

**JAMES CLANCHY, FCI Arb
ARBITRATOR**

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In independent practice since April 2016 – institutional and ad hoc appointments; eleven awards made
Associate Member of Six Pump Court chambers, London – since November 2019
Aspiring Full Member of the London Maritime Arbitrators Association (LMAA) – since April 2018
Avocat au Barreau de Paris, 1994 – 2008 – knowledge and experience of civil law and practice
Registrar of the London Court of International Arbitration (LCIA) 2008 – 2012 – valuable insights
Third-party funding and After The Event (ATE) insurance – two years assessing and managing claims
Shipping, international trade, commodities, oil and gas, cruise and travel – industry knowledge
Africa – cases involving Algeria, Tunisia, Libya, Nigeria, Senegal, Mali, Côte d’Ivoire, Malawi, South Africa

EXPERTISE

More than thirty years’ experience of handling disputes arising from international commerce, including financial and insurance aspects, as solicitor, claim assessor, and arbitrator, for companies, sole traders, joint ventures, banks, insurers, funders, in-house lawyers, and brokers, in court, mediation and arbitration.

Shipping

As arbitrator:

- *Six appointments by LMAA President as sole arbitrator in time and voyage charterparty disputes*
- *Party appointments in six LMAA arbitrations: Bills of Lading, MoAs (Norwegian Saleform 2012), offshore support (Supplytime 2017), yacht management*
- *Institutional appointment as sole arbitrator by Danish Institute of Arbitration: bunker supply dispute*

As solicitor, acted for shipowners, charterers, P&I and Defence Clubs, ship managers, cargo insurers, banks, port agents, shipbrokers, and cruise operators in *ad hoc* arbitration (LMAA), LCIA, Commercial Court and Court of Appeal in London, Chambre Arbitrale Maritime de Paris.

Collaborated with and supervised lawyers in French courts, Belgium, Netherlands, Germany, Malta, Cyprus, Algeria, Tunisia, Nigeria, Liberia, Bénin, Ghana, South Africa, UAE, Hong Kong, Singapore, South Korea, Thailand, Pakistan, India, Canada, USA.

Visited vessels (containers, general cargo, reefer, cruise, superyacht), took evidence and attended court in Rotterdam, Antwerp, Paris, Le Havre, Rouen, Nantes, Marseille, Naples, Valletta, Algiers, Tunis, Istanbul

Articles:

- *Cruising Towards Strict Liability for Holiday Claims*, Lloyds List 27.11.2002
- *The Athens and Warsaw Conventions in the English Courts*, IBA Newsletter May 2005

Commodities, oil and gas

As arbitrator:

- *Appointed by LCIA Court in a DIFC-LCIA arbitration (Dubai seat): metal trading dispute*

As solicitor, acted for producers, traders, shipowners, charterers, and cargo insurers in LCIA, GAFTA, FOSFA, RSA, LMAA arbitrations, mediations and court in relation to sale and purchase, production sharing, carriage and insurance of crude oil, rice, corn, wheat, soya beans, palm oil, sugar, steel, scrap metal, cement.

Substantial experience in the sale and carriage of rice and corn to North and West Africa from eg India, Vietnam, Thailand, Ukraine, acting for traders, brokers, charterers, and underwriters in numerous disputes relating to quality and condition, certificates final, moisture damage, infestations, dangerous cargoes, rejection of goods, frustration of contract, performance bonds, working with local correspondents and experts.

Lecturer on GAFTA training courses for traders and arbitrators in Tripoli (Libya), Madrid, Cambridge, London

Financing and insurance

As solicitor, handled debt collection and mortgage claims for banks, disputes between traders relating to letters of credit and on demand guarantees, claims against insurers for trade disruption, legal expenses coverage, cargo loss and damage, pursued subrogated claims and defended cases for liability insurers.

As Registrar of the LCIA, in the wake of the global financial crisis in 2008, administered arbitrations arising from loan agreements, guarantees, ISDA Master Agreements; promoted use of arbitration by banks.

As case assessor for ATE insurers and third-party funders, reviewed claims against banks by small businesses, notably in relation to interest rate swaps; advised on ATE policies and waterfall agreements.

