

Samantha O'Brien O'Reilly

Call 2019



Samantha O'Brien O'Reilly has a broad commercial law practice, accepting instructions in all of Chambers' practice areas.

She has experience in both domestic and international disputes. Samantha has experience both of working as junior counsel to senior members of Chambers, and as acting as sole counsel in a variety of advocacy, drafting and advisory work.

Samantha is particularly well placed to undertake cases with a French element, having spent a year at a leading French law school. She has been called to the Bar of England and Wales, and as of 2020, the Bar of Ireland.

Prior to coming to the Bar, Samantha worked in international affairs. She was a Deputy to the Permanent Representative of Ireland to the Council of Europe and a member of Ireland's delegation to the United Nations.

Samantha is available to instruct through Advocate on a pro bono basis.

Samantha's recent experience includes:

- Commercial Litigation and Arbitration
- Professional Negligence
- Construction, Engineering and Energy
- Financial Services
- Technology
- Shipping

Commercial Litigation and Arbitration

Featured Commercial Litigation and Arbitration cases

Instructed as junior counsel to draft a Reply and Defence to Counterclaim in a multimillion dollar ICC arbitration arising from a major construction project in the Middle East.

Assisted with an arbitration conducted under the ARIAS rules concerning whether or not a professional indemnity insurer of an engineering firm was liable to a major contractor pursuant to the Third Parties (Rights Against Insurers) Act 1930.

Drafted documents for claims alleging breach of contract and misrepresentation against both a restorer and a seller of classic cars.

Assisted with the defence of a multiparty claim for losses resulting from the fire of hire machinery.

Assisted with the defence of a claim under an insurance policy on the basis of material non-disclosure.

Instructed to assess the implications for a major international insurance brokerage of the FCA Test Case litigation concerning COVID-19 Business Interruption claims.

Professional Negligence

Featured Professional Negligence cases

Regularly instructed as sole counsel in claims acting for and against architects, in claims arising from alleged defects in both commercial and residential developments.

Instructed as junior counsel in a multimillion pound adjudication against a structural engineering firm alleged to have negligently designed foundations for an apartment block.

Drafted documents for a professional negligence claim against a firm of solicitors alleged to have negligently enabled the cyber fraud of its client.

Assisted with an adjudication against a design and build contractor alleging economic loss as a result of the contractor's alleged failure to create an economical design and to take due account of the Party Wall Act 1996.

Drafted documents for a claim against a cyber security firm alleged to have negligently advised a solicitors' firm on its cyber security risk.

Construction, Engineering and Energy

Featured Construction, Engineering and Energy cases

Instructed as junior counsel to draft a Reply and Defence to Counterclaim in a multimillion dollar ICC arbitration arising from a major construction project in the Middle East.

Instructed as sole counsel in a dispute related to poor masonry on a multimillion pound construction project.

Assisted with an LCIA arbitration (and related interim applications and Part 8 proceedings in the Commercial Court) between a major commodity trading house and a large oil refinery in respect of the diversion and non-delivery of oil

cargoes, including a €225m worldwide freezing order.

Assisted with a £20m-plus dispute arising from attempts to undertake a super-prime residential development for an ultra-high net worth individual.

Instructed as junior counsel in a multimillion pound adjudication against a structural engineering firm alleged to have negligently designed foundations for an apartment block.

Assisted with an adjudication against a design and build contractor alleging economic loss as a result of the contractor's alleged failure to create an economical design and to take due account of the Party Wall Act 1996.

Instructed as sole counsel in the defence of a claim arising out of a disputed final account for mechanical and engineering sub-contracts.

Regularly instructed in non-payment claims in the construction industry.

Instructed as sole counsel to defend an energy company from allegations of unreasonableness in not permitting a change of names on a commercial energy account.

Financial Services

Featured Financial Services cases

Regularly instructed on behalf of a major high street bank to defend it from claims taken pursuant to the Consumer Credit Act 1974.

Assisted with a case concerning breaches of the Financial Services and Markets Act 2000 and the Financial Services Act 2012, in respect of an alleged collective investment scheme.

Assisted with a referral to the DIFC Financial Markets Tribunal against decisions of the Dubai Financial Services Authority in respect of unauthorised collective investment funds being promoted in or from the Dubai International Financial Centre.

Technology & Telecoms

Featured Technology & Telecoms cases

Instructed as sole counsel in a claim relating to the non-delivery of software and hardware pursuant to a development agreement.

Assisted with a dispute concerning the termination of an Intellectual Property Licence Agreement to produce fuel cell systems for use in electric vehicles.

Assisted with the defence of a claim for £17 million allegedly won pursuant to a fault in an online gaming platform's

software.

Drafted documents for a dispute concerning the alleged exploitation of a fault on an online gaming platform.

Assisted with a dispute concerning the non-delivery of financial management software.

Assisted with a dispute concerning the failure of a joint project to produce software for a multimedia streaming service.

Shipping

Featured Shipping cases

Assisted with a counterclaim in an arbitration to recover costs incurred by a P&I club providing security for proceedings brought in Spain (in breach of an arbitration clause) for the alleged contamination of seafood transported from the Falkland Islands (Malvinas) to Spain.

Assisted a large Singaporean law firm with an appeal arising from a pre-action discovery application in satellite litigation in the Singaporean courts from an English arbitration, focused on the correct interpretation of the Singapore Rules of Court and on an alleged abuse of process. This involved questions of English & Welsh, Irish, Hong Kong and Singaporean law.

Assisted on an appeal pursuant to s.69 of the Arbitration Act concerning the extent of implied indemnities and warranties, including matters of interpretation of the Hague-Visby rules, in a voyage charterparty for the transport of heavy grains, soya and sorghum from Brazil to China.

Assisted on a claim considering the interaction between the Contracts (Rights of Third Parties) Act 1999 and letters of indemnity issued pursuant to a charterparty for the transport of non-steaming coal from Indonesia to the West Coast of India.

Media, art and public law

Featured Media, art and public law cases

Defended a large, publicly traded company against allegations of defamation/malicious falsehood

Advised an unincorporated association about defending a potential defamation/malicious falsehood claim arising out of an article in its periodical publication

Advised a company about a possible defamation action arising out of a customer's review on a trade website

Represented a large entertainment company at a hearing involving allegations of defective ownership of centuries old artefacts purchased from a third party

Independent Reviews

Samantha has experience of independent reviews and supporting independent reviewers

Featured Independent Reviews cases

Currently working on a review on the provision of legal services in the Isle of Man with Lord Edward Garnier KC

Awards

- The Shakespeare Memorial Award, Gray's Inn
- Residential Scholarship, Gray's Inn
- Excellence Scholarship, BPP University
- Advocacy Scholarship, BPP University
- Pro-Bono Scholarship, BPP University
- Practice Ready Scholarship, BPP University
- Entrance Scholarship, University College Dublin
- All-Ireland Academic Scholarship, Irish Department of Education and Skills

Memberships

- The Professional Negligence Bar Association
- The Commercial Bar Association
- The Society for Computers & Law (SCL)

Education

- BCL (Law with French Law), First Class Honours, University College Dublin
- Certificat Supérieur de Droit Français et Européen, Université Panthéon-Assas (Paris II)
- BPTC, Outstanding, BPP University

Languages

- French
- Irish