



Barristers | Mediators | Arbitrators
+44 (0)20 7421 8000
4 Field Court, Grays Inn, London WC1R
5EF



James Shirley

Call: 2002

Barrister

BCL (Distinction) - New College, Oxford
BVC (Very Competent) - ICSL
LLB (First Class) - University College London

Testimonials

An excellent barrister who is always a pleasure to work with. He provides sensible, well thought-out advice and is capable of navigating through complex, difficult cases.

Chambers & Partners 2018

He is very approachable and a great person to have as part of the team. He really puts in a lot of work for the client and the case.

Chambers & Partners UK Bar 2017

His written advocacy and oral advocacy are excellent.

Chambers & Partners UK Bar 2017

Outstanding.

Legal 500 2016

He is very client-friendly; he goes out of his way...He has a great head on his shoulders and gives very considered advice.

Chambers & Partners 2016

Able to cope with very large and complex cases.

Legal 500 2015

Areas of Experience

- Shipping
- International Trade and Finance
- Commodities
- Insurance and Reinsurance
- Commercial Litigation
- Arbitration
- Construction and Infrastructure
- Banking
- Financial Crime & Fraud

Contact Clerks

Telephone: 020 7440 6900
Email: clerks@36stone.co.uk

Contact James

jshirley@36stone.co.uk

He is extremely approachable and expends every effort for his client (and his instructing solicitors).

Legal 500 2014

...the 'highly regarded' James Shirley is 'a very able lawyer.

Legal 500 2013

...the 'gifted' James Shirley.

Legal 500 2012

Practice Profile

James Shirley practises in all areas of commercial law, in particular shipping and international arbitration, jurisdictional disputes, the sale and carriage of goods, and insurance.

James is an experienced trial advocate and the bulk of his practice consists of practice as sole counsel. He has appeared in trials in Hong Kong and Singapore.

Shipping & International Trade

James is experienced in both wet and dry shipping. James' dry shipping practice consists mainly of complicated charterparty, bill of lading and shipbuilding/sale and purchase disputes raising novel issues but James also deals on a regular basis with more run-of-the-mill disputes concerning off-hire, hold-cleaning, responsibility for taxes, unsafe port claims, laytime and demurrage, speed and performance, the Inter-Club Agreement and formation/termination.

James recently had an article about The Astra published in the Law Quarterly Review: On the Classification of Amphibious Avians (and Contractual Terms): The Astra, LQR 2014, 185 (Apr).

James is a Supporting Member of the LMAA.

Charterparties, Bills of Lading, etc

?? LMAA Arbitration: 2-day trial before LMAA arbitrators involving cross-examination of expert witness. Demurrage claim under voyage charter

arising out of delay to vessel at Kandla following arrival of damaged cargo of phenol. Related proceedings due for trial late 2018/early 2019.

?? LMAA Arbitration: advising time charterers on their rights during the blockade of Qatar.

?? LMAA Arbitrations: four-day trial of disputes arising in chain of Synacomex charterparties involving issues as to the identity of the parties, allegations of email fabrication requiring forensic evidence, and restitution.

?? LMAA Arbitrations: claim arising out of termination of luxury yacht charter.

?? LMAA Arbitration: US\$100M time charter arbitration arising out of the detention of a vessel at a South American port involving unsafe port issues and issues in relation to steps taken in order to release the vessel from detention and settle claims against the vessel. Led by Elizabeth Blackburn QC.

?? LMAA Arbitration: time charter cancellation/repudiation/hold-cleaning dispute leading to a 4-day liability and quantum trial in Singapore in November 2015. James appeared as sole counsel for the shipowners, cross-examining 4 witnesses, including 2 expert witnesses. Tribunal's award gave James's clients a comprehensive victory.

?? London Arbitration 2/16 (LMLN 5 February 2016): multi-million dollar arbitration arising out of various agreements in relation to the use of a vessel in the offshore oil industry involving serious allegations of fraud. 5-day trial including cross-examination.

