

JESSICA VAN DER MEER

Call 2012

Get in touch

jvandermeer@2tg.co.uk

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Practice Overview

Ranked a Leading Junior for Insurance in the Legal 500, she is described as: *'A first-class intellect, with great attention to detail. She builds strong relationships with clients and experts, and has sound commercial sense and amazing advocacy skills.'*

Jessica's work embraces a unique smorgasbord of Chambers' specialisations: commercial, international, negligence, public and sports law. In addition, she practices in WTO and International Trade Law, offering a unique perspective as a trained economist. She has advised companies and the UK Government on Brexit and its trade-related consequences. She was seconded to the Bank of England's EU Withdrawal Unit, advising on international trade matters, including WTO and BIT issues.

Her work at the Bank of England placed her at the forefront of Brexit and its implications. She regularly advised the Governors on EU and UK legal matters that impacted Brexit, in addition to her advisory work on international trade. She now advises clients on all aspects of the EU-UK TCA.

In Chambers, she specialises in commercial and negligence matters, with particular expertise in insurance / reinsurance, professional negligence and property damage. She has been praised in the Legal 500: *'Always addresses the issues in a pragmatic and detailed way, and is very capable of making her client's case even in the face of robust interventions from the bench...'*

She has considerable experience in international public law claims, having worked for over five years on the "Mau Mau" Kenyan Emergency litigation. She is presently instructed on behalf of the Foreign Commonwealth and Development Office in the COVID Inquiry. She is appointed to the Attorney General's London Panel and Public International Law Panel.

Closer to home, she has unrivalled expertise in challenging Public Spaces Protection Orders, having advised and represented the Cycling Defence Fund and the Kennel Club in the first ever challenges to local government's PSPOs.



*"A first-class
intellect"*
(Legal 500)

Practice areas

EU Customs Law
Insurance & Reinsurance
International Trade & WTO Law
Private International Law
Professional Negligence
Property Damage
Public Law
Sports Law

Memberships

Professional Negligence Bar Association
COMBAR
BASL
LawinSport
Association of European Lawyers
Young Public International Lawyers
Society of International Economic Law
European Society of International Law

Qualifications

BA (Hons)
BSc (Hons)
MPhil
Graduate Diploma in Law
BPTC



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She has a specialist sports law practice in anti-doping matters and is an appointed Arbitrator for Sports Resolution.

Jessica has exceptional international experience. As a Pegasus Scholar based in Beijing and Shanghai, she worked on one of the largest anti-dumping investigations to date. Through her time as a Pegasus Scholar, she also gained experience with Chinese contract, company (joint venture and merger and acquisitions) and procedural law, as well as experience working on Chinese, Hong Kong and Singaporean-based commercial litigation and arbitrations. Jessica has also been seconded to the International Dispute Team of the French law firm Gide Loyrette Nouel to work on private international and investment arbitrations. She is confident in dealing with multi-jurisdictional work that allows her to use her language skills.

Before joining 2TG, Jessica worked for the United Nations and the International Institute for Sustainable Development, where she specialised in international trade and sustainable development issues. In pursuing her combined interest of trade economics and law, Jessica has also contributed to *Schmitthoff's Export Trade: The Law and Practice of International Trade*. She is also a trained barista, having managed Prufrock Coffee before coming to the Bar.

Property Damage

Jessica's practice spans the full breadth of property damage issues: fires, floods, subsidence (including Tree Preservation Orders) landslip and construction disasters. This sets her up with an extensive knowledge on all forms of nuisance and statutory based forms of liability. She's a trusted and confident adviser in DPA claims, subrogated recovery and claims for indemnity insurers, with an emphasis on homeowners, construction professionals and network operators.

Due to her near-obsessive attention to detail, she particularly enjoys working on claims raising complex technical matters ranging from novel design issues to geotechnical considerations. She is your go-to counsel for advice on issues of betterment and, given her involvement in the Highways England Test Cases, she is the expert on methodologies for measuring loss in property damage claims.

