

Sean O'Sullivan KC

Call 1997 Silk 2014



Sean has a wide-ranging commercial practice, both as Counsel and increasingly also as an arbitrator, with a particular emphasis on:

- Shipping & Commodities
- Energy
- Insurance & Reinsurance

Recent cases include:

Fluor v. Shanghai Zhenua Heavy Industry [2018] EWHC 1 (TCC); Neon Shipping v. Foreign Economic [2016] 2 Lloyd's Rep 158; The "CV Stealth" [2016] 2 Lloyd's Rep. 17; The "Proikonissos" [2015] 2 Lloyd's Rep. 115; Expofrut v. Melville Services [2015] 2 CLC 218; Wuhan v. Emporiki Bank [2013] 1 Lloyd's Rep. 161; [2014] 1 Lloyd's Rep. 273; The "Saldanha" [2011] 1 Lloyd's Rep. 187; Parbulk v. Kristen Marine [2011] 1 Lloyd's Rep. 220; Guangzhou Dockyards v. ENE Aegiali I [2011] 1 Lloyd's Rep. 30; Vitol v. Conoil [2009] 2 Lloyd's Rep. 466; The "A Turtle" [2009] 1 Lloyd's Rep. 177; The "Florida" [2007] 1 Lloyd's Rep. 1; Gold Coast v. Naval Gijon [2006] 2 Lloyd's Rep. 400; NB Three Shipping v. Harebell Shipping [2005] 1 Lloyd's Rep. 509; BMBF v. Harland & Wolff [2001] 2 Lloyd's Rep. 277.

Sean is qualified to undertake Public Access work.

Shipping & Commodities

Sean is instructed in the full range of 'dry' shipping disputes concerning charterparties, bill of lading contracts and the equivalent, and commodities/sale of goods disputes more generally. He also deals with unsafe port claims, salvage claims, and other cases about marine casualties. He is instructed by shipowners and charterers, shippers, receivers, shipyards and brokers in disputes of all shapes and sizes, from demurrage disputes to the most technical disputes about massive shipbuilding projects. He is generally thought to be one of the leading shipping and shipbuilding silks.

Featured Shipping & Commodities cases

Acting for a bareboat charterer on a redelivery claim concerning a cruise ship.

Acting for a buyer in relation to the cancellation of a newbuilding project by a Spanish shipyard.

Acting for a charterer on a major unsafe port claim arising out of a casualty and related pollution incident in a remote part of the world.

Acting on a limitation action in relation to a container ship casualty.

Acting for a seller in an MOA dispute concerning the impact of COVID on completion of the sale.

Acting for the charterer of an LNG tanker in relation to a dispute about redelivery notices and the market for such vessels.

Acting for a bank providing financing to a major shipowner in relation to the recoverability of hedging break costs.

Acting for a shipowner in a claim under an LOU, following on from a huge misdelivery claim.

Acting for a charterer in relation to the cancellation of a bareboat charter for a very sophisticated diving support vessel, with issues about the networking of the dynamic positioning system.

Acting for a charterer in relation to a dispute about sums payable under a time charter as a result of prolonged detention in Venezuela.

Acting for a shipowner in a large claim arising out of delays to discharge off West Africa.

Acting for an oil trader in a dispute following the rejection of a fuel oil cargo, including issues about alleged hedging losses.

Acting for the importer of fertiliser into Africa in relation to a quality claim against the manufacturer/ exporter, with issues about the cause of caking and the scope for resale.

Advising a charterer in relation to the operation of interlocking off-hire clauses linked to a right to cancel a long-term charterparty.

Acting for a shipowner on a claim under a bill of lading concerning the cause of contamination to a cargo of SBM.

Acting for a shipowner in a highly technical dispute concerning the cause of damage to a crane on a bulk carrier.

Acting for a shipowner in relation to a dispute about the operation of the Interclub Agreement in the context of damage to soybean cargo.

Acting for a shipowner in relation to a large claim arising out of a collision between an OSV and a platform and whether the shipowner could limit its liability.

Acting for a charterer in a dispute about the supply of bunkers alleged to have been “off-spec”.

Energy

Sean is instructed in a range of upstream disputes but especially shipbuilding, ship conversion, ship repair, ship sale and purchase, and offshore construction disputes which have an energy aspect as a result of the service for which the ship or project is intended.

