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## Ruth Kennedy

Ruth specialises in all areas of commercial, employment, human rights and public law. Her cases frequently have an international focus in both private and public disputes, including regular involvement in high profile and complex litigation and public inquiries.

Ruth is recognised as “*Up and Coming*” and a “*Rising Star*” in Chambers & Partners and Legal 500 for her expertise in employment and private international law respectively. She has been described as “*a cerebral and hard-working junior*” (Legal 500 2021) and “*a pleasure to work with: insightful and extremely responsive*” (Chambers & Partners 2021).

A member of both the Attorney General’s London C panel and specialist Public International C panel, Ruth has appeared in various courts and tribunals up to and including the Supreme Court. She has experience of acting in arbitrations under the LCIA, ICC and UNCITRAL rules. She was previously instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse for the Lambeth investigation.



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### Professional Summary

Called 2015

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### Contact Details

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+44 (0)20 7632 8500

**Clerk** Lee Cutler

**Clerk** Ellie Hecht

Contact Clerks

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## Specialisms

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### Commercial

Ruth has substantial experience acting both led and unled in the Commercial Court and in arbitrations under the LCIA, ICC and UNCITRAL rules. She has particular expertise in cases involving private international law issues and those that involve state actors.

She has previously acted for clients in the financial services, former professional footballers, insurance companies, entrepreneurs and governments.

Recent and current cases include:

- **M v N** – acting for the Claimant in an arbitration under the UNCITRAL rules concerning an EU law and contractual claim for over £3million (led by Marie Louise Kinsler QC) (2021)
- **X v Y** – acting for the Respondent insurers in an ad hoc arbitration defending a claim in excess of £100million for alleged business interruption losses caused by COVID-19 (led by Charles Dougherty QC) (2021 – present)
- **A v B** – acting as sole counsel for the Respondent in an ICC arbitration advanced on the basis of the Commercial Agency Regulations (2021 – present)
- Acting as sole counsel for the Claimant in Commercial Court proceedings against the allegedly fraudulent former directors of a company (2021 – present)
- **P v Q** [2020] EWHC 1688 (Comm) – acted in s. 68 proceedings (challenge for procedural irregularity) in relation to an LCIA Arbitration concerning sale and supply of organic produce from Eastern Europe (led by Timothy Killen)
- Advising and acting a number of complex cases concerning restrictive covenants in contracts of employment (2019 – present)
- Acting as sole counsel for an individual claimant in a high value claim for interest again a multinational investment bank (2019)
- Advising on jurisdiction issues in a multi-million pound commercial fraud case (with Charles Dougherty QC) (2019)
- **Re X Insurance** – advising on the consequences of the insolvency of a foreign motor insurer

in a claim worth circa £50 million (2018 – 2019)

- Working as part of a team of junior counsel in a multi-million pound dispute over a joint venture (2018)
- ***Aquinas v Miller and others*** [2018] EWHC 404 (QB) – acted as sole counsel for the First and Second Defendants resisting an application for a springboard injunction in the High Court
- Advising on a challenge to jurisdiction in the TCC on the basis of an arbitration agreement (led by Charles Dougherty QC) (2017)

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## Employment

Ruth is an experienced employment practitioner who regularly appears in the Employment Tribunal, High Court and the Employment Appeal Tribunal. She has particular expertise in claims involving private or public international law elements.

She is recognised as “*Up and Coming*” in this area in Chambers & Partners 2021 where she is described as “*a pleasure to work with: insightful and extremely responsive*” and is “*frequently instructed by governments, NHS trusts, universities, charities and clients in the financial services sector*”.

Recent and current cases include:

- ***RO v X (An NHS Trust)*** – acted for the Respondent NHS Trust in a complex race discrimination, victimisation and whistleblowing case (2020 – 2021, hearing listed for 10 days)
- Acting in numerous applications for interim relief in cases where it is alleged that a claimant was dismissed because of whistleblowing (2020 – present)
- Acted for an internationally renowned firm specialising in the production of rankings for the legal industry defending disability discrimination and constructive unfair dismissal claims made by a former manager (2019 – 2020)
- Advising and acting a number of complex cases concerning restrictive covenants in contracts of employment (2019 – present)
- ***AB v X (An NHS Trust)*** – appeared in the Employment Appeal Tribunal on behalf of the Respondent NHS Trust appealing against a case management decision in an unfair dismissal claim involving alleged abuse and neglect of a patient (2019)
- Acting for numerous claimants in a variety of disability discrimination claims against multinational investment banks (2019 – present)
- ***Craig Hughes v Virgin Active Limited*** – acted for the Respondent in a complex age, race and sex discrimination, whistleblowing and unfair dismissal claim (2019, hearing lasting 8 days)
- ***X (a Professor) v Y (Russell Group University)*** – acting for the Claimant in an ongoing whistleblowing claim (2019 – present)
- ***Government of Catalonia v Mataro*** – acted as sole counsel for the Government of Catalonia in successfully defending an unfair dismissal claim arising out of Spain’s invocation of Article 155 of the Spanish Constitution in October 2017 (2018)
- ***A v Ministry of Defence*** (2018 – ongoing) – acting as sole counsel for the Claimant in a claim against the Ministry of Defence for stress at work at an international military base
- ***X v SSAFA*** – represented an international military charity in successfully defending an unusual claim for constructive unfair dismissal arising out of a child protection investigation in Cyprus (2018)
- ***Aquinas v Miller and others*** [2018] EWHC 404 (QB) – sole counsel for the first and second defendants (co-defending with Stuart Benzie) Ruth successfully resisted an application for continuation of a springboard injunction.

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## Public Law and Human Rights

Ruth acts in claims for judicial review, human rights claims and public inquiries. She was previously instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse for the Lambeth investigation.