Current and Recent Work

Highways England Test Cases [2022]

Education

University of Leiden,
The Netherlands
Utrecht University,
The Netherlands
Oxford University
City Law School, City University
London
European Academy

Awards

Pegasus Scholar
Prince of Wales and David Karmel
Scholar, Grays Inn
Huygens Talent Scholar

Languages

Dutch (native) French, Spanish
(conversational)

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She is led by Rob Weir QC on behalf of Admiral Insurance who are challenging the applicability of *Coles v Hetherington* as the appropriate measure of loss for damage to highway fixtures. The claim will have fundamental consequences for how damage to fixtures is to be assessed in property damage claims.

W v PP Ltd [2021 ongoing]

The most recent example of her advising on betterment following a catastrophic flood that damaged a 31-year-old then state-of-the-art heating system. She advised on the prospects of successful recovery for the full value of a new model heating system.

A Slippery Issue: The Limits of Continuing Nuisance.

A case note on *Harrison Jalla and Others v Shell International Trading and Shipping Company* [2021] EWCA Civ 63

Available [here](#).

X v London Borough of Croydon [2020]

Advised and acting for claimants in a subsidence claim raising limitation and illegality issues involving a planning application.

Dover Street [2020]

High-end refurbished restaurant in Mayfair goes up in flames days before it is due to open. Jessica advised the claimants as to whom to pursue on after sifting through the technical fire evidence and contractual arrangements between a cornucopia of subcontractors.

SEPN [2020]

Acted for one of many subcontractors engaged to excavate a floodplain. In the process of excavation, the SEPN network cables were damaged; a central issue was to whom and how liability attached, given the contractual matrix between the subcontractors.

X v London Borough Barnet [2020]

Advised and acting for claimants in a longstanding tree roots subsidence claim involving Tree Preservation Orders, concerns on limitation and attribution.

O v Ceredigion County Council [2018-2021]

Acting for claimants in a private sewer dispute that repeatedly flooded property; involved technical issues on limitation, covenants and identification of users and owners of the private sewer.

SEPN [2019-20]

Acting for a defendant in a construction and property damage claim that resulted in considerable damage to a local power network.

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SESW [2018]

Acting for a water company where a water main had been drilled into by a third party resulting in extensive escape of water. Legal issues included limitation and whether there could be recovery of certain heads of loss.

***X v Southwark County Council* [2017]**

Involved advising and settling Particulars in a subsidence claim involving a permanent Tree Preservation Order and elements of judicial review and limitation.

***Co-operative Group Limited v Birse Developments Ltd and Others* [2014] EWHC 530 (TCC)**

Jessica worked with Dore Green in this High Court case which examined when a main contractor's claim in tort against a sub-contractor or member of its professional team is time-barred by virtue of section 2 of the Limitation Act 1980. This case is the current authority on what constitutes damage in this context and the latest date on which it might be said to have occurred.

Insurance & Reinsurance

Ranked as a Leading Junior for Insurance in the Legal 500, Jessica undertakes a broad range of insurance and reinsurance work, including cross-border insurance disputes. She works regularly in the area of Marine Insurance and her extensive insurance experience extends to coverage disputes, issues of policy wording and policy construction, breach of warranties, and claims raising contentious technical issues on the proximate cause of loss.

She is junior counsel of choice for Admiral insurance and is representing them (as junior to Rob Weir QC) in their high-profile Highways England test cases, challenging the appropriate methodology for assessing damage in highway fixture claims. The outcome of this litigation will have far-reaching impacts for both insurers and the law.

She has specialist experience in insurance fraud involving art and cultural property, having worked with Charles Dougherty on the recovery of nine Old Master paintings.

She is described in the Legal 500 as:

'A first-class intellect, with great attention to detail. She builds strong relationships with clients and experts, and has sound commercial sense and amazing advocacy skills.'

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'Always addresses the issues in a pragmatic and detailed way, and is very capable of making her client's case even in the face of robust interventions from the bench. Jessica is also affable and approachable to opponents, and has a very clear understanding of the strengths and weaknesses of the parties' positions, which makes having sensible discussions outside of court more straightforward.'

Current and Recent Work

Highways England test cases [2022]

Jessica is junior to Rob Weir QC in a series of cases, heard together, to determine the appropriate methodology for measuring and damage in claims involving damage to highway fixtures. This litigation will have far reaching impacts, not only financial for the insurance industry as these claims run into the millions each year, but also for the development of the law.