?? Isabella Shipowner SA v. Shagang Shipping Co Ltd, "AQUAFAITH" [2012] EWHC 1077 (Comm), led by Tim Hill QC (20 Essex Street), acting for the successful owners in appeal from arbitrator under s. 69 of the Arbitration Act 1996 regarding decision on the width of a shipowner's right to refuse early redelivery under a period time charter.

?? Several post-Aquafaith time charter redelivery disputes concerning the effect of that decision and raising issues of mitigation, quantum and penalty clauses.

?? Commercial Court: proceedings ancillary to the proceedings in Eurobank Ergasias SA v. Kalliroi

Navigation [2015] EWHC 2377 (Comm); advising on urgent interpleader proceedings arising out of a shipowner's alleged assignment of freight to a mortgagee, including issues relating to service out and underlying GAFTA soybean meal sale contract.

?? LMAA Arbitration: ad hoc arbitration arising out of a voyage charter for an oil cargo. Demurrage dispute raising a question about the Master's duty to sign bills of lading, complicated issues as to the correct parties to the charter, and detailed expert evidence on the measurement of oil cargoes.

?? LMAA Arbitration: time charter arbitration arising out of call at Yemen in 2015 involving a variety of war risks issues, Conwartime 2004 and the BIMCO Piracy Clause.

?? LMAA Arbitration: charterparty chain arbitration involving issues of hull damage and stevedore negligence exclusions.

?? LMAA Arbitration: acting as sole counsel for successful owners in multi-million dollar Supplytime dispute arising out of multiple contracts for the hire of vessels in the Arabian Gulf. Wide-ranging dispute involving novel construction issues arising out of bespoke 'punchlist' provisions. Matter went to a five-day trial in October 2014. Following an award upholding James's clients' claims in all respects, James dealt with further costs and enforcement issues.

?? LMAA Arbitration: voyage charter arbitration arising out of a charter on the Australian Wheat Form and giving rise to an issue as to the recoverability by charterers from owners of a 'fine' levied at the loading port in Australia.

?? Advisory: off hire and termination dispute arising out of a time charter on the ShellLNG-Time form and involving questions of whether the vessel had failed an inspection and the prevention of normal commercial operations.

?? Advisory: repudiation dispute arising out of a charter on the Shelltime 4 form and involving a refusal to follow orders to load ship-to-ship, war risks issues and the impact of hedging on quantum.

?? LMAA Arbitration: detention dispute arising out of bespoke booking note and giving rise to complicated issues of construction.

?? LMAA Arbitration related to Seawolf Tankers Inc, Heidmar Inc v. Pan Ocean Co. Limited [2015] EWHC 1500 (Ch) and giving rise to issues as to the effect on a pool agreement of insolvency proceedings.

?? LMAA Arbitrations arising out of bill of lading for carriage of cargo to Jordan involving issues of causation arising out of the authorities' response to wet damage and of jurisdiction in circumstances where the bill provided for English arbitration but proceedings had been started in Jordan in accordance with the Hamburg Rules.

?? LMAA Arbitration: acting for charterers of self-propelled barges for use in an offshore construction project in an arbitration raising delay, termination, repudiation and misrepresentation issues.

?? LMAA Arbitration arising out of charter on the Asbatankvoy form and giving rise to issues of detention/demurrage and damage to a phenol cargo.

?? LMAA Arbitration arising out of charter on the Shelltime 4 form and giving rise to issues as to the vessel's SIRE status and fitness to obtain business from oil majors and other similar entities.

?? LMAA Arbitration arising out of NYPE time charter and involving an owner's protracted refusal to follow orders, giving rise to issues as to the effect of a failure to comply with insurance obligations, duress, off-hire, and the English court's jurisdiction to permit service out.

?? LMAA Arbitration: five-day arbitration in Hong Kong arising out of multiple COAs. US\$50M dispute relating to shipments of iron ore. Dispute involved the construction of various bespoke washout agreements, as well as issues of rectification and illegality.

?? LMAA arbitrations: multi-million dollar time and voyage charter arbitrations arising out of disputes as to responsibility for Chinese taxes and involving construction, restitution and illegality issues.

