



Michael Howard KC

Called: 1971

Silk: 1986

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Leader of the Admiralty Bar (2000 – date)

Michael is a commercial lawyer who specialises principally in maritime law, covering all areas of that discipline, both wet and dry and acting as adviser, as advocate and as arbitrator. He also acts as an expert witness on English law before foreign tribunals.

He advises and acts as advocate in domestic and international commercial disputes, in particular in disputes concerning sale contracts, agency agreements, insurance and re-insurance matters, supply and distributorship agreements, technical disputes (usually concerned with ship construction or with quantification of damages), maritime contracts (charterparties, bills of lading, COAs, marine policies etc) and marine casualties (including wreck removal and salvage). He also drafts contracts and contractual terms.

He also frequently acts as arbitrator in shipping and other commercial cases. His first appointment was in 1983, since when he has been appointed several hundred times by parties, arbitrators or arbitral bodies as arbitrator, either sole or as one of a panel (in the latter case usually, but not invariably, as umpire or chairman of arbitral tribunal).

He has been appointed as an ICC arbitrator and an LCIA arbitrator. He is a member of the LCIA Company, a member of the Singapore Chamber of Maritime Arbitration and a supporting member of the L.M.A.A. He was a member of the Panel of Salvage Arbitrators appointed by the Council of Lloyd's from 1989 to 2009.

He has been an ADR accredited mediator since 2004.

He has acted on a number of occasions as an expert witness on English law. He has given written expert evidence of English law in a variety of foreign jurisdictions, including Belgium, China, Greece, Norway, Louisiana and Alabama, and has given oral expert evidence in Norway and in Texas.

What the directories say

- *"He is well-known for his longstanding experience in shipping work."*(Legal 500, 2021)
- *"He is well-known for his longstanding experience in shipping work."*(Legal 500, 2020)
- *"Extremely well regarded."*(Legal 500, 2019)
- *"...A silk with vast experience..."*(Legal 500, 2017)
- *"...He brings an excellent knowledgebase to his cases..."*(Legal 500, 2016)

Shipping

Michael has been the Leader of the Admiralty Bar of England & Wales since 2000.

As Counsel, he has appeared in cases relating to all aspects falling within the jurisdiction of the Admiralty Court, including numerous wreck inquiries, disputes relating to oil pollution or pilotage, prosecutions for negligent navigation resulting in collision or near collision and limitation actions. In addition, he has successfully conducted section 471 Inquiries for the Department of Trade relating to prosecution of merchant naval officers for alleged deficiencies in their navigational capabilities, with a view to removing their Master's tickets.

He has acted as arbitrator in collision disputes and was a member of the panel of salvage arbitrators appointed by the Committee of Lloyd's from 1987 to 2009. He has sat as a Recorder of the Crown Court for over 25 years, sitting 3 or 4 weeks a year as a judge in criminal cases involving personal injury and cases in which the concept of recklessness has been central to the prosecution.

Michael has acted in virtually all areas of dry shipping both as advocate and as arbitrator. Disputes arising out of charterparties and bills of lading, cargo claims, marine insurance (and reinsurance), shipbuilding and shipsale disputes. The overwhelming majority of these have been in arbitrations. He thinks he is unusual in having acted as advocate and as arbitrator in disputes about general average.

International Arbitration

Michael frequently acts as arbitrator. His first appointment was in 1983, since when he has been appointed several hundred times by parties, arbitrators or arbitral bodies as arbitrator, either sole or as one of a panel (in the latter case usually, but not invariably, as umpire or chairman of arbitral tribunal). He has acted as such in a wide range of maritime disputes and has also been the sole arbitrator or one of the three arbitrators hearing several straight commercial disputes. Virtually all the arbitrations in which he has figured as arbitrator have been international arbitrations and the overwhelming majority have no English parties at all.

Michael has been appointed as an ICC arbitrator and an LCIA arbitrator. He is frequently appointed umpire or third arbitrator by members of the LMAA. He is a member of the LCIA., a supporting member of the LMAA. and a member of the Panel of Salvage Arbitrators appointed by the Council of Lloyd's.

