

Anna Hoffmann

Call 2018



Anna Hoffmann has experience in a range of commercial and regulatory matters.

With a particular focus on shipping, class actions, financial services & insurance and international arbitration.

She has a broad commercial practice and accepts instructions in all areas of Chambers' work as well as in the area of public law and judicial review. She was instructed together with Lord Garnier QC on the prorogation case: *R (on the application of Miller) v The Prime Minister* [2019] UKSC 41. In 2020, she was on secondment for 3 months to *SPG Law* representing over 200,000 Brazilian Claimants in the largest class action ever brought in the UK.

Before coming to the Bar, Anna worked for *Homburger*, a leading international commercial law firm in Switzerland, where she focused on international arbitration. She speaks German on a native speaker level and has lived and worked in Germany while studying public policy. She also has roots and an interest in East Asia and has written about the Chinese renewable energy sector. She has won multiple mooting competitions and teaches advocacy at the Hertie School of Governance and Lincoln's Inn.

Anna's recent experience includes:

- Commercial Disputes & Arbitration
- Public Law & Judicial Review
- Shipping & Shipbuilding
- Financial Services & Insurance
- Technology & Data Protection
- Conflict of Laws & Class Actions

Commercial Disputes & Arbitration

Featured Commercial Disputes & Arbitration cases

Acted as sole counsel for the successful Sellers in an international arbitration (LME Rules) with a dispute (value of c. £2.5m) arising from a shipping contract. The focus of the case was on the contractual force majeure provision. Secured full costs.

Acted for a major car showroom in an Adjudication under a JCT contract, ending a 10 year long dispute and securing a favourable outcome.

Haven Insurance Company Ltd v EUI Ltd [2019] Lloyd's Rep IR 128, in the first appellate decision on the jurisdiction to extend time for bringing arbitral proceedings under s. 12 of the Arbitration Act 1996 in 16 years.

Instructed as sole counsel to advise and draft pleadings in a construction claim worth more than £100,000.

Public Law & Judicial Review

Anna was instructed with Lord Garnier QC on behalf of the Fourth Intervener, Sir John Major on the prorogation case: *R (on the application of Miller) v The Prime Minister* [2019] UKSC 41. In this case the Supreme Court held unanimously that the prorogation of Parliament in September 2019 had been unlawful, null and void. She also advised with Anthony Speaight QC in a pro bono JR related matter through *Advocate*.

Shipping & Shipbuilding

Anna regularly advises and drafts submissions in this area. She currently pursues the Maritime Law Diploma to further hone her expertise in this area.

Featured Shipping & Shipbuilding cases

Silverburn Shipping Co IoM (Ltd) v Ark Shipping LLC ("The Arctic") [2019] EWCA Civ 1161 (CA): Assisting for the owners on the status of the obligation to maintain classification certificates in the context of the termination of a 15-year bareboat charterparty.

Aprile SPA v Elin Maritime Ltd ("The Elin") [2019] EWHC 1001 (Comm): Assisting James Leabeater QC in this case which establishes the proper interpretation of clauses in a bill of lading purporting to exclude damage "howsoever arising" in relation to deck cargo.

Advised and drafted submissions in a dispute arising from the damage to a shipwreck which had been on its way to being exhibited as an art installation with a damage claim in excess of £3m.

Assisted in an action for a major Chinese state-owned shipyard in a dispute arising out of the cancellation of an offshore accommodation unit by a leading international provider of offshore support services.

Assisted in an action that turned on time bars under the Hague-Visby Rules and the question of inordinate and inexcusable delay pursuant to section 41(3) of the Arbitration Act 1996.

Assisted in an action concerning damaged cargo and alleged inaccuracies in a bill of lading.

Financial Services & Insurance

Featured Financial Services & Insurance cases

Advised a global insurer on the Covid-19 insurance FCA test case (*The Financial Conduct Authority v Arch Insurance (UK) Ltd and others*), conducting an extensive policy review exercise, attending the hearing and advising on potential business implications.

