

Kate Holderness

Email Address: kholderness@3vb.com

Year Of Call: **2008**



Kate Holderness is a specialist commercial practitioner, and she has acted and advised in relation to a wide range of commercial disputes. She is particularly experienced in the fields of insurance and reinsurance, commercial contractual disputes, banking and finance, and derivatives. Kate's practice focuses on advising and appearing as counsel in disputes before courts and arbitral tribunals.

Kate is ranked by the Legal 500 as a leading junior in insurance and reinsurance, and is described as ***"hardworking, efficient, knowledgeable, unflappable; a junior with good judgement."***

Kate is instructed both as sole counsel and as junior counsel, and has worked on a number of cases which have required large counsel teams. In recent years, she has been instructed as junior counsel:

- On a counsel team led by Rory Phillips QC, assisting Sir Ross Cranston with his independent Assurance Review of the Customer Review undertaken by Lloyds Banking Group following the criminal misconduct at the HBOS Impaired Assets Office for London and the South East. Sir Ross's report was published in December 2019.
- For Beazley Furlonge Ltd in the Commercial Court arising out of claims by third parties against Beazley and a number of excess insurers under the Third Parties (Rights Against Insurers) Act 1930 (Cultural Foundation (t/a American School of Dubai) v Beazley Furlonge Ltd [2018] EWHC 1083 (Comm)).
- For SCM Financial Overseas Limited in relation to its dispute with Raga Establishment Ltd over the sale of the formerly State-owned Ukrainian telephone operator, Ukretelecom, in both the LCIA arbitral proceedings and SCM's challenge under section 68 of the Arbitration Act 1996 in the Commercial Court ([2018] EWHC 1008 (Comm)).
- In a dispute between Banco Santander Totta and a number of Portuguese state-owned transport companies arising out of complex interest rate derivatives (Banco Santander Totta SA v Companhia de Carris de Ferro de Lisboa SA) in both the Commercial Court [2016] EWHC 465 (Comm) and in the Court of Appeal [2016] EWCA Civ 1267.

Kate is currently instructed as junior counsel for Nova Group Investments BV, led by Christopher Harris QC, in an ICSID dispute with Romania.

Directory Quotes

"She is hardworking, efficient, knowledgeable, unflappable; a junior with good

judgement.”

Legal 500 2020

‘top-quality and commercial barristers’,

Legal 500 UK 2014

Expertise

Commercial Dispute Resolution

Kate has experience both acting as junior counsel and as sole counsel across a broad range of commercial disputes.

Current and recent instructions include:-

- Acting for SCM Financial Overseas Limited in relation to its dispute with Raga Establishment Ltd over the sale of the formerly State-owned Ukrainian telephone operator, Ukretelecom, in both the LCIA arbitral proceedings and SCM’s challenge under section 68 of the Arbitration Act 1996 in the Commercial Court ([2018] EWHC 1008 (Comm)). Led by Ewan McQuater QC, instructed by White & Case.
- Acting for the Libyan Investment Authority on a substantial application to amend its particulars of claim in proceedings against its joint venture partners arising out of a proposed hotel development. Led by Andrew Onslow QC, instructed by Hogan Lovells.
- Acting for Kingate Euro Fund Ltd and Kingate Global Fund Ltd (two BVI funds) in proceedings in the Supreme Court of Bermuda, arising out of investments by the funds in Bernard L. Madoff Investment Securities LLC. Led by Adrian Beltrami QC, instructed by Lipman Karas LLP.

Banking & Finance

Current and recent instructions include:

- Assisting Sir Ross Cranston with his independent Assurance Review of the Customer Review undertaken by Lloyds Banking Group following the criminal misconduct at the HBOS Impaired Assets Office for London and the South East. The counsel team is led by Rory Phillips QC.
- Acting for the Portuguese state-owned transport companies in Banco Santander Totta SA v Companhia de Carris de Ferro de Lisboa SA [2016] EWHC 465 (Comm) (at first instance) and [2016] EWCA Civ 1267 (on appeal). Led by Ali Malek QC and Richard Brent QC, instructed by Lipman Karas.
- Kate was instructed as junior counsel to the Parliamentary Commission on Banking Standards (led by Rory Phillips QC and David Quest QC), where she was instructed as a specialist advisor, assisting with the Commission’s review of the 2008 collapse of HBOS and mis-selling of PPI.

Insurance & Reinsurance

Kate is ranked by the Legal 500 as a leading junior in insurance and reinsurance and is described as ***“hardworking, efficient, knowledgeable, unflappable; a junior with good judgement.”***

Recent instructions include:

- Advising a Syrian insurer in relation to a potential claim against reinsurers following damage to a chemical plant in Syria.
- Advising a Syrian broker on the jurisdiction of the English court over a claim brought by an insured following damage to industrial facilities in Syria.
- Advising an insurer on its liability to a third party under the Third Parties (Rights Against Insurers) Act 2010.
- Acting for Beazley Furlonge Ltd in Part 86 Proceedings in the Commercial Court arising out of claims brought by third parties against Beazley and a number of excess insurers under the Third Parties (Rights Against Insurers) Act 1930 (Cultural Foundation (t/a American School of Dubai) v Beazley Furlonge Ltd [2018] EWHC 1083 (Comm)). Led by Tom Weitzman QC, instructed by CMS Cameron McKenna.
- Acting for an insurance broker in a claim by the insured against his insurers and brokers, following the insurers' avoidance of the policy for misrepresentation and non-disclosure. Led by Laura John, instructed by Clyde & Co.
- Acting for Spire Healthcare in a claim against its insurers, RSA, under a professional indemnity policy in respect of its potential liability to claimants in the PIP implant group litigation. Led by Tom Weitzman QC, instructed by CMS Cameron McKenna.
- Acting for professional indemnity insurers in respect of a claim by Collyer Bristow LLP arising out of Commercial Court litigation between Collyer Bristow LLP and investors in tax-efficient investment schemes. Led by Tom Weitzman QC, instructed by Clyde & Co.

At the beginning of 2016, Kate undertook a secondment to the JLT Group where she worked with their in-house legal team on the implementation of the Insurance Act 2015.

Commercial Arbitration

Kate has considerable experience of international commercial arbitrations conducted under the auspices of a number of major arbitral institutions, as well as of arbitration proceedings in the English High Court. Current and recent instructions include:

- Acting for Nova Group Investments BV, in an ICSID dispute with Romania. Led by Christopher Harris QC.
- Acting for SCM Financial Overseas Limited in relation to its dispute with Raga Establishment Ltd over the sale of the formerly State-owned Ukrainian telephone operator, Ukretelecom, in both the LCIA arbitral proceedings and SCM's challenge under section 68 of the Arbitration Act 1996 in the Commercial Court ([2018] EWHC 1008 (Comm)). Led by Ewan McQuater QC, instructed by White & Case.
- Acting as arbitral secretary in an LCIA arbitration regarding cost overruns on a substantial mining project in Mexico.
- Acting as arbitral secretary in an ICC arbitration between a Dutch company and a Cypriot

company concerning a guarantee of a Russian company's obligations under a lease.

Publications

Journal of International Banking and Finance Law: contributor to the Case Analysis section

Paget's Law of Banking, 14th Ed Sept 2014 (Butterworths): Chapter 26 "Freezing Injunctions"

Professional Membership

Gray's Inn

COMBAR

Education & Awards

Wilfred Getz Award, The Honourable Society of Gray's Inn: 2006 - 2007

Bar Vocational Course, Inns of Court School of Law: 2006 - 2008

LLM, University College London: 2005 - 2006

LLB, King's College London: 2003 - 2005