Recent and current cases include:

- **R (Salvato) v DWP** – appeared in the Court of Appeal for the Department of Work and Pensions on question of whether payment of the childcare element of universal credit is discriminatory under the ECHR and/or irrational (awaiting judgment)
- **Independent Inquiry into Child Sexual Abuse** – counsel to the Inquiry for the Lambeth strand
- **Nguyen v SSHD** [2021] EWHC 254 (Admin) – acted for the Secretary of State for Home Office resisting an application for judicial review
- **Lungowe v Vedanta** [2019] UKSC 20 – acted as part of the counsel team for the Claimants in this Supreme Court case relating to alleged human rights and environmental abuses in a mine in Zambia.
- **Kimathi v Foreign and Commonwealth Office** – instructed by the UK Foreign and Commonwealth Office to assist with the Kenyan Emergency Group Litigation, a case involving over 40,000 claimants alleging abuse arising out of the Mau Mau uprising in Kenya during the 1950s
- **Darnley v Croydon NHS Health Trust** [2018] UKSC 50 – acted for the defendant NHS trust in the Supreme Court on the scope of the duty of care owed by receptionists in A&E

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## Private International

Ruth has built a strong practice in conflicts of law disputes and is frequently instructed in complex disputes regarding jurisdiction or applicable law. She is recognised as a “Rising Star” in Legal 500 in Travel and Jurisdiction. She has particular expertise in cases where there is an overlap with public international law issues. She is a member of the Attorney General’s Public International C panel of Counsel. She is frequently instructed as sole counsel against more senior opponents including silks.

Current and recent cases include:

- **Clarke v Generali** (2020) – acted as sole counsel for the Defendant insurer in this High Court dispute arising out of a serious motorcycling accident in France (2020)
- **Lungowe v Vedanta Resources plc** [2019] UKSC 20 – acted as part of the counsel team for the Claimants in this important Supreme Court case concerning issues of jurisdiction arising out of a mine in Zambia.
- **Re X Insurance** – advising on the consequences of the insolvency of a foreign motor insurer in a claim worth circa £50 million (2018 – ongoing)
- **A v Ministry of Defence** (2018 – 2021) – acted as sole counsel for the Claimant in a claim against the Ministry of Defence for stress at work at an international military base
- **Ministry of Defence v Iraqi Civilians** [2016] UKSC 25 – assisted Marie Louise Kinsler QC in a case involving claims made by more than 600 Iraqi civilians alleging maltreatment at the hands of the Ministry of Defence. It was a complex conflicts of law case which focused on the interpretation of the Foreign Limitation Periods Act 1984.

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## Public International Law

Ruth has expertise in inter-state dispute and domestic disputes involving state actors. She is a member of the Attorney General’s specialist Public International panel of Counsel.

As a Research Assistant to Professor Philippe Sands QC she assisted with the **Mauritius v United Kingdom** arbitration concerning the application of the Law of the Sea to the Marine Protected Area surrounding the Chagos Islands. She also worked on **Croatia v Serbia**, a case where both sides were alleging genocide under the Genocide Convention 1948 before the International Court of Justice in The Hague. Both cases involved collaborating as part of a large litigation team.

She has particular interest in cases involving decolonisation. She was previously instructed by the UK Foreign and Commonwealth Office to assist with the **Kenya Emergency Group Litigation**, a case involving over 40,000 claimants alleging abuse arising out of the Mau Mau uprising in Kenya during the 1950s.

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## Civil Fraud

Ruth is instructed in respect of all aspects of commercial fraud, including freezing and search orders and other without notice applications. From May to July 2019 Ruth was seconded to the Civil Fraud team at Peters & Peters Solicitors LLP. During this time she assisted with complex commercial fraud disputes.

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## Sport

Ruth accepts instructions from players, clubs and regulatory authorities with clients ranging from self-employed tennis coaches to the Clay Pigeon Shooting Association. She has a particular interest in employment and sponsorship disputes. She regularly appears in the High Court and Employment Tribunal.

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## Recommendations

*"She's a pleasure to work with: insightful and extremely responsive."*

*"She is very calm, personable and thorough."*

### Chambers UK 2021

*"A cerebral and hard-working junior with extensive expertise in issues of public and private international law."*

### Legal 500 2021

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## Appointments

Attorney General's London C panel

Public International Law C panel

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## News, Articles and Publications

*Conveyancing fraudsters – who picks up the bill after P&P & Dreamvar?* Journal of Professional Negligence, December 2018

*Pure omissions and public authorities*, Personal Injury Law Journal, May 2018

*Unlawful fees & Out of time claims*, New Law Journal, September 2017

*Clarity provided for insurers aggregating claims*, Insurance Day, August 2017

*The Scope and Effect of Purdah*, Judicial Review, December 2017

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## Education, Scholarships and Awards

BA (Hons) Pembroke College, Oxford University

LLM (Distinction) University College London

Lord Justice Holker Award (Gray's Inn)

Residential Scholarship (Gray's Inn)

Lee Essay Prize (second place, Gray's Inn)

Advocacy Scholarship (University of Law)

Monk Prize (Pembroke College)

Hogan Lovells Prize for Law (Pembroke College)

South Eastern Circuit Florida Bar Civil Advocacy Course

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## Memberships

COMBAR

Industrial Law Society

## Additional Information

For the legal year 2016-2017 Ruth was Judicial Assistant to Sir Terence Etherton, Master of the Rolls. Prior to joining chambers, Ruth was a Research Assistant to Professor Philippe Sands QC working on public international law, ICSID Arbitrations and Court of Arbitration for Sport cases. She also previously worked as a Research Associate at UCL's Judicial Institute and a Teaching Fellow in public law at UCL.

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