Secured a worldwide £100,000 freezing injunction in the High Court.

Assisted in considering policy coverage issues arising under a Financial Institutions insurance policy.

Assisted in an application for interim payments in a case brought by the Financial Conduct Authority in respect of contraventions of sections 19 and 21 of FSMA.

Assisted in considering whether the structure of a business constituted the regulated activity of consumer hire requiring authorisation.

Technology & Data Protection

Anna has experience in Chambers' leading IT work, including drafting an advice on the delayed delivery and fitness for purpose of software. She is particularly interested in questions of data protection, privacy and the emerging field of AI regulation. She has recently co-written an article and appeared on the SCL podcast about the technological and legal implications of different Covid-19 contact tracing apps.

Featured Technology & Data Protection cases

Acted as sole counsel for the successful web design company in a dispute that focused on delivery of an IT project.

Anna's first solo instructions turned on questions of data protection and data handling under the 1998 Data Protection Act. She successfully defended a global fashion retailer against allegations of breaching this Act.

Acted with a reference to the Upper Tribunal (Tax and Chancery Chamber) that included applications to anonymise the FCA register and prevent publication of the FCA decision notices pending determination of the reference. This involved a detailed analysis of the case law, FCA guidelines and principles such as open justice.

Conflict of Laws & Class Actions

Many of Anna's cases involve an international element and therefore often jurisdictional questions. With her experience of working in different jurisdictions and her background in international law, she is well placed to deal with such matters.

Featured Conflict of Laws & Class Actions cases

Worked as a seconded barrister on *Municipality of Mariana & oths v BHP*, the largest class action ever filed in the UK, which involved difficult questions on jurisdiction within the Brussels recast regime. Closely worked with Brazilian lawyers, gaining experience in managing large multi-jurisdictional litigation.

Wrote Grounds of Appeal and a skeleton argument in a case concerning service of claim outside of jurisdiction.

Assisted in the preparation for enforcement proceedings of a New York Convention Award that included resisting an application to adjourn due to pending challenges to the arbitration award in the seat of the arbitration.

Won the BPP annual moot which focused on the Brussels recast regime.

Other

Anna is regularly instructed on matters in county courts as well as the High Court. This includes fast track trials, RTAs, disposal hearings, credit hire claims, interim applications such as freezing injunctions and general contractual disputes. Furthermore, she has successfully defended solicitors and estate agents against allegations of professional negligence.

Anna conducts cases on a pro bono basis through *Advocate* and she teaches advocacy at Lincoln's Inn to student barristers. She has been involved with the training of the Hertie School of Governance Jessup Mooting Team for the past years.

Publications

Anna has written about law, policy and technology and is a regular contributor to *Counsel*:

- "The EU's extraterritorial asylum policies: prospects, limits and the role of the European Courts" published in the Hertie School Student Research Paper Series
- Judgment Day (*Counsel*, Jan 2020)
- Handling Pressure: during the best and worst of times (*Counsel*, June 2020)
- Contact Tracing – The Ethical and Legal Issues, Anthony Speaight QC, Iain Munro & Anna Hoffmann
- R (Miller) v the Prime Minister [2019] UKSC 41: An Unlawful Prorogation, Edward Garnier QC & Anna Hoffmann

Memberships

- ALBA
- BHRC
- COMBAR
- JUSTICE
- Society for Computers and Law (SCL)

Education

- History & Politics (BA), Merton College, Oxford University: First Class
- Public Policy (Master), Hertie School of Governance
- Graduate Diploma of Law, University of Law
- Bar Professional Training Course, BPP University
- Sir Thomas More Scholarship, Lincoln's Inn
- Lord Bowen Scholarship, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn
- Excellence Scholarship, BPP

Languages

- German (native)
- French (very good working knowledge)
- Italian (basic)
- Mandarin (basic)