

Neil Dowers

Call 2016



Neil Dowers has a broad commercial practice.

Neil has particular experience in the following areas:

- Shipping & Shipbuilding
- Arbitration
- Commercial Disputes (including Insurance & Professional Negligence)
- Construction
- Property Damage
- Financial Services

Neil also has a specialist interest in Jurisdiction and Conflict of Laws, which spans across his areas of practice and civil and commercial litigation generally.

Jurisdiction & Conflict of Laws

Neil has a specialist interest in Jurisdiction and Conflict of Laws, which spans across his areas of practice and civil and commercial litigation generally.

Featured Jurisdiction & Conflict of Laws cases

Appearing as junior counsel in the TCC in a successful application for default judgment against a defendant served outside the jurisdiction without permission under the Brussels I Regulation Recast and Service Regulation. This followed instructions to advise on jurisdiction and service out.

Appearing as sole counsel on an application disputing the jurisdiction of the Commercial Court on the basis of an exclusive jurisdiction agreement in favour of the courts of another EU member state.

Instructions as sole counsel to advise on service out of the jurisdiction in proceedings for the enforcement of an adjudicator's decision.

Instructions to advise on the prospects of challenging the jurisdiction of the TCC following service out of the jurisdiction on a US-based party to a contract for the supply and installation of goods.

Instructions to advise a claimant on a challenge to the jurisdiction of the English courts under the Civil Jurisdiction and Judgments Act 1982 in a small claim against a defendant company registered in Scotland.

Assisting in a case involving issues as to: the law applicable to legal subrogation to a debt under a contract; subrogation to jurisdiction clauses; competing jurisdiction clauses; and formal validity and applicability of jurisdiction clauses.

Assisting in a case involving issues as to: proof of foreign law by expert evidence; the status of case law in foreign law; and the possible application of the British Law Ascertainment Act 1859.

Involvement in preparing urgent advice as to potential interim relief in support of proceedings in a non-Brussels/Lugano court under section 25 Civil Jurisdiction and Judgments Act 1982 and (Interim Relief) Order 1997/302.

Research on an arbitration involving an issue as to the potential application of foreign law of termination of contract and nullity to a contract governed by English law.

Involvement in New York Convention arbitral award enforcement proceedings involving issues as to the scope of the public policy exception in section 103 Arbitration Act 1996, comity, and potential double recovery.

Arbitration

Neil spent several months of his first year in practice on secondment to the directory-ranked international arbitration team of a global law firm.

Neil has published several articles on the topic of arbitration, which also formed the subject of his doctoral dissertation, and sits on the Editorial Board of the International Arbitration Law Review.

Featured Arbitration cases

Working as part of a team on a large-scale investor-state dispute under ICSID rules.

Instructions as junior counsel in drafting a response to a million-pound claim in CIArb arbitration.

Acting as junior counsel in an ICC Arbitration with a value of around £30 million.

Assisting in preparation for an appeal on a point of law under section 69 Arbitration Act 1996.

Assisting in preparation of New York Convention enforcement proceedings involving the public policy exception under section 103.

Arbitrations under CIETAC, LMAA, CIArb and ICC rules.

Shipping & Shipbuilding

Neil has gained experience working on a range of shipping and shipbuilding cases.

Featured Shipping & Shipbuilding cases

An arbitration under a charterparty concerning a claim for damage to a vessel caused by contaminated cargo.

A potential claim against charterers under a charterparty for damages when a vessel was arrested in the hands of sub-charterers, also involving questions of rights and obligations under potentially forged bills of lading.

Advice on the interpretation of a termination clause in a shipbuilding contract.

Commercial Disputes (including Insurance & Professional Negligence)

Neil has a broad general commercial practice.

Featured Commercial Disputes (including Insurance & Professional Negligence) cases

Instructions as junior counsel in a million-pound claim under the Supply of Goods and Services Act 1982 concerning the supply of defective food-processing plant.