Upton Marina [2021-2022]

An insurer's vessel exploded at Upton Marina, resulting in 13 other vessels (with a variety of insurers) sustaining fire damage. Working with Meghann McTague, she advised on the contentious issue of what would constitute a 'reasonable settlement'.

St James' Oncology and Leeds Teaching Hospitals [2021]

She advised the insurer as to coverage, which was complicated by a spaghetti bowl of parties (a Project Co had been set up) with various liabilities, as well as a transfer of those liabilities had been undertaken. She confidently and with clarity advised how the liabilities were allocated and how/whether the insurance of the Project Co would respond.

Generali Assurances [2020]

Jessica advised and represented a French insurer contesting jurisdiction of a claim, pursuant to Brussels Recast Regulation and Rome II Regulations. She also advised on issues of coverage.

Covea Insurance Ltd v O'Reillys [2018]

Advised and settled Particulars of Claim for insurer to avoid an insurance policy *ab initio* because of fraudulent misrepresentation.

B [2017]

Advising on the insurance position and vicarious liability of a company where it, via a TUPE transfer, acquires the employees of another company who have been engaged in a long-running fraud.

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Equitas Ltd and Riverstone Insurance UK Ltd v NMP BV [2016]

Jessica was junior to Charles Dougherty QC, where they represented the insurers in an insurance fraud claim involving nine Old Master paintings allegedly stolen from a renowned Dutch gallery in 1987. The paintings were subsequently recovered by the Dutch police in 2009.

[2016]

Coverage issues relating to a home insurance policy where the premises were used to manufacture illegal drugs.

Professional Negligence

Jessica has particular experience in solicitor's negligence claims, ranging from negligent advice and negligent conduct of a claim to issues of breach of fiduciary duties/breach of trust for solicitors appointed as personal representatives.

Her property damage and insurance experience makes Jessica a strong advocate and adviser in negligence claims involving architects, surveyors and construction professionals. She is a formidable cross-examiner and well-versed in grilling experts on complex technical issues.

Current and Recent Work

Thames Water v McLoughlin [Ongoing]

Representing defendants in a professional negligence dispute involving groundworks that allegedly damage sewerage.

RMS Goole Ltd [2020-2021]

Representing claimants in a negligent design of vermiculite storage shed claim against surveyors.

Exeter County Council [2020]

A multi-million-pound professional negligence arbitration claim brought against an internationally renowned firm of architects regarding the refurbishment and extension of the Royal Albert Museum and Art Gallery.

McCarthy v Sills & Betteridge LLP [2020]

Successfully defended a firm of solicitors in a negligent conveyancing claim involving alleged overpayment of Stamp Duty Land Tax.

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International Trade Law

Jessica has formidable and unique experience in International Trade Law matters. Her experience in advisory work spans the full range of WTO treaty issues: technical barriers to trade, sanitary and phytosanitary measures, customs, national-treatment and most favour nation issues as well as agriculture and state aid.

- As consultant legal adviser to the Bank of England, she advised on WTO and **international trade matters in relation to Brexit with an emphasis on financial services and prudential policy.**
- She has advised the Bank of England on all major recent trade and investment negotiations including Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Transatlantic Trade and Investment Partnership (TTIP), CETA, EU-Japan Trade Agreement as well as EU association agreements.
- She has advised the Bank of England and Department for International Trade on dispute settlement mechanism clauses and prudential carve-outs in future UK trade agreements. She has also advised on the fallout of the decision in *Achmea* and its consequences for BITs and **future UK trade and investment agreements.**
- Her advisory work extends to **trade negotiations**: she has worked with the Department for International Trade and Her Majesty's Treasury on the recent UK non-EU Trade Agreements.

Related to **Brexit**, Jessica has advised on specific **aspects of the TCA and their implications**, including the **Northern Ireland Protocol**. Her broad experience in international trade makes her well placed to advise on **import and export queries**. Jessica has experience in **EU Customs law** and has particular interest in **Rules of Origin and VAT disputes**.

Jessica has in-depth, on-the-ground experience in **trade defence instruments**. She worked on one of the largest anti-dumping investigations of Chinese steel producers by the Canadian Government whilst a Pegasus Scholar. She was responsible for drafting responses to the Canadian Government's anti-dumping questionnaire, as well as advising the Chinese client as to its engagement with the investigation. This has given her invaluable first-hand experience of the technical and specialised nature of anti-dumping and anti-subsidy work.

