

Marie Louise Kinsler KC

Call 1992 | Silk 2017



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Marie Louise Kinsler KC specialises in private international law. She is sought after for her expertise on jurisdiction, choice of law and enforcement in a broad range of international claims. She has particular experience in group claims involving environmental law and human rights, insurance, travel law, product liability and professional negligence.

In recent years, Marie Louise has appeared in the Supreme Court in 6 cases, including 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 group claim arising out of environmental damage in Zambia, which raised issues of jurisdiction and parent company liability.

Clients benefit from Marie Louise's academic work in private international law which she has pursued alongside her practice at the Bar. In recent years this has included teaching the International Commercial Litigation course at Cambridge University with Professor Richard Fentiman KC (hon). In recognition of her expertise on choice of law, she was appointed as the National Rapporteur for the UK and Ireland for the European Commission's 2021 review into the application of Rome II in the Member States.

Marie Louise is recommended in the legal directories for Group Litigation, Insurance and Reinsurance and Travel. She is described as having "a formidable standing in the market" and "a complete command of her subject area" as well as being "client friendly and commercial". She was nominated for "Group Litigation Silk of the Year" at The Legal 500 2023 (and 2022) awards.

Expertise

Private International Law

‘Marie Louise is an expert in this area with an encyclopaedic knowledge of the law and a fearless approach towards litigation.’ Legal 500 2024

Marie Louise is an acknowledged expert in private international law and conflict of laws.

She is regularly instructed to lead on specialist conflict of laws issues in a wide variety of claims including group claims involving environmental law and human rights; insurance; commercial; professional negligence; product liability; and travel law claims.

She has particular expertise on jurisdiction, choice of law and enforcement of judgments. She has extensive experience working with foreign lawyers in the context of proceedings in the English and foreign courts as well as in international arbitrations.

Marie Louise has appeared in a number of landmark cases on private international law. Highlights include appearing in the Supreme Court in the *Brownlie* litigation (arising out of the death of Professor Sir Ian Brownlie QC); jurisdiction disputes in group claims including *Vedanta Resources plc v Lungowe* [2019] UKSC 20 and *HRH Okpabi v Royal Dutch Shell plc*; and leading cases on choice of law including *Iraqi Civilians v Ministry of Defence* [2016] UKSC 25 and *Wall v Mutuelle de Poitiers SA* [2014] 3 All ER 340.

Group Litigation

“Superb. The undoubted choice for dealing with conflict of law issues in group claims” Legal 500 2024

Marie Louise is frequently sought after by both Claimants and Defendants for her private international law expertise in the context of group claims. She has acted in numerous high profile group claims including cases involving business human rights, environmental law and product liability.

Notable Group Litigation cases

Vedanta Resources plc v Lungowe [2019] UKSC 20

Environmental damage claim arising out of emissions from copper mining in Zambia. Issues of EU law, jurisdiction and parent company liability.

The NOx Diesel Emissions Group litigation

Group claims against numerous vehicle manufacturers relating to emissions control systems.

Iraqi Civilians v Ministry of Defence [2016] UKSC 25

Group claim by Iraqi civilians against Ministry of Defence. Issues of conflict of laws, application of foreign law and limitation.

The Bille and Ogale Group litigation - HRH Okpabi and others v Royal Dutch Shell plc

Environmental damage claim arising from oil spills in Nigeria. Issues of EU law, jurisdiction and parent company liability.

Bravo v Amerisur Resources Ltd [2023] EWHC 122 (KB)

Environmental damage group claim following oil spill in Columbia.

The Kenyan Emergency Group litigation

Group claim by 40,000 claimants against the Foreign and Commonwealth Office, the largest group action ever brought against the UK Government, alleging responsibility for alleged mistreatment during the Kenyan Emergency in the 1950s.

Environmental Law

“Superb. The undoubted choice for dealing with conflict of law issues in group claims” Legal 500 2024

Marie Louise has a leading practice in environmental law and has appeared in a number of landmark cases in group environmental claims. She is sought after particularly for her private international law expertise and her experience of dealing with novel points of law. In this context, many of her cases raise important issues of jurisdiction, the inter-play between EU and domestic law and parent company liability.

She has acted in numerous high profile group claims.

Notable Environmental Law cases

Vedanta Resources plc v Lungowe [2019] UKSC 20

Environmental damage claim arising out of emissions from copper mine in Zambia. Issues of EU law, jurisdiction and parent company liability.

The Bille and Ogale Group litigation - HRH Okpabi and others v Royal Dutch Shell plc

Environmental damage claim arising from oil spills in Nigeria. Issues of EU law, jurisdiction and parent company liability.

Bravo v Amerisur Resources Ltd [2023] EWHC 122 (KB)

Environmental damage group claim following oil spill in Columbia.

The NOx Diesel Emissions Group litigation

Group claims against numerous vehicle manufacturers relating to emissions control systems.

Insurance and Reinsurance

“Barrister of choice for conflict of laws issues in insurance cases” Legal 500 2024

Marie Louise is frequently instructed to handle cross-border issues in insurance claims. She advises on jurisdiction, applicable law, enforcement and related issues. She frequently works with foreign lawyers in cases involving proceedings in other jurisdictions and in international arbitrations.

She has particular expertise on the Hague Convention on Choice of Court Agreements 2005 and the choice of law rules in Rome I and Rome II. Significant cases include: *XL Insurance Co v Axa Corporate Solutions* [2016] Lloyd’s Rep IR 420 and *XL Insurance Co v AXA Corporate Solutions and AIG* [2017] EWHC 3383 (Comm)

Marie Louise has extensive experience of the EU insurance directives including the motor insurance directives. She has acted in a number of leading cases, including appearing in the Supreme Court for the successful Appellant in *Moreno v MIB* [2016].

