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## William Mitchell

Called: 2017

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Will has a broad and busy commercial practice encompassing all areas of Chambers' work, including contractual disputes, shipping, insurance, banking and finance, international arbitration, information technology, aviation, jurisdictional disputes, and insolvency. Additionally, he is also regularly instructed on gambling disputes, and appears as sole counsel for the Claimant against TSE Malta LP (t/a Betfair) (LM-2021-000010) in a 12-day hearing due to come before the London Circuit Commercial Court in July 2024.

Will regularly appears as sole counsel in the High Court and County Court and in arbitrations under LMAA, ICC, LCIA, ICSID, UNCITRAL, and ICC rules. He also frequently acts as a junior counsel on complex matters and is particularly sought after in relation to disputes involving scientific, engineering, or technical issues.

Will has appeared as junior counsel in two The Lawyer "Top 20" cases: *ABN Amro Bank NV v Royal and Sun Alliance & Ors* [2021] EWCA Civ 1789, [2021] EWHC 442 (Comm) led by Luke Parsons KC at first instance and Peter MacDonald Eggers KC in the Court of Appeal, and *Tata Consultancy Services Limited v Disclosure and Barring Service* (HT-2020-000448) led by Simon Croall KC. Judgment is awaited in the latter, a large scale and complex IT dispute which came before the TCC for a 9-week trial in 2023.

Will is presently advising in several urgent matters concerning the Red Sea crisis and has previously completed a secondment at a leading City insurer.

Will joined Chambers following a successful previous career as a social worker and provides advocacy and support to the Gypsy and Traveller community through his pro bono work.

Other recent highlights include:

- *Various claimants v X plc & Ors*. Will, led by Yash Kulkarni KC, and initially advising as sole counsel, acts for investors in relation to a large representative / group action under s.90 / s.90A of FSMA. The claim relates to the production of prospectuses and published information that allegedly misled investors as to the extent of bribery and corruption in which it was involved around the world for several decades. Will acts on behalf of a group exceeding 100 claimants seeking remedies including more than £250m in damages.
- *Nissan Motor Manufacturing v Fiamm SpA*. Will acted for Nissan in the TCC in a €130m claim for the provision of defective batteries that led to a breakdown in Nissan vehicles on an epidemic scale, led by Yash Kulkarni KC. The case involved highly technical scientific issues concerning lead acid batteries and electrical management systems with experts in 4 separate disciplines and multiple factual witnesses. The trial was split with 6-weeks on liability, 1-week on quantum and later oral closings. The case settled before judgment in early 2022.

### What the directories say

- "Will gives clear and pragmatic advice. In written submissions, he is excellent at articulating the client's best case in a concise and persuasive manner." (Legal 500, 2024)
- "William has a fantastic way of grasping the key issues and finding novel arguments to run in a complex area of

law.”(Chambers UK, 2024)

- “He is a deep thinker and has excellent knowledge of the area.”(Chambers UK, 2024)
- “William is always willing to answer any questions that we or the lay client might have. He is very forward-thinking and comes across very well in his advocacy.” (Chambers UK, 2023)
- “William leaves no stone unturned when considering, advising upon and preparing a case.” (Chambers UK, 2023)
- “Offers great insights into quantum arguments in particular in relation to multijurisdictional banking disputes. Extremely numerically literate.”(Legal 500, 2023)
- “A hardworking and bright junior, who has a mature approach to litigation.”(Legal 500, 2023)

## Commercial Dispute Resolution

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Will has a busy and wide commercial practice both in litigation and arbitration. He is regularly instructed on complex cases including recently: (i) an IT dispute exceeding £300m involving the supply of an allegedly deficient IT system; (ii) issuer liability claims pursuant to s.90/90a FSMA; (iii) a defective goods claim for EUR120m concerning lead acid batteries; (iv) an alleged breach of UK/EU/US sanctions concerning the carriage of a commodity.

Will also regularly advises and acts in relation to jurisdictional and interim matters. Recent highlights include: advising in relation to jurisdictional issues in a personal injury case on a cruise vessel, an application for an anti-suit injunction in support of arbitration; successfully resisting an application to extend an injunction under s.187B of the Town & Country Planning Act; successfully applying for relief from sanctions in relation to late service of a claim form; and successfully applying, led by Nigel Cooper QC, for security for costs.

Other illustrative examples include:

- Advising, led by Jeremy Richmond KC, in relation to alleged breach of confidence and breach of a tendering contract arising from a company sharing sensitive commercial information with the client's competitors.
- Advising, led by Jeremy Richmond KC, in relation to non-payment under an on-demand letter of credit. Issues arising concerned novel aspects of the UCP 600.
- **Company A v State B**. Advising Company A, led by Guy Blackwood KC, in relation to a potential claim for actionable expropriation of Company A's assets by State B under a Bilateral Investment Treaty.
- **MacDonald Resorts Ltd v David Rendle** (E8QZ354H). Acted for the Defendant in relation to monies owed under a timeshare agreement. Successfully negotiated a very favourable settlement before trial despite the Claimant having successfully pursued multiple other defendants on similar facts.
- **Scallion v Platinum Gaming Ltd** (G87YX830). Successfully applying, on behalf of the Defendant, to strike out the claim following improper service and inordinate delay and resisting applications to retrospectively validate service.
- Acting in a wide range of procedural matters including applications to set aside default judgment, to rely on additional witness evidence, for specific disclosure, and for strike out;
- Advising a property developer in relation to a potential sale at an undervalue by LPA receivers and other breaches of duty;
- Advising on the merits of an application under Part 11 for the Court to set aside a claim form on grounds that the claim was in breach of an exclusive jurisdiction agreement.
- During pupillage Will worked with his supervisors on a wide range of commercial matters including applications for interim relief, stakeholder proceedings, and anti-suit injunctions.

