

# Caroline Ziebart

Call 2022



Caroline has a broad commercial law practice and experience in both domestic and international disputes.

Caroline has been instructed in a variety of construction, technology, shipping and professional negligence claims in the County Court and High Court. Recently, she was instructed as sole counsel in a five day architect's disciplinary hearing acting for the successful respondent architect, and she has experience effectively cross examining both lay and expert witnesses.

Caroline's experience includes:

- Commercial litigation
- Financial Services, Banking and Insurance
- Shipping
- Technology & Telecoms disputes
- Construction, Engineering and Energy
- Professional Negligence

## Commercial Litigation

Caroline has experience in complex commercial litigation and arbitrations, which frequently have an international element.

### Featured Commercial Litigation cases

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- Assisted with drafting a skeleton argument on behalf of a bank respondent to a strike out application, dealing with the validity of a guarantee.
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- Instructed as sole counsel to draft a Reply in a claim against negligence and product liability claim against a car manufacturer.
- Instructed as sole counsel to draft an objection to an interim charge order wrongly obtained against a property.
- Assisted with drafting an advice to a company in respect of a contract to purchase carbon credits.
- Assisted with advising on the implications of PD57AC requirements for witness statements for lawyers gathering witness evidence in Brazil.
- Assisted with drafting skeleton in two day summary judgment hearing dealing with the impact of sanctions on a suite of commercial financing contracts between a sanctioned and non-sanctioned party.
- Regularly instructed to appear in CMCs and CCMCs in complex and higher value commercial disputes

## Construction, Engineering and Energy

Caroline is regularly instructed as sole counsel to draft pleadings and appear in construction matters in the County Court and TCC.

### Featured Construction, Engineering and Energy cases

- Instructed as sole counsel in five-day disciplinary hearing against architect for failings in contract administration.
- Instructed as sole counsel to draft defence and settlement proposal in claim by construction contractor against employer for release of retention sum.
- Instructed as sole counsel to draft defence in claim by employer against window installer for defective curtain wall installation.
- Assisted with drafting a Notice of Arbitration on behalf of JCT contractor a disputing a Final Certificate and Pay Less Notice.
- Assisted with drafting an advice to a large construction contractor considering the construction of a clause limiting liability and its implications on costs.
- Instructed as sole counsel to draft defences to claims brought against energy companies regarding the payment of commission. Assisted with the drafting of responses to requests for further information and Part 20 claims against brokers in these matters.

- Assisted with advising an employer on the construction and validity of a guarantee bond in circumstances where the contractor had gone insolvent.
- Assisted with advising a window supply company on defending a large claim for alleged defective installation.

## Professional Negligence and Disciplinary

Caroline has experience in a broad range of professional negligence claims, particularly claims brought against building contractors, surveyors, and engineers.

### Featured Professional Negligence and Disciplinary cases

- Recently instructed as sole counsel for respondent architect in five day professional disciplinary hearing. Drafted defence, skeleton, and written closings and cross-examined complainant and expert architect to successfully defend all allegations brought.

## Financial Services, Banking and Insurance

Caroline is regularly instructed to act for insured parties and assisting leading insurers and insurance brokers within the UK market. She also has experience acting for banks, particularly in the context of consumer mis-selling claims.

### Featured Financial Services, Banking and Insurance cases

- Instructed as sole counsel to draft particulars of claim in respect of a £114,000 claim for loss of rental income under a commercial property owner insurance policy.
- Instructed as sole counsel to advise on application of section 178 FSMA requirements on contract to purchase an FCA-authorized payment institution.
- Regularly instructed on behalf of major high street banks to defend them from claims taken pursuant to the Consumer Credit Act 1974 (mis-selling PPI)
- Regularly instructed on behalf of insurers to defend them from claims relating to credit hire policies
- Instructed as sole counsel for the defendant insurer in a claim for a flight upgrade under a travel insurance policy.

# Shipping

Caroline is regularly instructed to draft pleadings in admiralty proceedings and complex shipping disputes, including LMAA and international arbitrations.

## Featured Shipping cases

- Assisted with two-week LMAA arbitration of USD 2 million claim for bunkers ROB, concerning whether fuel supplied by charterers was the cause of a subsequent engine breakdown. Drafted sections of written closings, researched legal issues, and reviewed witness evidence.
- Instructed as sole counsel to draft Particulars of Claim in the admiralty court on behalf of a marina seeking unpaid mooring fees and an injunction to remove a vessel.
- Instructed as sole counsel to advise on effectiveness of standstill agreement on Hague Rules time-limited cargo claim.
- Assisted with advising owners of a vessel as to the correct construction of a half demurrage exception in a Shellvoy 5 form with bespoke amendments.
- Assisted with advising on title to sue in respect of a pooled vessel
- Assisted with advising owners of a vessel on the interpretation of a bespoke Covid-19 demurrage clause.
- Assisted with advising owners of a vessel as to whether charterers were entitled to rely on a half demurrage exception clause in circumstances where they were in breach of the requirement to nominate a berth reachable on arrival.
- Assisted with drafting a Reply and Defence to Counterclaim in respect of a claim for freight and a counterclaim for loss and damage to cargo.
- Assisted with drafting a Request for Further Information in an arbitration on behalf of a shipyard facing a claim for defective repairs to a floating drydock.
- Assisted with drafting claim submissions in a claim for repudiatory breach of a charterparty due to cargo not being ready on arrival.
- Assisted with drafting claim submissions in an unsafe port claim.
- Assisted with drafting defence submissions in a claim for damages after owners traded the vessel for their own account between redelivery and drydocking.

## Technology & Telecoms

Caroline has experience in Chambers' leading IT work, including assisting in high-value and complex software disputes. Prior to coming to the Bar, Caroline worked with the Law Commission of England and Wales as a Research Assistant on the Digital Assets project, which considered the treatment of cryptoassets in English law. In this role, Caroline wrote extensively on the legal concept of property and the legal treatment of digital objects. Caroline retains a strong interest in these areas and welcomes instructions related to this area of expertise.

Caroline also worked as a Legal Scholar within Immuta, a highly-regarded data governance start-up, and has expertise in the Data Protection Act 2018, GDPR and other international data protection frameworks.

### Featured Technology & Telecoms cases

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- Assisted with advising a European software design company on the post-termination provisions of a licence agreement.
  - Assisted with drafting a skeleton for permission to appeal on a point of contractual construction involving exclusion clauses in a dispute over a contract for the provision of an IT system.
  - Assisted with researching potential routes by which a foreign defendant could be sued for foreign copyright infringement in the UK.
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## Awards

Guildhall Drafting Prize, Inns of Court College of Advocacy (best performance in cohort)

Lord Holker and Residential Scholarships, Gray's Inn

## Publications

Contributing author:

- Digital Assets – A Consultation Paper, Law Commission of England and Wales, 2022
- Intermediated Securities: who owns your shares? A Scoping Paper, Law Commission of England and Wales, 2020
- The Five Data Localization Strategies for Building Data Architectures, Immuta White Paper, 2021

# Memberships

The Society for Computers & Law (SCL)

# Education

LLB (Hons), Law, First Class, University of Southampton

Bar Course Distinction, Inns of Court College of Advocacy