Banking

Michael is an accredited mediator, and is enthusiastic about hearing mediations, though he has so far heard only one mediation as mediator (a settlement was reached).

Commercial Dispute Resolution

Michael acts in general commercial disputes relating to contracts: e.g he has advised on the sale of a haulage business and has acted as arbitrator in relation to a sole distributorship agreement. He has acted both as advocate and arbitrator in relation to international sales of goods where the disputes have no shipping dimension. He has very occasionally become involved in pure corporate disputes (protection of minority shareholders, disqualification of directors).

Although the cases involved were shipping cases, Michael was the one of the architects of two major changes in English commercial law, being successful junior counsel in *N.Y.K. v Karageorgis* [1975] 1 W.L.R. 1093 (C.A.) (the case in which Mareva injunctions were invented) and *The Despina R, The Folias* [1979] A.C. 685 (H.L.) (the case which established that unliquidated damages are recoverable in currencies other than sterling).

Insurance

Michael has acted as adviser and advocate in both insurance and reinsurance cases. Most of his work in this area has been in the field of marine insurance and reinsurance, but he also has acted in general land-based insurance relating to e.g. fire and business interruption insurance. Most of his work has been in the field of direct insurance; but he has done a certain amount of re-insurance work, mainly but not exclusively in the marine field throughout his career.

Alternative Dispute Resolution

Michael is an accredited mediator, and is enthusiastic about hearing mediations, though he has so far heard only one mediation as mediator (a settlement was reached).

Shipbuilding

Michael has been instructed in a wide range of shipbuilding and related construction projects.

Energy

Michael has experience in disputes relating to the construction of platforms and onshore/offshore oil and gas facilities, as well as the purchase and/or hire of oil rigs and platforms.

Academic

MA, BCL (Oxon) 1970

Lecturer in Law, University of London (L.S.E.) 1970-74; Visiting Professor of Law, University of Essex, 1987-1992; Visiting Professor of Maritime Law, University College, London, 1996-99; Visiting Professor of Law, Tulane University (2011- date); Member of Editorial Board of Lloyd's Maritime and Commercial Law Quarterly.

Awards

Open Exhibition, Magdalen College Oxford (1964)

Johnson Exhibition (College Law Prize), Magdalen College, Oxford (1967)

Prize for 1st Class Honours in BCL, Magdalen College, Oxford 1970

Ranking



Other qualifications

Accredited Mediator

Publications

Foreign Currency: Claims, Judgments and Damages (with J A Knott and J A Kimbell)

Phipson on Evidence 12th Ed, 1976 (joint editor); 13th Ed 1983 (joint editor); 14th Ed 1990 (general editor); 15th Ed (2000) (general editor).

Frustration and Force Majeure (Ed McKendrick) (1st Ed 1991, 2nd Ed 1995) (contributor of chapter Frustration and Shipping Law);

Consensus ad idem: Essays for Guenter Treitel (1996, ed Rose) (contributor of chapter Foreign Currency Judgments in Contractual Claims)

Halsbury's Laws of England: title – Damages

Butterworths' Commercial Court and Arbitration Pleadings (2005) (contributor of chapter Shipping – Time Charterparties)

Palmer on Bailment (3rd Ed 2009) (contributor of chapter Bailment and Shipping Law)

Articles

Refreshment of Memory Out of Court [1972] Crim.L.R. 351

Valuation in Salvage Cases: Damage, Damages and Remoteness (1975) 91 L.Q.R. 502

The Neutral Expert: a Plausible Threat to Justice [1991] Crim.L.R. 98

Floating Choice of Law Clauses [1995] L.M.C.L.Q. 1

Various Notes, Reviews and Review Articles in M.L.R., L.M.C.L.Q. etc.

Appointments

Recorder of Crown Court (from 1989)

Leader of Admiralty Bar (from 2000)

Languages

Working knowledge of French