

MARIE LOUISE KINSLER QC

Call 1992

Silk 2017

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"A pre-eminent practitioner – knows the answer to everything"
(Chambers UK 2021)

Practice Overview

Marie Louise Kinsler QC specialises in private international law and EU law. She is instructed on jurisdiction, choice of law and related issues in a wide variety of areas including environmental law, human rights, personal injury and commercial law. She has particular expertise on Rome II as well as in cases involving the application of foreign law by English courts.

Marie Louise is frequently instructed in cases raising new issues of law. In the last few years she has appeared in 6 cases in the Supreme Court including most recently acting for the Defendants in the *Brownlie* litigation arising out of the death of Professor Sir Ian Brownlie QC and for the Claimants in *Vedanta Resources plc v Lungowe* [2019] UKSC 20, a landmark jurisdiction dispute in a group environmental claim concerning copper mining in Zambia.

Alongside her practice and on a part-time basis, Marie Louise lectures at Cambridge University, lecturing on both the International Commercial Litigation LLM course as well as the Conflict of Laws undergraduate course.

Marie Louise was appointed as the National Rapporteur for the UK and Ireland for the European Commission's review into the application of Rome II in the Member States. The review, which was conducted by the British Institute for International and Comparative Law on behalf of the Commission, looks at how Rome II has operated in practice over the past 10 years since it entered into force. It is due to be published in 2021.

Practice areas

Private International Law
EU law
Travel
Commercial Dispute Resolution
Insurance & Reinsurance
Product Liability
Professional Negligence
Personal Injury
EU Motor Insurance

Memberships

BIICL
Bar European Group
European Circuit
Franco-British Lawyers Society
COMBAR
LCLCBA

Qualifications

MA (Law) Cantab
Diploma in Advanced EU Law (Bruges)

Education

Gonville and Caius College,
Cambridge University
College of Europe, Bruges



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MARIE LOUISE KINSLER QC

Private International Law

Specialist expertise in private international law and conflict of laws. Regularly instructed on jurisdiction, applicable law and related issues including enforcement of judgments in a wide variety of claims including commercial law, product liability, environmental law, human rights and personal injury. Particular expertise in relation to Rome I, Rome II and the Brussels Regulation as well as the application of foreign law by English courts.

She has acted in a number of large group claims (*Kenyan Emergency group litigation*, *Iraqi civilians v MOD*, *Lungowe v Vedanta Resources plc*, *HRH Okpabi v Royal Dutch Shell plc*) as well as claims brought by individuals including the litigation arising from the death of Professor Sir Ian Brownlie.

Travel

Advises on jurisdiction, applicable law (including limitation) and related procedural issues. Particular expertise in relation to Rome II and the Brussels Regulation. Specialist expertise in cross-border personal injury claims including on novel points of law and the application of foreign law. She has acted in the leading cases on jurisdiction in claims arising out of accidents abroad outside the EU: *FS Cairo (Nile Plaza) v Brownlie* [2021] UKSC; *Brownlie v Four Seasons Holdings Inc* [2017] SC; *Pike v The Indian Hotels Company* [2014] CA; *Wink v Croatia Osiguranje* [2013] CA; and *Cooley v Ramsey* [2008] CA. She has acted in the leading cases on Rome II in the personal injury context: *Marshall v MIB* [2015] QB; *Wall v Mutuelle de Poitiers* [2014] CA; *Bianco v Bennett* [2015] QB; *Winrow v Hemphill* [2014] QB; *Jacobs v MIB* [2010] CA; and *Bacon v Nacional Suiza* [2010] CA.

Insurance and Reinsurance

Regularly advises on and deals with cross-border issues in a variety of different areas of insurance. Recent experience of jurisdiction disputes in the Commercial court in claim for equitable contribution between insurers, raising issues of the proper characterization of the claims under the Brussels Regulation and the operation of the *lis pendens* provisions.

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Product Liability

Regularly advises on jurisdiction and choice of law issues in cross-border product liability claims including large group claims. Notable cases include *Laserpoint v Prime Minister of Malta and others* [2016] EWHC 1820 (QB) (successfully resisting enforcement of foreign judgment), *Iveco v Magna* [2015] EWHC 2887 (TCC) (jurisdiction).