?? LMAA arbitration: successful award on preliminary demurrage time bar issue after two-day hearing as sole counsel and subsequently obtained a further award requiring the costs of the preliminary issue to be paid forthwith.

?? LMAA arbitration: recently attended as sole counsel for the mediation of a cranes and underperformance dispute.

?? LMAA arbitration: voyage charter reference involving issues as to the identity of the parties to the fixture, agency, undisclosed principals and frustration.

?? LMAA arbitration: COA reference arising out of dispute over operation of VoyWar 2004 in the context of piracy, involving issues of duress, mistake, restitution and liens.

?? Commercial Court: acted for shipowner in claim arising out of complex compromise of forward freight contracts involving fraud, conspiracy, knowing receipt, dishonest assistance and challenging a fraudulent transaction under s. 423 Insolvency Act 1986.

?? Hong Kong arbitration: off-hire dispute in a chain of time and trip charters raising issue as to whether and to what extent the charters have the same meaning and effect, as well as issues relating to low-sulphur fuel requirements and fraudulent bills of lading.

?? Perseveranza SpA v. Western Bulk Carriers, the “NEWLEAD MARKELA”, Claim No. 2010 Folio 1172: dispute arising out of the settlement of certain time charter claims and raising issues of construction and rectification.

?? LMAA arbitration: hull-fouling dispute raising issue as to a shipowner’s right to recover hire credits allowed to his next charterer in respect of speed and performance claims.

?? Commercial Court: obtaining urgent ship inspection/disclosure order on behalf of cargo interests.

Ship Sale & Purchase

?? Advisory: advising buyers on termination/cancellation rights and strategy in dispute arising out of MOA on SALEFORM 1993 form in circumstances where market values had fallen sharply since MOA was made, and in which the MOA had adopted elements of an underlying shipbuilding contract.

?? ICDR Arbitration: reference arising out of abortive sale by James’s clients of a semi-submersible drilling rig involving issues of construction, termination, repudiation and damages.

?? LMAA arbitration: \$50M ship sale dispute concerning issues of NOR validity and effect.

?? LMAA arbitration: acted as sole counsel in arbitration relating to damage caused by premature service of NOR.

?? Admiralty Court: acting for and advising good faith purchaser of an unregistered ship alleged to be subject to a ship mortgage.

Shipbuilding

?? Advisory: acting for a shipyard in a repudiation dispute arising out of delays in the construction of a semi-submersible vessel involving issues of waiver.

?? Advisory: advising a shipyard in a multi-million dollar dispute about the construction of consequential loss provisions in a shipbuilding contract.

?? Advisory: advising buyers on termination/cancellation rights and strategy in dispute arising out of MOA on SALEFORM 1993 form in circumstances where market values had fallen sharply since MOA was made, and in which the MOA had adopted elements of an underlying shipbuilding contract.

Wet Shipping/Admiralty Court

?? Nautical Challenge v. Evergreen Marine (interlocutory hearing reported at [2016] EWHC 1093); led by Vasanti Selvaratnam QC, large collision action arising out of 2015 Jebel Ali collision between oil tanker and container ship. Court of Appeal hearing in July 2018

?? Advisory: advising on quantum in relation to collision between vessels following earlier collision involving one of the vessels and associated detention/causation issues.

?? Bolero Trading v. Mersey Docks, the “ANTONIS”, Claim No. 2012 Folio 746: acted for port defending collision claim; involved risk assessment issues.

?? “SUNFLOWER E”, Claim No. 2105 Folio 729: crew wages claim following arrest of vessel at Newport in 2015 and involving issues of foreign law and insolvency.

?? Leeming v. Leeming, the “FAT SWAN”, Claim No. 2015 Folio 108: dispute over ownership of a vessel involving resulting and constructive trusts issues and allegations of fraud.

?? Advisory: advising owner of a vessel involved in a collision in a Traffic Separation Scheme on the proper construction of the COLREGS.

?? “Dona Liberta”, Claim No. 2011 Folio 928: advising shipowners with vessel under arrest in the UK on security and strategy.