Arbitration Law, Procedure, and Regulation

As solicitor, in Commercial Court in London, obtained and challenged anti suit injunctions for breaches of London arbitration clauses; Arbitration Act 1996, s44 applications for preservation of evidence; ss67 and 68 challenges to arbitration awards; in France, obtained *saisies conservatoires* as security for arbitration claims

As LCIA Registrar, oversaw the administration of more than 1000 arbitrations under LCIA and UNCITRAL Rules, including appointments of tribunals, challenges to arbitrators, determination of arbitration costs

Co-author of *A Commentary on the LCIA Arbitration Rules 2014* – published by Sweet & Maxwell (2015)

Speaker on arbitration, costs, and ethics at conferences in UK, France, Hungary (2009), Poland (2010), Ghana (2010), Russia (2011), Norway (2011), Croatia (2015), Denmark (2017), Turkey (2017), Slovenia (2018), Portugal (2018), Ukraine (2018), Washington DC, USA (2019), Brazil (2020)

Articles:

- *Navigating the Waters of Third Party Funding in Arbitration*, Arbitration, Vol 82, No.3, Aug 2016, pp222-232
- *Rigorous steps short of champerty*, New Law Journal, Vol 167 7738, 17 March 2017
- *Conflicting Perceptions of Ethics in International Arbitration*, with Cherine Foty, Arbitration, Vol 85, No. 2, May 2019, pp185 -202

Memberships:

- London Maritime Arbitrators Association (LMAA) (Aspiring Full Member)
- London Court of International Arbitration (LCIA) (European Users' Council)
- Emirates Maritime Arbitration Centre (EMAC) (Arbitrators Panel)
- Singapore Chamber of Maritime Arbitration (SCMA) (Arbitrators Panel)
- Minor Metals Trade Association (MMTA) Arbitration Panel
- London Chamber of Arbitration and Mediation (LCAM), attached to London Chamber of Commerce and Industry, board member
- Chartered Institute of Arbitrators (CIArb) (Fellow; London Branch, Hon Secretary; Professional Conduct Committee)
- Worshipful Company of Arbitrators (Liveryman)
- IDR Group (Hon Treasurer)
- Commodities Arbitration Club
- Oil and Gas Arbitration Club
- Francophone Arbitration Club of London (co-organiser)

CAREER SUMMARY

- Apr 2016 - : ARBITRATOR IN INDEPENDENT PRACTICE**
Associate Member (Arbitrator), Six Pump Court Chambers (since November 2019)
and
LEXISNEXIS (BUTTERWORTHS LTD), London
Professional Support Lawyer, Lexis@PSL Arbitration (part time)
Content provider/legal writer for online practical guidance service on arbitration
- 2015 – 2016: STEPHENSON HARWOOD LLP**, Solicitors, London
Senior Associate, International Arbitration Group
Interim role providing senior level assistance in major LCIA oil and gas arbitrations
- 2012 – 2014: THOMAS MILLER & CO LTD**, London
Senior Legal Advisor, Thomas Miller Legal (ATE Insurance and Third Party Funding)
Assessing and managing claims, including commercial and investment arbitrations
- 2008 – 2012: LONDON COURT OF INTERNATIONAL ARBITRATION (LCIA)**, London
Registrar and Deputy Director General
Heading up the casework secretariat and assisting with business development
- 1994 – 2008: HOLMAN FENWICK WILLAN**, Solicitors, London
Senior Associate, Trade & Energy Group
Commercial dispute resolution with focus on shipping, energy, commodities, cruise and travel
- 1988 - 1994: WITHERS**, Solicitors, London and Paris
Trainee and Assistant Solicitor (litigation and arbitration)
After qualifying into litigation in London, moved to Paris in 1991, focussing on shipping and commercial dispute resolution, including London and Paris arbitration, and training as avocat
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EDUCATION / QUALIFICATIONS:

- 2015 **Chartered Institute of Arbitrators, London**
Admitted as a Fellow (FCIArb), November 2015
- 1991-93 **Ecole de Formation du Barreau, Paris**
Stage Conseil Juridique (French bar training course)
Admitted to the Paris Bar (*Avocat à la Cour*), Sep 1994 (withdrew from roll in 2008)
- 1990 **Solicitor (England and Wales)**, admitted November 1990 (non-practising since 2019)
- 1986-88 **City of London Polytechnic**
Law Society Final Examination
Common Professional Examination
- 1982-86 **St Anne's College, University of Oxford**
BA and MA, Classics and Modern Languages (French)

Languages:

- English (native)
- French (fluent, including commercial, legal, maritime)