Personal Injury

Specialist expertise in cross-border personal injury claims. She has acted in the leading cases on jurisdiction in claims arising out of accidents abroad but outside the EU: *Brownlie v Four Seasons Holdings Inc* [2016] SC; *Pike v The Indian Hotels Company* [2014]; *Wink v Croatia Osiguranje* [2013] CA; and *Cooley v Ramsey* [2008] CA. She has acted in the leading cases on Rome II: *Marshall v MIB* [2015] QB; *Wall v Mutuelle de Poitiers* [2014] CA; *Bianco v Bennett* [2015] QB; *Winrow v Hemphill* [2014] QB; *Jacobs v MIB* [2010] CA; and *Bacon v Nacional Suiza* [2010] CA. Recent work includes acting for Claimants in group actions including *Iraqi Civilians v MOD* [2016] SC and *Lungowe v Vedanta and Konkola Copper Mines* [2016] TCC and acting for the Motor Insurers Bureau in litigation arising out of the Motor insurance directives.

EU Motor Insurance

Specialist knowledge and experience of the impact of the EU motor insurance directives. Regularly advises on insurers' liability and issues arising from the relationship between EU and English law. She acts on behalf of the Motor Insurers Bureau in the litigation arising out of the 4th Motor Insurance Directives including in the Supreme Court in *Moreno v MIB* [2016]. She also frequently acts in cases involving technical points involving EU law. Recent work includes *Colley v Shuker* [2020] EWHC – permission to appeal to the **Court of Appeal** granted.

Significant Cases

FS Cairo (Nile Plaza) LLC [2021] UKSC – **Supreme Court** – Two important points concerning jurisdiction: the scope of the tort gateway; and the approach of the English court to foreign law.

Colley v Shuker & Others [2020] EWHC 3433 – permission to appeal to the **Court of Appeal** granted. Issues of EU law in the context of the motor insurance directives.

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Brownlie v FS Cairo (Nile Plaza) LLC [2020] EWCA Civ 996 – **Court of Appeal** - Ruling on two important questions in the context of a jurisdiction challenge.

Lungowe v Vedanta Resources Plc and Konkola Copper Mines Plc [2019] UKSC 20 – **Supreme Court** – Jurisdiction dispute – Environmental group claim by Zambian citizens – issues of EU law, interplay with national jurisdiction rules, parent company liability.

Brownlie v Four Seasons Holdings Inc [2018] 1 WLR 192 – **Supreme Court** – Jurisdiction dispute – issues of applicable law, proper approach to foreign law and corporate personality.

Lungowe v Vedanta Resources Plc and Konkola Copper Mines Plc [2018] 1 WLR 3575 – **Court of Appeal**

Moreno v MIB [2016] 1 WLR 3194 – **Supreme Court** – Applicable law dispute – EU motor insurance directives and Rome II.

HRH Okpabi v Shell [2017] EWHC 89 (TCC) – **Court of Appeal** – Jurisdiction dispute – Environmental group claim by Nigerian citizens – issues of EU law, national jurisdiction rules, parent company liability.

Laserpoint v Prime Minister of Malta and others [2016] EWHC 1820 (QB) – Enforcement of foreign judgment under Brussels Regulation – Public policy exception – Denial of fair trial – Fire claim.

Wigley-Foster v MIB [2016] EWCA Civ 454 – **Court of Appeal** – EU motor insurance directives – Insolvency of Greek insurer.

MOD v Iraqi Civilians [2016] 1 WLR 2001 – **Supreme Court** – Limitation under foreign law – Application of foreign law – Claims by Iraqi civilians against MOD.

Howe v MIB [2016] 1 WLR 2707 – **Court of Appeal** – Limitation under foreign law – Applicable law – EU motor insurance directives.

XL v Axa [2016] Lloyd's Rep IR 420 – **Court of Appeal** – Jurisdiction dispute – equitable contribution between insurers.

Iveco v Magna Electronics [2016] ILPr 18 – Jurisdiction dispute – claim for contribution in fire claim.

Committeri v Club Med [2016] EWHC 1510 (QB) – Applicable law dispute – scope and application of Rome I and Rome II – application of foreign law.

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Marshall v Pickard/MIB/Generali Insurance [2016] Lloyds Rep IR 400 – Applicable law – Rome II – EU motor insurance directives – Application of foreign law.

Bianco v Bennett [2015] ILPr 24 – Applicable law – Subrogated claims by foreign insurers – Rome II – EU social security legislation.

Winrow v Hemphill [2015] ILPr 12 – Applicable law – Article 4 of Rome II.

Cox v Victoria Versicherung AG (QB) [2014] AC 1379 – **Supreme Court** – Applicable law – Mandatory rules – territorial scope of Fatal Accidents Act 1976.

Wall v Mutuelle de Poitiers [2014] 3 All ER 340 – **Court of Appeal** – Applicable law – scope and application of Rome II – Assessment of damages under foreign law.

Nemeti v Sabre Insurance [2013] EWCA Civ 1555 – **Court of Appeal** – Application of foreign law – Limitation – EU motor insurance directives.