Sale of Goods, Commodities & Imports/Exports

?? FOSFA Arbitration: advising buyers under a soybean sale contract in relation to time bar issues.

?? LMAA Arbitration: voyage charter arbitration arising out of charter on the Australian Wheat Form and giving rise to an issue as to the recoverability by charterers from owners of a ‘fine’ levied at the loading port in Australia and charged to the charterers under the sale contract.

?? Commercial Court: acted for seller (on FOSFA 60 and 61 terms) of biodiesel against buyers domiciled in another Member State and obtained a worldwide 12.5M Euros freezing injunction in support of multiple arbitrations. Case involved numerous interesting issues of arbitration and jurisdiction including Scott v. Avery

clauses and the scope of the English court's Van Uden jurisdiction as well as complex evidential issues in relation to dissipation and good arguable case.

?? Commercial Court: proceedings ancillary to the proceedings in Eurobank Ergasias SA v. Kalliroi Navigation [2015] EWHC 2377 (Comm); advising on urgent interpleader proceedings arising out of a shipowner's alleged assignment of freight to a mortgagee, including issues relating to service out and underlying GAFTA soybean meal sale contract.

?? Advisory: advising purchaser of complicated machinery on issues of incorporation of standard terms, misrepresentation and mistake.

?? Advisory: advising various exporters in high-value sale of goods cases in relation to export controls and end-user restrictions under domestic and EU legislation.

?? LMAA Arbitration arising out of charter on the Shelltime 4 form and giving rise to issues as to the vessel's SIRE status and fitness to obtain business from oil majors and other similar entities.

?? Advisory: advising on a multi-million dollar contract for the long-term purchase of coal from a mine in Mauritius.

Road, Rail, Multimodal Transport & Freight

?? Advisory: advising on high-value 'inside job' road carriage theft case.

?? Re Proteam: advising in insolvency proceedings concerning the relationship between a forwarder and other entities in a supply chain.

?? Advisory: advising consignee of goods carried from France to the UK in relation to haulier's claim Article 132-8 of the French Commercial Code; choice of law issues, and issues as to the relationship of the CMR with national law.

?? Advisory: advising owner of valuable artwork damaged in transit on rights of suit; BIFA issues; time bars and limitation.

?? Turkish Technic v. White-Airways, CL-2016-000009: Commercial Court claim arising out of contracts for the refurbishment and rental of Auxiliary Power Units used in the aviation industry.

?? Mercantile Court: various domestic and international disputes, bailment, quasi-bailment, CMR, RHA, BIFA and FTA conditions. Recent work includes acting for and advising consignees of lost goods in relation to CMR time bar issues and acting for and advising carriers in relation to CMR claims involving allegations of wilful misconduct and contribution between carriers.

Insurance & Reinsurance

?? Deleclass Shipping v. MWI Shipping: marine insurance assignment dispute in the Commercial Court.

?? Advisory: cargo insurance dispute concerning coverage of subcontractors.

?? Advisory: advising on the proper construction of the breach of warranty clause in aviation insurance standard wording AVN67B.

?? Advisory: advising the assured on sue and labour, claims control and subrogation issues arising out a hull and machinery policy incorporating the Institute Time Clauses 1983.

?? British American Insurance (Kenya) Ltd v Matelec SAL & Others [2013] EWHC 3278 (Comm): acted for defendants in a marine insurance dispute, opposing anti-suit injunction obtained by insurer and arguing that parties had agreed on Kenyan jurisdiction rather than London arbitration under the ARIAS Rules. Decision of Walker J deals with composite insurance and reinsurance contracts and the reconciliation of jurisdiction and arbitration clauses in the same contractual document. Dispute raised questions of construction, rectification and estoppel.

?? Advisory: advising firm of solicitors on their rights under a professional indemnity insurance policy in a case that gave rise to issues as to the proper construction of an exclusion in respect of fines and penalties and to delay issues.

?? Advisory: advising insurer on multi-million dollar hull insurance claim involving issues of causation and illegality.

?? Commercial Court: multi-million dollar hull insurance claim involving latent damage issues.