His clients include shipyards, buyers, owners and designers and he has been involved in disputes about all aspects of the different projects.

He also acts for oil companies, traders and contractors in relation to disputes about oil exploitation and drilling for or transportation of oil and gas. He is instructed in a number of cases concerning sales of oil and gas and other fuels including coal and biofuels.

Featured Energy cases

Acting for an African mining company in relation to claims and counterclaims arising out of a contract for the purchase and transportation of duty free fuel.

Acting for an African National oil company in a dispute with a major contractor about the cost of a plugging and abandonment project for one of its fields.

Acting for a major shipowner in relation to a dispute about the cancellation of a newbuilding project for multiple drillships.

Acting for a Korean shipyard in relation to a dispute about the deliverability of a FSO platform.

Advising a Chinese shipyard on a series of sales of offshore accommodation and drilling units.

Acting for an oil trader in litigation concerning supply of off-spec low sulphur fuel oil.

Acting for a Korean shipyard in relation to various disputes about the construction of a rig installation/ decommissioning vessel.

Acting for a shipyard in an ICC arbitration concerning the construction of an FPSO for use in Iraqi waters, with issues about the reasons for delay and the consequences of delivery incomplete.

Acting for a Chinese contractor in litigation concerning the welding of structures for a wind farm.

Acting for an oil company in relation to disputes arising out of an oil exploration joint venture concerning decisions made and costs incurred by the operator.

Insurance & Reinsurance

Sean is variously instructed in coverage and other insurance related disputes, both marine and non-marine, relating to both primary layers as well as reinsurance.

Featured Insurance & Reinsurance cases

Acting for an insured on a large business interruption claim arising out of a generator engine failure.

Advising on rights of subrogation under an H&M policy following a collision.

Advising a PI insurer in relation to coverage in respect of a claim against a yacht broker.

Acting for a reinsurer on a number of claims on a XL policy protecting a book of E&O covers.

Acting for a reinsurer in relation to the rescission of a facultative arrangement for reinsuring private healthcare insurance in the UAE on grounds of non-disclosure/ misrepresentation.

Arbitral Appointments

Sean also receives an increasing number of arbitration appointments in disputes within the areas of practice outlined above. By way of example, he was appointed by the parties as sole arbitrator in an ICC arbitration between two entities based in the Middle East concerning an offshore project, and he has been appointed as sole arbitrator in a LCIA case about the performance of paint coatings for a tanker. He is currently acting as chairman in an LMAA arbitration concerning a range of disputes about the charters of tugs, in an Arias arbitration about the reinsurance of COVID losses, in a LCIA arbitration about the supply of LNG and he was also appointed by the ICC Court as chairman in an arbitration concerning various bunker sales.

He has been appointed by the parties in several LCIA arbitrations, including disputes about structured finance and sales of commodities. He has also been appointed by the parties in number of LMAA arbitrations, including a claim concerning a luxury yacht and a dispute about a ship management agreement, and a series of related arbitrations about a chain of sales.

He is a supporting member of the LMAA. In 2018, Sean was also admitted as arbitrator on the EMAC Panel.

Appointments

- Admitted to practise in the Cayman Islands.
- Sean was appointed a Recorder in 2015.
- He was authorised to sit as a Deputy High Court Judge in 2020.
- Sits in the Commercial Court and the London Circuit Commercial Court.

Publications

- Co-author of *“Civil Appeals: Principles and Procedure”* (Sweet and Maxwell)

Education

- MA (Oxon) Modern History (1st Class)
- Dip Law (City)

Recommendations

Sean was nominated for Chambers & Partners' Shipping Silk of the Year award in 2021, and has been nominated for the Legal 500 Shipping Silk of the Year award in 2023

Comments in the directories in recent years have included:

- Super intelligent, phenomenally talented and easy to deal with
- One of the most outstanding commercial barristers of his generation, and a first rate advocate
- His delightful manner and credible advocacy ensure his many loyal instructing solicitors use him time and time again
- His bedside manner with clients is excellent
- Extremely personable, very clever and fantastic at getting to grips with the details in a case
- An exceptional strategist
- Super bright and user-friendly
- He is simply fantastic. An absolute star

Accreditations

