

Achieving fast, innovative and cost-effective dispute resolution for businesses

## James Clanchy – Arbitrator

### OVERVIEW

James Clanchy, FCI Arb is a full-time arbitrator in independent practise and an associate member of Six Pump Court chambers in London.

As an arbitrator, he has taken appointments in ad hoc and institutional arbitrations, seated in London, Dubai and Copenhagen, as a sole arbitrator and as a member of two and three member tribunals. His cases have largely concerned shipping, commodities trading, and financial services. He has written more than 20 awards.

He is a solicitor in England & Wales (admitted 1990, non-practising since 2019) and was an avocat at the Paris bar from 1994 to 2008. He spent 20 years as a commercial disputes lawyer in London and Paris, with Withers, Holman Fenwick Willan, and Stephenson Harwood. He was Registrar and Deputy Director General of the London Court of International Arbitration (LCIA) for four years (2008 to 2012) and is co-author of A Commentary on the LCIA Arbitration Rules 2014 (Sweet & Maxwell, 2015).

### EXPERTISE

- Shipping
- Commodities, Oil and Gas
- Finance and insurance
- Arbitration Law, Procedure, and Regulation

### EXPERIENCE

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, claim consultants, and brokers, in arbitration, mediation and court.

#### As arbitrator

- More than 35 appointments as sole arbitrator, co-arbitrator, and Chair in LMAA ad hoc arbitrations under the LMAA Terms, Intermediate Claims Procedure, and Small Claims Procedure: time and voyage charterparties, Bills of Lading, MoAs (Norwegian Saleform 2012), offshore support, yacht management, container leases, bunker supply, cruise crew claims.
- Institutional appointments as sole arbitrator by Danish Institute of Arbitration: 2 bunker supply disputes.
- Selected and appointed as sole arbitrator by LCIA Court in a DIFC-LCIA arbitration (Dubai seat): metal trading dispute, UAE governing law.
- Selected as presiding arbitrator by two co-arbitrators and appointed by LCIA Court in an LCIA arbitration (London seat): sale and purchase of coal, English governing law.
- Appointed twice by CI Arb as sole arbitrator under Business Arbitration Scheme: loan agreement.

#### As solicitor

- Acted for shipowners, charterers, P&I and Defence Clubs, ship managers, cargo insurers, banks, port agents, shipbrokers, crew 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, Spain, Portugal, Gibraltar, Greece, Cyprus, Russia, Georgia, Algeria, Tunisia, Nigeria, Liberia, Bénin, Ghana, South Africa, UAE, Hong Kong, Singapore, China, South Korea, Thailand, Pakistan, India, Canada, USA.

- Visited vessels (containers, general cargo, reefer, cruise, superyacht), took evidence and/or attended court in Rotterdam, Antwerp, Paris, Le Havre, Rouen, Nantes, Marseille, Naples, Valletta, Algiers, Tunis, Istanbul.
- 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.
- 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, administered arbitrations arising from loan agreements, guarantees, ISDA Master Agreements. As case assessor for ATE insurers, reviewed claims against banks by small businesses, notably in relation to interest rate swaps; advised on ATE policies and waterfall agreements.
- 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).
- 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.

## 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).

## CAREER HISTORY

- Apr 2016 - : ARBITRATOR IN INDEPENDENT PRACTICE, London. Associate Member (Arbitrator), Six Pump Court Chambers (since November 2019). Honorary Secretary, LMAA (since September 2021) Full-time arbitrator from April 2022.
- 2016 – 2022 LEXISNEXIS (BUTTERWORTHS LTD), London. Professional Support Lawyer; Lexis@PSL Arbitration (part time). Content provider/legal writer for online practical guidance service on arbitration.

## Contact

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