Commercial & Chancery Litigation

James is an experienced litigator with a broad commercial practice. Examples of work include:

?? Chancery Division: high-value claim to recover loans involving allegations of fraud and forgery. James successfully obtained a freezing injunction against the defendant and trial is due in 2019.

?? Commercial Court: dispute arising out of lender's proposal to sell a large package of ship finance loans. James acted for the shipowner/borrower in proposed injunction proceedings to prevent the sale. Achieved favourable settlement by providing proceedings to lender in draft.

?? Commercial Court: one-day hearing in front of Bryan J, successfully resisting application to the Commercial Court under s. 68 of the Arbitration Act 1996 challenging an LCIA arbitration award concerning contracts for marine geophysical surveys in the Arabian Gulf on grounds of procedural irregularity. Initial involvement was hearing before HHJ Waksman, successfully obtaining security for costs of the challenge but also, more unusually, security for sums payable under the award.

?? Turkish Technic v. White-Airways, CL-2016-000009: Commercial Court claim arising out of contracts for the refurbishment and rental of Auxiliary Power Units used in the aviation industry.

?? Re Proteam: advising in insolvency proceedings concerning the relationship between a forwarder and other entities in a supply chain.

?? BDMS Limited v Rafael Advanced Defence Systems [2014] EWHC 451 (Comm): sole counsel for the successful defendants in disputing the English court's jurisdiction and obtaining a stay under s. 9 of the Arbitration Act 1996 in commercial court proceedings brought in breach of an ICC arbitration clause which the claimants alleged had been repudiated by the manner in which the defendants had behaved in the arbitration (non-payment of the ICC's fees).

?? Advisory: advising time charterers on their rights to start injunctive proceedings in the English court following an owner's protracted refusal to follow orders.

?? Advisory: advising cargo interests on jurisdiction for their bill of lading claims in circumstances where the bill provided for English arbitration but proceedings had been started in Jordan in accordance with the Hamburg Rules.

?? Advisory: advising owner of valuable artwork damaged in transit on rights of suit; BIFA issues; time bars and limitation.

?? Commercial Court: proceedings ancillary to the proceedings in Eurobank Ergasias SA v. Kalliroi Navigation [2015] EWHC 2377 (Comm); advising on urgent interpleader proceedings arising out of a shipowner's alleged assignment of freight to a mortgagee, including issues relating to service out and underlying GAFTA soybean meal sale contract.

?? Commercial Court: s. 69 appeal and s. 67 and 68 challenges against a tribunal's decision on the proper construction and effect of its previous partial final award. Obtained leave to appeal on six points of law. Challenges subsequently resolved in client's favour.

?? Commercial Court: acted as sole counsel in successful contested security for costs application (relating to a s. 68 appeal in an offspec bunkers case) before Eder J, April 2014.

?? British American Insurance (Kenya) Ltd v Matelec SAL & Others [2013] EWHC 3278 (Comm): acted for defendants in a marine insurance dispute, opposing anti-suit injunction obtained by insurer and arguing that parties had agreed on Kenyan jurisdiction rather than London arbitration under the ARIAS Rules. Decision of Walker J deals with composite insurance and reinsurance contracts and the reconciliation of jurisdiction and arbitration clauses in the same contractual document. Dispute raised questions of construction, rectification and estoppel.

?? Commercial Court: multi-million dollar hull insurance claim involving latent damage issues.

?? Isabella Shipowner SA v. Shagang Shipping Co Ltd, "AQUAFAITH" [2012] EWHC 1077 (Comm), led by Tim Hill QC, acting for the successful owners in appeal from arbitrator under s. 69 of the Arbitration Act 1996 regarding decision on the width of a shipowner's right to refuse early redelivery under a period time charter.

?? Commercial Court: acted for shipowner in claim arising out of complex compromise of forward freight contracts involving fraud, conspiracy, knowing receipt, dishonest assistance and challenging a fraudulent transaction under s. 423 Insolvency Act 1986.

