LCIA Users' Council
- Registered advocate of the Dubai International Financial Centre (DIFC)

## Education

- Dip Law (City)
- MA Hons (St And)

## Recommendations

Andrew Neish has been consistently recommended for both Insurance and Reinsurance and Professional Negligence work in Chambers & Partners UK Guide and Legal 500.

Comments include:

- His work is excellent and he always delivers when he says he's going to
- A highly rated silk, particularly for insurance arbitrations
- Undoubtedly brilliant, passionate, tenacious & very clever
- A top drawer litigator: he combines a great feel for the market with a fantastic, practical approach
- Drafts and delivers his submissions beautifully and is a devastating cross-examiner
- Very user-friendly and very effective as an advocate
- Really good to work with. His drafting is really crisp and he's a punchy advocate
- An absolute pleasure to work with

Andrew was Chambers & Partners Insurance Junior of the Year in both 2007 and 2008 and was shortlisted for Insurance Silk of the Year in 2018.