

Anna Hoffmann

Call 2018



Anna is regularly instructed in a range of commercial and regulatory matters with a particular focus on shipping, technology, climate & energy and insurance law.

She also has expertise in the emerging field of group actions in the UK. Most of her work has an international element and she has extensive experience in international arbitration. She has also successfully acted as sole counsel in a number of mediations. She regularly delivers talks and webinars, most recently on contractual risk allocation in charterparties in the context of decarbonisation; climate litigation; AI decision making (GDPR and ECHR focus). She also undertakes advisory work and has recently advised a carbon credit exchange on the relevant regulatory context. She is a member of the Young Maritime Practitioner's committee and the Young Members Group of the London Branch of the Chartered Institute of Arbitrators.

Highlights of her work include:

- **Technology:** acted with Terence Bergin KC and Matthew Lavy KC in [Topalsson v Rolls-Royce Motor Cars \[2023\] EWHC 1756 \(TCC\)](#) which involved a 4 week hearing and complex software delivery issues.
- **Insurance:** acted with Aidan Christie KC in a test case relating to business interruption Covid-19 cover: [London International Exhibition Centre Plc v Royal & Sun Alliance Insurance Plc & Ors \[2023\] EWHC 1481 \(Comm\)](#).
- **Public Law and JR:** acted with Lord Garnier KC in the "Prorogation Case": [R \(on the application of Miller\) v The Prime Minister \[2019\] UKSC 41](#).
- **Climate & Energy:** Anna was part-time seconded to *Client Earth* for most of 2022. There she gained experience working on innovative and often ground-breaking cases with the Climate Accountability Team.
- **Group Actions:** In 2020, Anna was seconded for 3 months to *Pogust Goodhead* during the launch of the largest class action ever brought in the UK, which recently came before the Court of Appeal: [Município De Mariana & Ors v BHP Group \(UK\) Ltd & Anor \[2022\] EWCA Civ 951](#).
- **Pro Bono:** Anna regularly entertains *pro bono* instructions and has been nominated as *Young Pro Bono Barrister of the Year* in both 2020 and 2022. She is presently assisting a Scottish environmental charity in an IT dispute and working with a Caribbean LGBTQI+ advocacy group on an intervention before the ECtHR in Strasbourg.

Before coming to the Bar, Anna worked for *Homburger AG*, a leading international commercial law firm in Switzerland, where she focused on international arbitration. She has experience working in large teams and to tight deadlines. She is also familiar with working in different cultural contexts and adapts quickly. She speaks German as a native speaker and has lived and worked in Berlin 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 at Lincoln's Inn.

Anna's recent experience includes disputes in these areas:

- Shipping & Shipbuilding
- Technology & Data Protection
- Climate & Energy
- Construction and other Commercial Disputes (often in relation to large infrastructure projects and involving jurisdictional issues)
- Financial Services & Insurance
- Professional Negligence
- Class Actions, Corporate Accountability and Enforcement
- Public Law & Judicial Review

Shipping & Shipbuilding

Anna is often instructed as a junior or as sole counsel in this area to act and advise. She has also given multiple talks and seminars in this field, for example in relation to *force majeure*, the *Tai Prize* and *Eternal Bliss* decisions and the BIMCO infectious disease clause. Her cases often involve matters at the forefront of current affairs in the shipping industry such as cases arising in connection with the Russian invasion of Ukraine and cyber risk. Given her work on climate and energy law she is particularly well placed to advise on all matters relating to decarbonisation and its associated challenges and opportunities for the sector. She has advised on a wide range of topics in this area, such as the impact of new regulatory regimes, recycling, waste and pollution. She has been a member of the YMP (Young Maritime Practitioners) Committee since Spring 2022. In the summer of 2023, she spent 5 weeks with [Nordisk Defence Club in Oslo](#) where she deepened her understanding of charterparty disputes and gained valuable industry experience.

Featured Shipping & Shipbuilding cases

Acted for Owners in respect of a vessel that was unable to leave Ukrainian waters for a prolonged period of time in 2022 (led by Alexander Wright KC).

Advised and acted in a dispute concerning the sales of 3 related vessels with a cumulative value of around USD 40million (led by Alexander Wright KC).

Instructed with Sean O'Sullivan KC by Owners seeking damages (around USD1million) under an amended NYPE 1946 charter.

Acting as sole counsel in an arbitration turning on the question of war risk premiums valued at over £100k.

Advised on a contractual claim in relation to a shipwreck that was exhibited as an art installation as part of the Biennale.

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.

Silverburn Shipping Co IoM (Ltd) v Ark Shipping LLC ("The Arctic") [2019] EWCA Civ 1161 (CA): assisted in this action 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): assisted James Leabeater KC 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.

Climate & Energy Law

Anna is establishing herself as a go-to person in this fast-evolving and growing field and has gained much valuable experience and insight during her one-year part-time secondment to Client Earth, especially in the field of shareholder litigation and directors' duties cases. She is particularly interested in litigation arising from new ESG and supply chain regulation and policies and regularly provides advice in this area as well.

Featured Climate & Energy Law cases

During her time with Client Earth, she assisted with:

- An ongoing derivative shareholder action brought against the Board of Shell, using directors' duties and company law in innovative ways. In this first of its kind action, Client Earth argues that Shell's Board of Directors failed to properly prepare the company for net zero thereby breaching their legal duties. FAQs on this case can be accessed [here](#).
- The successful challenge to the Government's Net Zero Plan: *FoE and Client Earth et al v BEIS* [2022] EWHC 1841.
- Greenwashing cases against a major Dutch Airline (KLM) and French Energy Company (Total Energies), relying on consumer rights regimes.
- *Amicus curiae* submission in *Greenpeace Nordic and Others v Norway*, Application no. 34068/21, focusing on the importance of environmental impact assessments.