?? Perseveranza SpA v. Western Bulk Carriers, the "NEWLEAD MARKELA", Claim No. 2010 Folio 1172: dispute arising out of the settlement of certain time charter claims and raising issues of construction and

rectification.

?? Commercial Court: obtaining urgent ship inspection/disclosure order on behalf of cargo interests.

?? Leeming v Leeming, the "FAT SWAN", Claim No. 2015 Folio 108: dispute over ownership of a vessel involving resulting and constructive trusts issues and allegations of fraud.

?? Mercantile Court: various domestic and international disputes, bailment, quasi-bailment, CMR, RHA, BIFA and FTA conditions. Recent work includes acting for and advising consignees of lost goods in relation to CMR time bar issues and acting for and advising carriers in relation to CMR claims involving allegations of wilful misconduct and contribution between carriers.

?? Commercial Court: acted for seller (on FOSFA 60 and 61 terms) of biodiesel against buyers domiciled in another Member State and obtained a worldwide 12.5M Euros freezing injunction in support of multiple arbitrations. Case involved numerous interesting issues of arbitration and jurisdiction including Scott v. Avery clauses and the scope of the English court's Van Uden jurisdiction as well as complex evidential issues in relation to dissipation and good arguable case.

?? Commercial Court: acted for owners in proceedings under s. 68 and s. 69 of the Arbitration Act 1996 seeking to challenge an arbitration award dismissing their claim for delay.

?? Commercial Court: acted as sole counsel for successful respondents in opposing applications arising out of LMAA voyage charter dispute for leave to appeal under s 69 of the Arbitration Act 1996 and for extensions of time, and successfully had s. 68 challenge summarily dismissed under the Commercial Court's new power to resolve such challenges without an oral hearing.

Private International Law

James regularly deals with jurisdiction and applicable law disputes as well as with the enforcement of foreign judgments. He obtained a distinction in the Conflict of Laws when he was doing the BCL. Examples of work include:

?? *BDMS Limited v Rafael Advanced Defence Systems* [2014] EWHC 451 (Comm): sole counsel for the successful defendants in disputing the English court's jurisdiction and obtaining a stay under s. 9 of the Arbitration Act 1996 in commercial court proceedings brought in breach of an ICC arbitration clause which the claimants alleged had been repudiated by the manner in which the defendants had behaved in the arbitration (non-payment of the ICC's fees).

?? *British American Insurance (Kenya) Ltd v Matelec SAL & Others* [2013] EWHC 3278 (Comm): acted for defendants in a marine insurance dispute, opposing anti-suit injunction obtained by insurer and arguing that parties had agreed on Kenyan jurisdiction rather than London arbitration under the ARIAS Rules. Decision of Walker J deals with composite insurance and reinsurance contracts and the reconciliation of jurisdiction and arbitration clauses in the same contractual document. Dispute raised questions of construction, rectification and estoppel.

?? Commercial Court: acted for seller (on FOSFA 60 and 61 terms) of biodiesel against buyers domiciled in another Member State and obtained a worldwide 12.5M Euros freezing injunction in support of multiple arbitrations. Case involved numerous interesting issues of arbitration and jurisdiction including Scott v. Avery clauses and the scope of the English court's Van Uden jurisdiction as well as complex evidential issues in relation to dissipation and good arguable case.

?? Advisory: advising time charterers on their rights to start injunctive proceedings in the English court following an owner's protracted refusal to follow orders.

?? Advisory: advising cargo interests on jurisdiction for their bill of lading claims in circumstances where the bill provided for English arbitration but proceedings had been started in Jordan in accordance with the Hamburg Rules.

?? Advisory: advising on incorporation of arbitration clause and tactics in high value dispute over the sale of allegedly defective oil industry goods.

?? "*Dona Liberta*", Claim No. 2011 Folio 928: advising shipowners with vessel under arrest in the UK on security and strategy.