Wink v Croatia Osiguranje [2013] EWHC 1118 (QB) – permission to appeal to **Court of Appeal** – Jurisdiction.

Bristol Alliance Partnership v EUI Limited [2012] EWCA Civ 1267 – **Court of Appeal** – EU motor insurance directives.

Virgin Atlantic Airways v BAA Airports (Commercial Court) [2011-2012] – Montreal Convention – EU legislation.

Middleton v Allianz IARD (QB) [2012] EWHC 2287 (QB) – Applicable law – Private International Law (Miscellaneous Provisions) Act 1995.

Bacon v Nacional Suiza [2010] EWHC 2017 (QB) – **Court of Appeal** (settled after hearing – Temporal scope of Rome II – Application of foreign law.

Jacobs v MIB [2010] EWCA Civ 1208 (CA) – **Court of Appeal** – Applicable law – Rome II.

McCall v Poulton [2008] EWCA Civ 1313 – **Court of Appeal** – Interplay EU/national law – EU motor insurance directives – reference to ECJ.

Cooley v Ramsey [2008] EWHC 129 (QB) – **Court of Appeal** (settled after hearing) – Jurisdiction dispute.

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AXA v Norwich Union (Com Ct) [2007] EWHC 1046 (Comm) – EU motor insurance directives.

Recommendations

"Her intuition and knowledge in respect of travel law are second to none. Has the academic abilities akin to the top judges in the area, and the forensic skills of a top QC." "A superb international lawyer, before whose inexorable logic opponents quail."

Legal 500 2021

"A formidable standing in the market." "A pre-eminent practitioner and a fount of all knowledge - she's a great resource because she knows the answer to everything." "She's incredibly intelligent but also very good with clients."

Chambers UK 2021

"She has a formidable standing in the market. She brings enormous intellectual power to the cases she takes on." "She is client-friendly and commercial". "She has a wealth of experience of the appellate courts which is invaluable." "Very straightforward and easy to deal with." "She is a very detailed and very technical lawyer"

Chambers UK 2020

"She has an ability to deal with complex issues of jurisdiction in a straightforward manner." "She has an in-depth and unrivalled knowledge of European law."

Legal 500 2020

"When dealing with jurisdictional and applicable law, she knows not only the basics but underlying lesser-known laws. It is rare to find someone with such good knowledge and recall."

Chambers UK 2019

"She's very knowledgeable but also approachable and never talks down to clients. She always explains matters clearly."

Chambers UK 2019

"Very intelligent and highly respected for cross-border travel work involving interpretation of EU law. She is very thorough in giving advice."

Legal 500 2018

"She is a standout performer and has a great knowledge on claims with a foreign element."

Legal 500 2018

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"A specialist for international and jurisdictional disputes."

Legal 500 2018

"At the forefront of complex jurisdictional issues"

Chambers UK 2018

"Incredibly knowledgeable on private international law, knows case law extremely well, has a very practical approach and is a delight to work with."

Chambers UK 2018

"She knows travel law like the back of her hand."

Legal 500 2017

"Her expertise in jurisdictional issues is unmatched."

Legal 500 2017

Travel Star Individual: *"She is like an authority in herself, so you know you can stand behind the advice she gives. Tactically, she's very shrewd but fair."; "She can cut through issues that seem impenetrable and come to a constructive conclusion."; "I know I can pick up the phone to her and run something by her, and she usually knows the answer immediately. She's right at the top of her game."*

Chambers UK 2017

"She has unrivalled expertise in any case with a jurisdictional conflict angle."; "She has the sharpest intelligence and knowledge of European law."

Legal 500 2017

"She's steely, indefatigable and someone who just never gives up. She is always looking for new angles."; "At the top of her field and a lawyer whose knowledge of jurisdiction is second to none. She grasps the finer points really quickly."

Chambers UK 2016

"She has excellent technical knowledge of conflicts of law."

Legal 500 2016

"In terms of technical expertise specific to jurisdiction she is the number-one junior barrister in the country; she is phenomenal."; "Fantastically efficient; she gets to grips with cases so quickly and immediately understands where the issues are."

Chambers UK 2015

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"Deep interest and understanding of matters relating to conflict of laws."
Legal 500 2015

"She's absolutely first-rate. You go to her if you need to have confidence that you have got an understanding of the international element of a case"; "She has a phenomenal brain when it comes to jurisdiction. She really does know the regulation inside out."
Chambers UK 2014

"...superb on anything to do with EU law or any case with a foreign element"; "very experienced and thorough"
Chambers UK 2013

"Very talented"
Chambers UK 2012

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