She assisted Alexander Wright KC in securing payment for a global commodities trader in Commercial Court proceedings worth US\$180m against a Venezuelan buyer of petroleum products under a series of sale and purchase contracts which raised potential sovereign immunity and sanctions defences.

Technology & Data Protection

Anna has experience in Chambers' leading IT work, including drafting and advising on the delayed delivery and fitness for purpose of software. She has co-written an article and appeared on the SCL podcast about the technological and legal implications of different Covid-19 contact tracing apps and has given a presentation on the potential use of block chain technology to increase transparency and accountability in supply chains. She is regularly instructed by Tesla.

Featured Technology & Data Protection cases

Acted with Terry Bergin KC and Matthew Lavy for a German software start-up in a major software dispute (4-week trial in

the TCC) concerning delivery of visualisation software.

Acted as sole counsel for a web design company in a dispute that focused on delivery of an IT project, successfully securing payment for the delivered software.

Successfully defended a global fashion retailer against allegations of breaching their duties under the Data Protection Act.

Assisted in 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.

Construction and other Commercial Disputes (often in relation to large infrastructure projects and involving jurisdictional issues)

Anna regularly advises and acts in high-value commercial disputes, both as a junior and as sole counsel. She has experience advising on complex contractual as well as jurisdictional issues and is often asked to advise and act in matters involving complicated and novel legal issues, such as those arising from emerging sanctions regimes. With her experience of working in different jurisdictions and her background in international law, she is well placed to deal with such matters.

Featured Construction and other Commercial Disputes (often in relation to large infrastructure projects and involving jurisdictional issues) cases

Acted with Sean Brannigan KC for a large real estate developer in an urgent anti-suit injunction in the DIFC.

Instructed with Sean Brannigan KC and Matthew Thorne in a PFI dispute concerning PFP and structural defects in a large hospital.

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

Instructed as sole counsel in an adjudication worth over £1million involving flooring defects.

Financial Services, Banking and Insurance

Anna is regularly instructed to advise and act in matters by banks and insurers. She has in-depth knowledge of *The Financial Conduct Authority v Arch Insurance (UK) Ltd and others [2021] UKSC 1* which continues to have major effects on insurance law and regularly provides advice in relation to this. She successfully secured a strike-out in a case that applied the Test Case's findings on the meaning of damage and denial of access.

Featured Financial Services, Banking and Insurance cases

Acted with Aidan Christie KC in a further test case relating to business interruption Covid-19 cover at the relevant premises (ATP cover): [London International Exhibition Centre Plc v Royal & Sun Alliance Insurance Plc & Ors \[2023\] EWHC 1481 \(Comm\)](#).

Advised a global insurer on the Covid-19 insurance FCA test case (*The Financial Conduct Authority v Arch Insurance (UK) Ltd and others* [2021] UKSC 1), conducting an extensive policy review exercise, attending the hearing and advising on potential business implications. Read Anna's analysis of the case [here](#).

Successfully acted in a strike out application establishing that the relevant insurance clauses were not affected by *The Financial Conduct Authority v Arch Insurance (UK) Ltd and others*.

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

Instructed by the FCA to advise on issues of legal and litigation privilege.

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.

Professional Negligence

Anna has acted in a number of successful professional negligence cases and provided advice in this area. Her cases have involved professional negligence allegations against surveyors, architects and solicitors. She has acted successfully in a number of cases defending solicitors against allegations of negligence.

Class Actions, Corporate Accountability & Enforcement of Judgments/Awards

Through her work with *Pogust Goodhead*, Anna has gained familiarity with large class/group actions and parent company litigation. She has given a talk on *Lloyd v Google LLC* [2021] UKSC 50 and is following events in this emerging area closely. She has experience dealing with conflict of laws issues and has advised on enforcement options following Brexit.

Featured Class Actions, Corporate Accountability & Enforcement of Judgments/Awards cases

Worked as a seconded barrister on *Municipality of Mariana & others 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.

Provided formal advice to Courts in Spain on the enforceability of 'The New Flamenco'.

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.

Public Law & Judicial Review

Anna has an academic background in Public and Public International Law and also accepts instructions in these areas. She was instructed with Lord Garnier KC on behalf of Sir John Major in 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 takes on *pro bono* cases in this area and has successfully acted through *Advocate* in two judicial review challenges; in one she was led by Anthony Speaight KC.

While seconded to *Client Earth*, she assisted with the successful JR challenge of the Government's Net Zero Strategy: *FoE and Client Earth et al v BEIS* [2022] EWHC 1841.

Awards

- Sir Thomas More Scholarship, Lord Bowen Scholarship, Lord Denning Scholarship (Lincoln's Inn) Excellence Scholarship (BPP)
- Winner of BPP National Moot 2018
- Winner of Best Oralist Prize at 2015 Jessup Moot Court Competition
- Best Paper Award, Global Public Policy Network Conference on the Responsibility to Protect
- Full merit-based scholarship by the Hertie School of Governance and elected Graduation Speaker
- Member in the Swiss and German Foundations of Academic Merit

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 KC, Iain Munro & Anna Hoffmann
- *R (Miller) v the Prime Minister* [2019] UKSC 41: An Unlawful Prorogation, Edward Garnier KC & Anna Hoffmann

Memberships

- LSLC YMP (committee member)
- YMG CI Arb (committee member)
- COMBAR
- SCL
- TECBAR
- JUSTICE
- BIICL

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

Languages

- German, bilingual
- Good French
- Basic Italian and Mandarin