International Arbitration

James has a broad commercial practice and regularly acts in confidential international arbitrations (LMAA, LCIA, SIAC, ICC and ad hoc) as well as in related court proceedings (appeals, urgent ancillary relief,

jurisdictional challenges, the enforcement of awards, etc). Examples of work include:

?? LCIA Arbitration: one-day hearing in front of Bryan J, successfully resisting application to the Commercial Court under s. 68 of the Arbitration Act 1996 challenging an LCIA arbitration award concerning contracts for marine geophysical surveys in the Arabian Gulf on grounds of procedural irregularity. Initial involvement was hearing before HHJ Waksman, successfully obtaining security for costs of the challenge but also, more unusually, security for sums payable under the award.

?? DIAC Arbitration: multi-million dollar joint venture dispute concerning an underlying construction project in Pakistan.

?? ICDR Arbitration: reference arising out of abortive sale by James's clients of a semi-submersible drilling rig involving issues of construction, termination, repudiation and damages.

?? Isabella Shipowner SA v. Shagang Shipping Co Ltd, "AQUAFAITH" [2012] EWHC 1077 (Comm), led by Tim Hill QC (20 Essex Street), acting for the successful owners in appeal from arbitrator under s. 69 of the Arbitration Act 1996 regarding decision on the width of a shipowner's right to refuse early redelivery under a period time charter.

?? Commercial Court: acted for owners in proceedings under s. 68 and s. 69 of the Arbitration Act 1996 seeking to challenge an arbitration award dismissing their claim for delay.

?? Commercial Court: acted as sole counsel for successful respondents in opposing applications arising out of LMAA voyage charter dispute for leave to appeal under s 69 of the Arbitration Act 1996 and for extensions of time, and successfully had s. 68 challenge summarily dismissed under the Commercial Court's new power to resolve such challenges without an oral hearing.

?? BDMS Limited v Rafael Advanced Defence Systems [2014] EWHC 451 (Comm): sole counsel for the successful defendants in disputing the English court's jurisdiction and obtaining a stay under s. 9 of the Arbitration Act 1996 in commercial court proceedings brought in breach of an ICC arbitration clause which the claimants alleged had been repudiated by the manner in which the defendants had behaved in the arbitration (non-payment of the ICC's fees).

?? British American Insurance (Kenya) Ltd v Matelec SAL & Others [2013] EWHC 3278 (Comm): acted for defendants in a marine insurance dispute, opposing anti-suit injunction obtained by insurer and arguing that parties had agreed on Kenyan jurisdiction rather than London arbitration under the ARIAS Rules. Decision of Walker J deals with composite insurance and reinsurance contracts and the reconciliation of jurisdiction and arbitration clauses in the same contractual document. Dispute raised questions of construction, rectification and estoppel.

?? Commercial Court: s. 69 appeal and s. 67 and 68 challenges against a tribunal's decision on the proper construction and effect of its previous partial final award. Obtained leave to appeal on six points of law. Challenges subsequently resolved in client's favour.

?? Commercial Court: acted as sole counsel in successful contested security for costs application (relating to a s. 68 appeal in an offspec bunkers case) before Eder J, April 2014.

Energy & Natural Resources

?? Advisory: off hire and termination dispute arising out of a time charter on the ShellLNG-Time form and involving questions of whether the vessel had failed an inspection and the prevention of normal commercial operations.

?? Advisory: repudiation dispute arising out of a charter on the Shelltime 4 form and involving a refusal to follow orders to load ship-to-ship, war risks issues and the impact of hedging on quantum.

?? LMAA Arbitration arising out of charter on the Shelltime 4 form and giving rise to issues as to the vessel's SIRE status and fitness to obtain business from oil majors and other similar entities.

?? ICDR Arbitration: reference arising out of abortive sale by James's clients of a semi-submersible drilling rig

involving issues of construction, termination, repudiation and damages.

?? LMAA Arbitration: acting as sole counsel for successful owners in multi-million dollar Supplytime dispute arising out of multiple contracts for the hire of vessels in the Arabian Gulf. Wide-ranging dispute involving novel construction issues arising out of bespoke 'punchlist' provisions. Matter went to a five-day trial in October 2014. Following an award upholding James's clients' claims in all respects, James dealt with further costs and enforcement issues.

