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## My unique perspective

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**I am a full-time commercial arbitrator and mediator with particular expertise in banking & financial services, commodities & maritime, construction & energy.**

I have over 30 years' experience of dispute resolution during which time, uniquely, I have experienced disputes and their resolution from **five** perspectives: (1) private practice lawyer; (2) in-house counsel; (3) the end-user client; (4) commercial arbitrator and (5) commercial mediator

Personal interests: I am married with twins (mediation is therefore second-nature)

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## Arbitrator

- I am regularly appointed in relation to a very broad range of commercial disputes
- Sole and party appointed, chair and umpire
- Institutional and ad hoc appointments (e.g. LMAA, LCIA, LME, ICC)

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## Mediator: facilitative or evaluative

- From the outset of the mediation meeting, my approach is to treat the mediation as a golden, business transaction opportunity (an approach informed by my time in-house)
- Facilitating the commercial parties to keep control by negotiating their own trade or their own deal, rather than have a binary outcome (win or lose) imposed upon them by a third party (Judge or Arbitral Tribunal). Make it "their" deal
- Encouraging the parties to distance themselves from the day-to-day language associated with disputes (such as "litigation-risk", "percentage chances", "escalating costs", "risks on the day")

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## Career

- Arbitrator/mediator since 2013. Full-time from 2015
  - JPMorgan Chase & Co (Investment Bank - 2008-2015):
    - Managing Director & Assistant General Counsel, Head of the EMEA Commodities Legal team;
    - Member of the EMEA Derivatives Legal Management team;
    - Member of the EMEA Commodities Business Management team;
    - Member of the Global Commodities Business Physical Risks Committee
  - Clifford Chance - Maritime/Commodities dispute resolution team (1987-2007) (Very short time at Holman Fenwick Willan in 2008)
  - English Solicitor (since 1987)
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## Professional Memberships

- Member of the UK Incoterms 2020 re-drafting Group
- Member of the Arbitrators' Club - Commodities Section; Financial Services Section, Oil & Gas Section
- Member of the Baltic Exchange
- Member of the Chartered Institute of Arbitrators (MCI Arb)
- Member of the Federation of Oils, Seeds and Fats Association (FOSFA)
- Individual Member of The Grain and Feed Trade Association (GAFTA)
- Member of the International Chamber of Commerce (ICC)
- Member of the ISDA Arbitration Working Group
- Member of the London Court of International Arbitration (LCIA)
- Full Member of the London Maritime Arbitrators Association (LMAA)
- Approved arbitrator of the London Metal Exchange Arbitration Panel (LME)
- Trained with and Accredited by the London School of Mediation (LSM) who are accredited by the Civil Mediation Council (CMC)
- Solicitor of the English High Court
- Admitted to the Freedom of the Worshipful Company of Shipwrights

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## Banking & Financial Services

- Book sales & purchases
- Derivatives - financially and physically settled (listed derivatives; OTC under ISDA and other master agreements. Forward freight agreements. Mis-selling claims; repos)
- Futures exchanges (trading, hedging and clearing on exchange: LME, LIFFE, ICE Europe, CME, etc)
- Hedging; Liquidity Providers/market makers (OTC derivatives and futures and options)
- Inventory financing and trade finance (providing working capital; taking security over plants/facilities/manufactured products at different stages)
- Insolvency issues (e.g. acceleration; assignment)
- Joint ventures (reps and warranties; allocation disputes of profit and expenses)
- Lending (multicurrency revolving facilities; asset-backed/secured lending)
- Mergers, Acquisitions and Divestments (shares and assets; experience of integrating global businesses and divesting global businesses; post-closing price adjustments; reps and warranties)
- Miscellaneous disputes ("fat finger"; appropriateness of trades; disputes under Sale & Purchase Agreements of global businesses;

Confirmation issues)

- Regulatory investigations (USD payments through sanctioned countries; EU Competition investigations; alleged oil market squeezes)
- Security & collateral (e.g. letters of credit, guarantees, escrow funds); margin and collateral calls, including enforcement
- Structured finance - structured securities/notes, investment programmes for retail structured products

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## **Commodities & Maritime, Construction & Energy**

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- Admiralty (general average etc.)
  - Bills of lading (including drafting terms and conditions)
  - Carriage of goods by road, rail, pipeline, air and sea
  - Chartering, including COAs (bare boat, time and voyage)
  - Commodities of all types, including:
    - Agricultural and softs (e.g. coffee, cocoa, grains, potatoes, soya beans, sugar etc.)
    - Bullion and PGMs (gold, silver, platinum, palladium)
    - Coal
    - Emissions and carbon credits
    - LNG, natural gas (UK and Continental Europe)
    - Metals (ferrous and non-ferrous. E.g. copper, aluminium, iron ore, steel etc.)
    - Oil (crude, products, refined, bio fuels)
  - Containerised and liner trading (VSAs, slot/cross space charters, consortia etc.)
  - CTL/ATL - mv DERBYSHIRE/KOWLOON BRIDGE/KATERINA P
  - Drilling platforms/rigs
  - Electronic trading (e-commerce)
  - Energy (see E&P below; global oil and coal; gas and power in UK/Conti Europe; offshore, pipeline, construction, floating storages, drilling, rigs)
  - Environmental and hazardous disasters (oil pollution, explosions etc.)
  - Exploration & Production (JV's, PSA and JOA disputes; licensing, concessions etc.)
  - Insurance (goods, ships, storage facilities and warehouses). Policy wording and claims.
  - Marine/shipping (chartering; incidents; fires; cargo issues etc)
  - Miscellaneous (e.g. bribery & corruption, cargo issues, demurrage, laycan, limitations, off hire, performance claims, Q&Q, repudiation,

sanctions, seaworthiness, set-off, title, under-lifting etc.)

- Minerals & Mining
- Sale of goods (e.g. FOB, CIF and all other incoterms; payment by LC's; vessels' nominations and performance; final and binding provisions; etc.)
- Ship sale and purchase (Disputes under NSF 1987/1993)
- Ship yard disputes (shipbuilding/shiprepair disputes; refund guarantees; expert determination clauses; enforceability of liquidated damages for defaults; deposit; "milestones"; "permissible", "non-permissible" and "excluded" delays)
- Storage and related issues (oil and oil products - oil storage in over 50 locations)
- Title and other similar documents in all different contexts (e.g. holding certificates, warehouse warrants, etc.)
- Warehousing (responsibility for a warehousing business in over 15 jurisdictions covering ags, softs, metals and steel for a number of Exchanges)
- Vaulting (bullion and PGMs)

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## Education

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- Law degree at Queens' College, Cambridge (LLM Cantab)
  - Law degree at University College London (LLB Hons)