Instructions to act for a web-design and marketing company in relation to a claim for its outstanding fees and defence of a counterclaim brought by customer alleging delayed delivery of services.

Instructions to act for a small business in in defence of a claim by a customer relating to the supply of hardware and software.

Instructions to act for various surveyors in the defence of professional negligence actions in residential property transactions.

Instructions to advise on a contractual clause purporting to extend indefinitely the right to reject goods under the Sale of Goods Act 1979.

Regularly acting for insurers on a variety of subrogated claims.

Assisting in preparing written advice on insurance coverage.

Assisting on both sides of professional negligence cases, including claims against barristers, solicitors, monitoring surveyors, building surveyors, and engineers.

Construction

Neil has an extensive construction practice.

Featured Construction cases

As junior counsel, instructions to appear in a ten-million-pound defects claim in the TCC.

As junior counsel, instructions to represent a defendant in ICC Arbitration in a thirty-million-pound dispute as to the scope of work under a subcontract.

As sole counsel, successfully obtaining enforcement of an adjudicator's decision by summary judgment in the TCC.

Being instructed off-panel by a government agency to assist in preparation for adjudication of a multi-million pound claim under an NEC contract.

Assisting with drafting advice on the terms on which a contractor started work under a JCT Standard-Form Subcontract when negotiations as to amendments were still ongoing.

Assisting with drafting advice on the enforceability of an adjudicator's decision involving potential challenges for lack of jurisdiction and breach of the rules of natural justice.

Assisting in preparing the defence of a multi-million pound claim for defects arising during refurbishment of a listed building.

Property Damage

Neil's has worked on several property-damage claims.

Featured Property Damage cases

Instructions as junior counsel in a million-pound subrogated recovery in the TCC arising out of fire damage.

As sole counsel, drafting a defence in relation to fire damage at a private home.

As sole counsel, giving advice on potential claims following flooding damage at a residential development.

Financial Services

Neil has experience in a number of financial services litigation cases.

Featured Financial Services cases

Instructions to advise insurers on compliance with a Financial Ombudsman Service decision, draft a defence to a claim to enforce that decision and attend the subsequent hearing.

Involvement at various stages of FCA actions for alleged breaches of FSMA 2000.

Other

Neil is regularly instructed on small claims and other matters in county courts across the country, including CMCs, RTAs, infant approval hearings, Stage 3 Protocol hearings, general contractual disputes, possession hearings, and interim applications. Neil also has experience of working with the Disclosure Pilot under Practice Direction 51U.

Publications

- “The anti-suit injunction and the EU: legal tradition and Europeanisation in International Private Law” (2013) 2(4) Cambridge Journal of International and Comparative Law 960
- “Brussels I Regulation Recast passed” (2013) 16(2) International Arbitration Law Review N18, co-authored with David Holloway
- “First published decision under Arbitration (Scotland) Act 2010” (2013) 16(1) International Arbitration Law Review N3
- “Arbitration in EU Jurisdiction Regulation: Brussels I Recast and a New Proposal” (2015) 3(1) Groningen Journal of International Law 125

Education

- LLB (Hons), Law with German Language, University of Glasgow (2010)
 - First Class Honours
 - Distinction in Spoken German
- LLM, Cornell University (2011)
 - St Andrew’s Society of the State of New York Scholarship
 - CALI Excellence for the Future Awards (top of class) in:
 - International Commercial Arbitration;
 - Dispute Resolution: Negotiation, Mediation and Arbitration;

- Global and Regional Economic Integration
- PhD in Law, The University of Edinburgh (2015)
 - Topic: “The interface between jurisdiction instruments and arbitration”
 - Edinburgh Law School PhD Scholarship
- GDL with partial exemptions, BPP (2015)
 - Lord Bowen Scholarship, Lincoln’s Inn
 - Hardwicke Entrance Award, Lincoln’s Inn
- BPTC, City University of London (2016)
 - Grade: Outstanding
 - Lord Denning Scholarship, Lincoln’s Inn

Languages

- German (working knowledge)