?? London Arbitration 2/16 (LMLN 5 February 2016): multi-million dollar arbitration arising out of various agreements in relation to the use of a vessel in the offshore oil industry involving serious allegations of fraud.

?? Commercial Court: acted for seller (on FOSFA 60 and 61 terms) of biodiesel against buyers domiciled in another Member State and obtained a worldwide 12.5M Euros freezing injunction in support of multiple arbitrations. Case involved numerous interesting issues of arbitration and jurisdiction including Scott v. Avery clauses and the scope of the English court's Van Uden jurisdiction as well as complex evidential issues in relation to dissipation and good arguable case.

?? Advisory: advising on a multi-million dollar contract for the long-term purchase of coal from a mine in Mauritius.

?? Advisory: advising on incorporation of arbitration clause and tactics in high value dispute over the sale of allegedly defective oil industry goods.

Construction & Infrastructure

?? DIAC Arbitration: multi-million dollar joint venture dispute concerning an underlying construction project in Pakistan.

?? Admiralty Court: multi-million Euro Admiralty Court action arising out of dredger contract.

?? Advisory: acting for a shipyard in a repudiation dispute arising out of delays in the construction of a semi-submersible vessel involving issues of waiver.

?? Advisory: advising a shipyard in a multi-million dollar dispute about the construction of consequential loss provisions in a shipbuilding contract.

?? Advisory: advising buyers on termination/cancellation rights and strategy in dispute arising out of MOA on SALEFORM 1993 form in circumstances where market values had fallen sharply since MOA was made, and in which the MOA had adopted elements of an underlying shipbuilding contract.

Banking & Financial Services

James has a broad commercial practice and frequently deals with cases with a financial dimension to them. He is particularly interested in unjust enrichment cases and he obtained a distinction in the Law of Restitution when he was doing the BCL. He also has experience of a wide range of financing arrangements and derivative contracts, particularly those used in international trade and shipbuilding.

Commercial Fraud & Asset Tracing

James has a broad commercial practice and frequently deals with cases involving allegations of fraud and claims in unjust enrichment. He obtained a distinction in the Law of Restitution when he was doing the BCL. Examples of work include:

?? Chancery Division: high-value claim to recover loans involving allegations of fraud and forgery. James successfully obtained a freezing injunction against the defendant and trial is due in 2019.

?? London Arbitration 2/16 (LMLN 5 February 2016): multi-million dollar arbitration arising out of various agreements in relation to the use of a vessel in the offshore oil industry involving serious allegations of fraud.

?? Commercial Court: acted for shipowner in claim arising out of complex compromise of forward freight contracts involving fraud, conspiracy, knowing receipt, dishonest assistance and challenging a fraudulent transaction under s. 423 Insolvency Act 1986.

?? Hong Kong arbitration: off-hire dispute in a chain of time and trip charters raising issue as to whether and to what extent the charters have the same meaning and effect, as well as issues relating to low-sulphur fuel requirements and fraudulent bills of lading.

Professional Liability

James has a broad commercial practice and frequently deals with cases involving allegations of negligence against professionals. He used to tutor Tort Law at UCL and has recently advised in a solicitor's negligence case.

Education

LLB (First Class) - UCL

BCL (First Class/Distinction) - New College, Oxford (specialising in Conflict of Laws, Restitution and Jurisprudence)

BVC (Very Competent) – ICSL

Prizes & Scholarships

AHRB Scholarship for the BCL, 2002

Middle Temple Benefactors' Scholarship, 2001

Sweet & Maxwell Prize for the top final year exams performance, 2001

Bentham Prize for the best performance in Jurisprudence, 2001

Law Faculty Dean's List Prize for Academic Excellence, 2001

Simmons & Simmons Prize for the best performance in Property II, 2000

UCL Senior Mooting Competition Winner, 2000

Teaching & Publications

?? Teaching fellow (contract law) at UCL, 2013-present

?? On the Classification of Amphibious Avians (and Contractual Terms): *The Astra*, LQR 2014, 185 (Apr)

?? Editor, *Administrative Court Digest*, 2004-present