

JESSICA VAN DER MEER

Call 2012

Get in touch

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Practice Overview

Jessica's work embraces a wide range of Chambers' specialisations: negligence, commercial, international, public and sports law. In addition, she practices in WTO and International Trade Law, offering a unique perspective as a former 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 has 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.

In Chambers, she specialises in negligence and commercial matters, with a particular interest in international trade, contractual, insurance and reinsurance, professional negligence and property damage.

Further, she has considerable experience in international public law claims, having worked for over five years on the "Mau Mau" Kenyan Emergency litigation. 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 Public Spaces Protection Orders. Her developing sports law practice involves anti-doping work with an expertise in cycling.

Jessica has significant 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

Practice areas

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

Memberships

PNBA
COMBAR
BASL
Association of European Lawyers
Young Public International
Lawyers
SIEL
ESIL

Qualifications

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

Education

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



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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, including WTO law and bilateral investment treaties. 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*.

Property Damage

Jessica practices in all aspects of property damage. She has experience assisting in claims raising complex technical matters ranging from design issues to geotechnical considerations. In particular, Jessica has experience of claims relating to fires, floods, subsidence and landslip and other nuisance and statutory based forms of liability. She regularly advises on and acts in subrogated recovery claims and claims for indemnity insurers, with an emphasis on construction professionals and network operators.

Current and Recent Work

SEPN [2019-20] Acting for a defendant in a construction and property damage claim that resulted in considerable damage to a local power network.

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.

[2017] Advising on a Consumer Protection Act claim where one of the prospective defendants went into receivership.

[2017] Advising on an escape of water claim involving the Defective Premises Act 1972.

[2017] Advising and settling pleadings in a fire and product liability claim involving an AGA range.

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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X v Cambridgeshire County Council [2016] – Jessica advised and drafted the Particulars of Claim in a substantial subsidence case involving limitation and attribution elements.

X v Y [2016] – Jessica, as a junior to Dore Green, analysed quantum and drafted the Schedule of Loss in a multi-million pound property damage claim.

X v Y [2015] – Advising and settling pleadings in a contribution action relating to personal and property damage caused by a breathing air cylinder.

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

Jessica undertakes a broad range of insurance and reinsurance work, including cross-border insurance disputes. Her 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 regularly instructed to advise on third party rights to coverage information under the *Third Parties (Rights against Insurers) Act 1930*.

Current and Recent Work

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.

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

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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.

B v S [2016] Advising on the function and implication of basis clauses and non-disclosure in the context of an employers' liability insurance policy.

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.

Given her property damage and insurance experience, Jessica is also a strong advocate and adviser in negligence claims involving architects, surveyors and construction professionals.

International Trade Law

Jessica has formidable and unparalleled 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.

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- Her advisory work extends to current trade negotiations: she has worked with the Department for International Trade and Her Majesty's Treasury on the recent UK non-EU Trade Agreements.

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.

Before joining 2TG, Jessica worked for the United Nations and the International Institute for Sustainable Development, where she was an economist specialising in international trade and sustainable development issues, including WTO law and bilateral investment treaties. She is a trained economist; her specialism is in agriculture and commodities. As a trade economist she worked on aspects of the EC-Bananas dispute as well as on TBT and SPS measures in trade flows. This previous experience provides Jessica with a unique and valuable perspective on international trade issues.

She has BIT experience, having worked on various ICSID arbitrations involving a Western-based multi-national corporations in dispute with the Chinese government.

Private International Law

Jessica has gained experience in international private law, in particular:

- 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.

Whilst at Gide she worked on a 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.

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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.

Public Law

Jessica has a breadth of knowledge and experience in cases involving EU and international law with public law elements.

Currently seconded to the Bank of England, Jessica's advisory work has focused on Brexit and its implications. She has actively advised on the CJEU Wightman unilateral revocation of Article 50 litigation. Her work covers 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.

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.

Summers v London Borough of Richmond [2018] 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.

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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.

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 at <https://ukconstitutionallaw.org/2018/04/26/jessica-van-der-meer-paws-for-thought-the-high-court-tackles-pspos-in-a-landmark-judgment/>)

Sports Law

Jessica's sports related practice covers all major sports with a particular focus on anti-doping cases (WADA and on a national level) in cycling and weightlifting.

X v ITF [2019] Jessica represented and successfully negotiated a good outcome for a top international Paralympic tennis player in an anti-doping matter. The outcome allowed them to continue to participate in the 2020 Summer Paralympics.

X v UKAD [2018] Jessica successfully defended a British boxer in a UKAD appeal.

X v UKAD [2017] Jessica obtained a reduced suspension for a British weightlifter in a UKAD appeal.

Jessica's background in international and insurance work makes her a strong advocate and adviser in sport-related injuries that have commercial, jurisdictional and/or insurance implications.

Outside of Chambers, Jessica is a keen cyclist, a Ottilo 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.

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