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Her **BIT experience** makes her incredibly well-rounded and versatile in **investment disputes**. She is presently the Assistant to the President of the Tribunal in an ongoing ICISD arbitration. She has previously worked for claimants and respondents in ICSID arbitrations involving Western-based multi-national corporations in dispute with the Chinese government.

Before joining 2TG, Jessica worked for the United Nations and the International Institute for Sustainable Development, where she specialised in international trade and sustainable development issues, including WTO law and bilateral investment treaties. This previous experience provides Jessica with a unique and valuable perspective on international trade issues.

Private International Law

Jessica has a breadth of experience in international private law covering:

- LCIA, CIETAC, SIAC arbitration whilst working with the Chinese law firm Hui Zhong,
- SIAC arbitration whilst working with the Chinese law firm Jin Mao,
- HIAC and ICSID arbitrations whilst working Dentons based in Shanghai,
- ICC arbitrations, whilst being seconded to the International Dispute Team at the French law firm Gide Loyrette Nouel.
- ICSID arbitration as the Assistant to the Tribunal President in an ongoing matter involving the State of Kuwait.

Whilst at Gide she worked on an ICC arbitration involving a dispute over oil exploration rights awarded by an African state; a contractual dispute between a French and English company and she assisted in successfully advising on multiple jurisdictions' (English, French, Dutch and Scots Law) approach to authority and a principal granting apparent authority.

Whilst at Jin Mao, Jessica advised and worked on a SIAC arbitration involving German and Indonesia based companies who had a contractual dispute in relation to the testing of coal.

She has BIT experience, having worked on various ICSID arbitrations involving a Western-based multi-national corporations in dispute with the Chinese government. She has also advised on the fallout of the decision in *Achmea* and its consequences for BITs and future UK trade and investment agreements. Presently, she is Assistant to the President of an ongoing, multi-million-dollar ICSID matter.

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Public Law

During the COVID-19 Pandemic Jessica has been busy advising and representing the Medicines and Healthcare products Regulatory Agency (MHRA) in appeal proceedings involving medical device producers seeking exemptions to the Medical Devices Directive. She is presently instructed as counsel to the Foreign Commonwealth and Development Office (FCDO) in the **COVID Inquiry**.

Jessica has a breadth of knowledge and experience in cases involving **EU and international law with public law elements, including sanction work** for the FCDO. She is appointed to the Attorney General Public International Law Panel.

Jessica's advisory work at the Bank of England's EU Withdrawal Unit focused on **Brexit and its implications**. She has actively advised on the CJEU Wightman unilateral revocation of Article 50 litigation. Her work covered interpreting EU and international law treaties, advising on UK constitutional and administrative law points, and the implications of EU and UK legal judgments on Brexit.

Jessica worked with George Peretz QC and Ben Lask, representing DEFRA, in a **Francovich claim** made by several British agriculture producer organisations for delayed payments of relevant European Union agricultural subsidies by DEFRA.

She was also long-standing junior to Niazi Fetto and Guy Mansfield QC in the **Kenyan Emergency Group Litigation**. This was a group action by 40,000 "Mau Mau" and related claimants alleged UK Government responsibility for alleged mistreatment during the Kenyan Emergency in the 1950s. The claims involved complicated areas of constitutional and administrative, torts and personal injury, human rights and jurisdictional elements.

More recently, Jessica has advised on **climate change litigation**, in particular using judicial review to hold the UK government accountable for its Paris Agreement obligations.

Her public law work also intersects with **sport**: working with Martin Porter QC, Jessica has advised on and brought the first statutory appeals to challenge various Councils' decisions to institute a Public Spaces Protection Order ('PSPO') in the High Court.

Her work has appeared in the UK Constitutional Law Blog: J. van der Meer, 'Paws for Thought: The High Court tackles PSPOs in a Landmark Judgment', U.K. Const. L. Blog (26th Apr. 2018) (available [here](#)).

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Notable Work

Plan B v Secretary of State for Business, Energy & Industrial Strategy and Others [2021]

Advising climate change litigation charity on bringing judicial review proceedings against the UK Government for failures to meet its climate change obligations under the Paris Agreement on Climate Change.

