



James Brown

Partner

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PRACTICES Shipping, Shipping Dispute Resolution, Offshore Oil and Gas, Offshore Oil and Gas Dispute Resolution, Energy Litigation, Energy, Power and Natural Resources, Europe, Middle East and Africa, International, International Arbitration, Litigation, Oil and Gas, Oil and Gas Litigation

James Brown is a solicitor advocate with more than 19 years of experience as a disputes lawyer. International clients seek James's representation in complex, high-value litigations and arbitrations concerning engineering and construction matters in the shipping, superyacht, and offshore oil and gas sectors, as well as in respect of the employment of assets in these sectors. James also maintains a general commercial disputes practice acting for clients in sectors as diverse as telecoms, engineering/construction, banking/financial services, oil and gas, renewables, aviation, IT, and retailing.

In recommending James in the shipping section, *The Legal 500 UK (Legalease)*, the international directory of law firms, has previously noted that he is "approachable, pragmatic and responsive to client needs." In addition, it has reported that James is "highly attentive and keeps clients informed," is a "key figure" who "regularly handles arbitration and litigation," and that he "provides tremendous attention to detail in high-value technical disputes."

Acting for clients in the offshore oil and gas and shipping sectors, James has particular experience in respect of claims arising from contracts for the design and construction of offshore oil and gas vessels (including rigs, pipelaying vessels, heavy lift vessels, LNG carriers, oil and product tankers, and offshore support vessels) as well as commercial vessels and superyachts, and from contracts for their long-term employment. Often matters are concerned with responsibility for delay and related cost-overruns or defects/ warranty issues, or with appealing, challenging, and/or enforcing court and arbitral awards resulting from such claims.

James pursues and defends claims in both the English High Court (including the Commercial Court and Technology and Construction Court) and in arbitration pursuant to rules including those of the London Maritime Arbitrators Association (LMAA), the London Court of International Arbitration (LCIA), and International Chamber of Commerce (ICC), as well as the UNCITRAL rules and those of the Chartered Institute of Arbitrators. James also assists clients to obtain orders (including freezing orders and asset disclosure orders) from the English court in support of both domestic and foreign court or arbitral proceedings, and directs and manages related foreign court or arbitral proceedings, including proceedings concerning the enforcement of awards and judgments.

James regularly writes, lectures, and provides seminars on current dispute resolution issues, and has been published including in *Lloyd's List* and *The Construction Law Journal*. He is a co-author of a chapter on Offshore Vessel Construction Disputes in Global Arbitration Review's Guide to Energy

Arbitrations (*Fourth Edition*) and is the author of *Making The Most Of Leaner Times: A Contractor's Guide to Common English Law Issues*.

QUALIFICATIONS

EDUCATION

- B.A., Jurisprudence, St Edmund Hall Oxford, 1998
- Legal Practice Course, Oxford Institute of Legal Practice, 1999

ADMISSIONS

- England and Wales
 - Solicitor Advocate, Higher Rights of Audience (Civil)
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SELECTED CLIENT REPRESENTATIONS

Shipping and Offshore Oil and Gas Litigation and Arbitration

- Acting for a Korean shipyard in London arbitration defending claims by buyers of highly advanced "floating LNG" vessels for the return of instalments paid and counterclaiming for repudiatory breach of the shipbuilding contracts.
- Acting for one of the largest owners of oil/product tankers in London arbitrations against a shipyard which failed to perform four shipbuilding contracts for new tankers. Pursuing proceedings in various jurisdictions to enforce the awards successfully obtained.
- Acting for oil/product tanker owner in English High Court proceedings against a shipyard for alleged renunciation of an option agreement for up to 12 new build product tankers. Successfully resisting a jurisdiction challenge by the shipyard. Managing and directing the conduct by foreign lawyers of associated overseas "parallel proceedings" seeking a declaration of no liability.
- Acting for a Turkish shipyard pursuing claims relating to services provided in respect of an offshore accommodation platform, obtaining a favorable settlement for the client.
- Acting for offshore support vessel owner in London High Court proceedings concerning defects in respect of an offshore access system.
- Acting for engineering services company in a London arbitration in respect of delay and disruption claims on both sides arising from a sub-contract for a large steel fabrication project in respect of a pipelaying vessel.
- Acting for owner of substantial pipelaying vessel in a London arbitration against a Korean shipyard concerning the construction and operation of a "price adjustment mechanism" in the shipbuilding contract.
- Acting for a rig owner in High Court proceedings defending and pursuing substantial delay and disruption claims by/against a contractor in respect of a contract to upgrade and refurbish an oil rig.
- Acting for a ship owner in respect of the termination of two shipbuilding contracts with a Chinese yard for excessive delay. Obtaining full refunds pursuant to the refund guarantees of the instalments that had been paid.
- Acting for owner of a number of vessels pursuing claims against a Korean yard for defects in a "ballast water treatment system" incorporated on the owner's new build projects.
- Acting for a yard in connection with warranty claims arising out of a superyacht construction project.

International Commercial Litigation and Arbitration

- Acting for a U.S. client resisting claims by a Scottish company alleging breaches of a licence agreement concerning the use in various U.S. states of certain on-line educational material.
- Advising a U.S. fund on the potential to bring claims in the London High Court against various parties to a suite of documents for the financing of a high-end London restaurant.
- Acting for a tech company resisting a claim advanced by corporate fundraisers for a success fee claimed to be due.
- Acting for a construction company against a State in a Paris-seated ICC arbitration concerning a road construction project, with claims running to several hundred million Euros. *
- Acting for Motorola in efforts to enforce against a Turkish family a US\$ billion arbitration award obtained in respect of a fraud arising from the establishment of mobile telecoms services in Turkey. *
- Acting for a State against a Korean conglomerate in a London-seated ICC arbitration concerning a joint venture for the development and operation a hotel in the State capital. *
- Acting for a property development company obtaining a freezing injunction from the High Court and bringing proceedings against a former employee and agent who was wrongfully seeking to exploit commercial rights generated during the course of his employment. *
- Acting in a London arbitration under the CIArb rules for a leading jeans-wear brand against a supermarket chain concerning the wrongful termination of the supply agreement. *
- Acting for a State oil company in High Court proceedings against its insurers and reinsurers concerning the ownership of a substantial sum of insurance premium. *
- Acting for an ExxonMobil group company in connection with its obtaining a US\$12billion worldwide freezing order from the London High Court against PDVSA, the Venezuelan state oil company. *
- Acting for a company in the business of chartering Boeing 747 aircraft in an LCIA arbitration against an Asian airline concerning the wrongful termination of a number of charters. *
- Acting for an Indian life sciences company in a London LCIA arbitration concerning whether it was required to pay a “success fee” to a bank upon the completion of a merger by that company with another. *
- Acting for the representative of a group of predominantly Icelandic investors pursuing claims in the Chancery Division of the High Court against Kaupthing Bank and an investment vehicle of Robert Tchenguiz to establish an entitlement to the proceeds of certain sums resulting from the acquisition and disposal of the Somerfield supermarket chain by Robert Tchenguiz’s investment vehicle. *
- Acting for a provider of services to the UK government (pursuing claims against the UK Border Agency represented by the Secretary of State for the Home Department) in £10m+ claims in the High Court for payment and defending counterclaims alleging fraud and unjust enrichment relating to the provision of accommodation and subsistence services to asylum seekers. *
- Acting for an individual pursuing claims against the owners of an online dating website seeking to enforce an alleged agreement pursuant to which the individual was to acquire a substantial interest in the company in recognition of his technical contribution to the establishment of the website. *

* Matter handled at a previous firm.