Travel

“The undoubted star of the Travel Bar” Chambers UK 2022

Marie Louise has acted in the leading cases in travel law in recent years. She acts for both Claimants and Defendants and is frequently instructed at an early stage in proceedings. She advises on jurisdiction, applicable law (including limitation) and related procedural issues. She has specialist expertise in cross-border personal injury claims involving novel points of law and the application of foreign law. She is an acknowledged authority on Rome II, having been appointed as the UK National Rapporteur for the European Commission’s Rome II review.

Marie Louise has acted in the leading cases on jurisdiction and choice of law in claims arising out of accidents abroad. Highlights include:

- *FS Cairo (Nile Plaza) v Brownlie* [2021] UKSC 45
- *Brownlie v Four Seasons Holdings Inc* [2018] 1 WLR 192
- *Pike v The Indian Hotels Company* [2014] Court of Appeal
- *Wall v Mutuelle de Poitiers SA* [2014] Court of Appeal
- *Wink v Croatia Osiguranje* [2013] Court of Appeal
- *Cooley v Ramsey* [2008] Court of Appeal

Marie Louise has extensive knowledge and experience of the EU motor insurance directives and appeared in the Supreme Court for the successful Appellant in *Moreno v MIB* [2016].

Product Liability

Marie Louise regularly advises on jurisdiction and choice of law issues in cross-border product liability claims including large group claims. Current work includes The Diesel Emissions Litigation.

Notable cases include: *Iveco v Magna Electronics* [2016] ILPr 18 – a jurisdiction dispute in a claim for contribution in a fire claim; *Laserpoint v Prime Minister of Malta* [2016] EWHC 1820 – resisting enforcement of a Maltese judgment relating to a fire claim.

Professional Negligence

Marie Louise is sought after for professional negligence cases which involve an international element. Her practice includes professional negligence claims against lawyers involving issues of service, jurisdiction, applicable law, enforcement and the application of foreign law (including limitation under foreign law).

Significant Cases

Brownlie v FS Cairo (Nile Plaza) LLC [2021] UKSC 45

Supreme Court – Two important points concerning jurisdiction: the scope of the tort gateway; and the approach of the English court to foreign law.

Vedanta Resources plc v Lungowe and others [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.

Four Seasons Holdings Inc v Brownlie [2018] 1 WLR 192

Supreme Court

Moreno v Motor Insurers Bureau [2016] UKSC 52

Supreme Court – Applicable law dispute – EU motor insurance directives and Rome II.

Okpabi and others v Royal Dutch Shell Plc [2017] EWHC 89

Court of Appeal – Jurisdiction dispute – Environmental group claim by Nigerian citizens – issues of EU law, national jurisdiction rules, parent company liability.

Iraqi Civilians v Ministry of Defence [2016] UKSC 25

Supreme Court – Limitation under foreign law – Application of foreign law – Claims by Iraqi civilians against MOD.

Laserpoint v Prime Minister of Malta [2016] EWHC 1820

Enforcement of foreign judgment under Brussels Regulation – Public policy exception – Denial of fair trial – Fire claim.

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.

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 [2011–2012]

Commercial Court – 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.

AXA v Norwich Union (Com Ct) [2007] EWHC 1046 (Comm)

EU motor insurance directives.

Education

- Diploma in Advanced EU Law, College of Europe, Bruges

- MA (Law), Gonville & Caius College, Cambridge University

Languages

French

Memberships

- British Institute for International & Comparative Law
- Bar European Group
- European Circuit
- Franco-British Lawyers Society
- COMBAR
- LCLCBA

Recommendations

“She is probably the most well researched and knowledgeable barrister at the Bar. If she doesn’t know something it’s not worth knowing.” “She is an extremely able private international law barrister with very deep understanding of the case law.” “Marie Louise is technically excellent.” “She is so easy to work with.”
Chambers UK 2024

“Superb. The undoubted choice for dealing with conflict of law issues in group claims.” “Marie Louise is an expert in this area with an encyclopaedic knowledge of the law and a fearless approach towards litigation.” “Barrister of choice for conflict of laws issues in insurance cases.”
Legal 500 2024

“(She) is a go-to barrister for the most complex legal issues in the field.” “She is one of the leaders in this area.”
Chambers UK 2023

“You would be hard pushed to find a sharper mind at the Bar – she is able to see through the knottiest of problems and explain things simply.” “Marie Louise is a brilliant lawyer, absolutely on top of her game. She provides fantastic analysis with a complete command of her subject area.” “Marie Louise brings a first class intellect to the analysis of legal issues, resulting in crystalline advocacy, which is enormously persuasive.”
Legal 500 2023

“Her advice is always splendid” “She is ruthlessly clever and knows the area inside out.” “A go-to silk on international law and conflict.” “Her advice is always very practical and cuts through complex issues.”
Chambers UK 2022

“The undoubted star of the travel Bar.” “She brings an unrivalled knowledge of private international law to the complex area of personal injury cases where questions of jurisdiction and applicable law arise.” “Extremely knowledgeable and very thorough, with a great deal of knowledge in the cross-border arena.”

Legal 500 2022

“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

“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 KC.” “A superb international lawyer, before whose inexorable logic opponents quail.”

Legal 500 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.”

“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.”

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

“A specialist for international and jurisdictional disputes.”

Legal 500 2019

“At the forefront of complex jurisdictional issues”

“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.”

“Her expertise in jurisdictional issues is unmatched.”

Legal 500 2018

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

"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