Summers v London Borough of Richmond [2018] EWHC 782 (Admin)

Jessica and Martin Porter QC represent the Kennel Club in the first statutory appeal to be brought to the High Court challenging a PSPO restricting dog walking within the borough of Richmond

J. van der Meer, 'Paws for Thought: The High Court tackles PSPOs in a Landmark Judgment', U.K. Const. L. Blog (26th Apr. 2018) (available [here](#))

Michaels v Mansfield District Council [2017]

Jessica and Martin Porter QC advised Cycling Defence Fund on bringing a statutory appeal challenging the Council's decision to institute a PSPO prohibiting cycling in a main market square.

Sports Law

Jessica's sports practice specialises in **anti-doping cases (WADA and on a national level)** covering all major sports. Since 2015 she has regularly represented athletes in (amongst other sports) British amateur cycling, internationally ranked ITF and Paralympic tennis players and national professional weightlifters contesting Anti-Doping Rule Violations or adverse analytical findings.

Her expertise covers the full spectrum of anti-doping matters from contesting whereabouts failures to disputing the presence of prohibited substances (ranging from anabolic steroids to cocaine and elevated testosterone levels in a female athlete). Her comprehensive clinical negligence experience makes her adept in analysing prohibited substances cases in granular depth and well-versed at cross-examining medical and scientific experts.

Jessica is an appointed arbitrator to the Sports Resolution UK Development Member Panel.

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Current and Recent Work

'Crossing the Line – The Alberto Salazar, Dr Brown and Nike Oregon Project Scandal' (28 April 2022) in LawinSport. Available [here](#)

UKA v TM [2021]

Led by Steven Flynn, Jessica is representing suspended UK Athletics coach Tony Minichiello against charges that he breached his UKA coaching license. The case has received [publicity](#) as Mr Minichiello coached many of Team GB Athletics' most successful athletes, not least Jessica Ennis-Hill.

ITF v X [2021]

With Jessica's assistance, a top 300 ranked female tennis player is contesting an anti-doping rule violation. Prohibited levels of testosterone was detected in a sample she provided whilst at an ITF competition. The player is disputing the charge on the basis that she was prescribed specific medications to assist her recovery from COVID which induced hyperthyroidism, which in turn increased the level of steroid hormones, including testosterone, in her blood. This is one of the first COVID specific defences utilised in anti-doping cases, as such it can be seen as a test case.

ITF v Lucas Sithole [2019-2020]

Jessica represented and successfully negotiated a good outcome for South African Paralympian Lucas Sithole – the first African wheelchair tennis player to win a Grand Slam – who was charged with testing whereabouts failures. The matter went through several procedural hearings, including submissions being filed and served and a final hearing date being set, before a mutually agreeable outcome was reached.

ITF v X [2019-2020]

She represented a promising junior professional tennis player in an anti-doping matter (IAAF of prohibited stimulants) where she was able to negotiate, after the first procedural hearing, a mutually beneficial outcome for the athlete and the ITF.

'Why are athletes held to a higher standard than medical professionals in anti-doping? Contrasting the Gil Roberts case and Team Sky Scandal' (18 March 2018) in LawinSport. Available [here](#).

UKAD v X [2018]

Jessica defended a British boxer in a UKAD appeal (IAAF of prohibited stimulants). Although the appeal was unsuccessful, Jessica gained invaluable experience of NADP procedure and drafting substantive documentation in an anti-doping matter.

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UKAD v X [2017]

Jessica obtained a reduced suspension for a British weightlifter in a UKAD appeal. This matter gave Jessica detailed knowledge of the NADP Rules and Procedure.

Outside of Chambers, Jessica is a keen cyclist, a ÖttilÖ swimrun champion, a world loppet enthusiast (having completed the Engadin ski marathon), and an experienced rower, having represented the University of Leiden (the Netherlands) in the women's eight internationally.

Recommendations

"Always addresses the issues in a pragmatic and detailed way, and is very capable of making her client's case even in the face of robust interventions from the bench. Jessica is also affable and approachable to opponents, and has a very clear understanding of the strengths and weaknesses of the parties' positions, which makes having sensible discussions outside of court more straightforward."

Legal 500 2022

"A first-class intellect, with great attention to detail. She builds strong relationships with clients and experts, and has sound commercial sense and amazing advocacy skills."

Legal 500 2021

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