## Shipping

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### Dry Shipping

This is one of Will's core practice areas, and he has been instructed on a wide range of bill of lading and charterparty disputes both in court proceedings and arbitrations under all major arbitral rules. He has extensive experience of cargo damage claims including a wide range of bulk cargoes, off-hire claims, bunker disputes, demurrage disputes and other issues. He is presently instructed as sole counsel for the defendant charterers in a dispute exceeding \$2.5m relating to an alleged breach of a sanctions clause.

Other illustrative examples include:

- **Hermes Marine Management S.A and another v Affinity (Shipping) LLP** (CL-2021-000030). Acting for the defendant broker, led by Nigel Cooper QC, in a dispute raising novel issues concerning duties owed by a sole

intermediate broker in relation to the sale and purchase of a vessel. The case settled favourably for Will's clients shortly before trial in 2023.

- **LMAA Arbitration.** Acted for cargo interests as sole counsel in a claim worth US\$1.5m following damage to bulk cargo following water ingress during the voyage.
- A US\$7.7m arbitration. Acting for Claimants, led by Robert Thomas KC, on a claim for cargo damage arising from the prohibition on discharge of a large shipment of Cargo by the Port Authorities at the discharge port. The claim is for loss and damage arising from alleged breaches of contract and/or duty and/or a failure to exercise due diligence to make the Vessel seaworthy.
- Acted for cargo interests in a LMAA arbitration regarding a bill of lading dispute where the parties purported to issue a switch bill in relation to further carriage of the damaged cargo.
- **Brown & Brown v Cackett.** Acted for the Claimants in a claim for their loss and damage following the allegedly negligent survey of a yacht. Successfully achieved a settlement prior to trial.
- **LMAA Arbitration.** Acted for the successful Owners in a LMAA arbitration concerning the true effect of the issuance of switch bills prior to surrender of the original bills and a failure to permit discharge.
- LMAA Arbitration. Advised and acted for the successful Respondent in an arbitration under LMAA rules concerning damage to cargo involving a preliminary issue as to whether claims handlers had authority to accept service of originating process.
- Advising and drafting claim submissions in relation to a demurrage claim for \$500k arising from a sanctions clause and withdrawal of a LOI.
- Acted for defendant charterers in relation to the scope of the implied indemnity and costs arising from owners seeking legal advice and surveys.
- Assisted Ben Gardner in drafting defence submissions in a \$16M dispute arising from the charter of a jack-up oil rig in the Cook Inlet, Alaska.
- Acted for owners in a LMAA arbitration concerning the scope of owners' obligations to discharge the cargo.
- Acted in a wide variety of cargo claims, commonly under LMAA rules, concerning cargo damage and shortage issues.

## Wet Shipping

Will is regularly instructed on matters concerning general average, arrest, collision and salvage. He is presently instructed, led by Stewart Buckingham KC, in a matter worth £7m raising novel issues of economic duress, and modification under the Salvage Convention following discharge of cargo after a fire on board: ***Starr Indemnity & Liability Company v The Mersey Docks and Harbours Company Limited*** (AD-2023-000048). He also acted for cargo interests, led by Nigel Cooper KC, in CMCs regarding two large ongoing Limitation Claims (***The Maersk Honam***, ***The Ever Given***).

Other recent cases include:

- Acting a sole counsel for owners in relation to a general average claim arising from a main engine breakdown.
- Advising in relation to a collision between a vessel and rig.
- Advising in cargo owners and charterers as to the prospect of recovery following a collision where the parties had suffered relational financial loss of \$2M.
- Assisting John Kimbell KC in a matter concerning a fatal accident that occurred following a yacht collision in Bermuda.
- Advising in relation to jurisdictional issues on an in rem claim against a Vessel for repair costs.
- Salvage Arbitration. Advising and drafting claim submissions, led by Stewart Buckingham KC, in a high-value salvage matter under a BIMCO WRECKSTAGE charterparty.
- Advising on an application to contest in rem jurisdiction and the requirements of section 21 of the Senior Courts Act 1981 in relation to a 'relevant person'.
- Advising and acting as sole counsel for owners in relation to an injury sustained to a crew member during around the world yacht race.

## International Arbitration

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Will is regularly instructed as sole and junior counsel in arbitrations under various arbitral rules including ICC, LMAA and others. He also developing his practice in investment treaty arbitrations both under the ICSID convention and UNCITRAL rules.

Illustrative cases include:

- Advising with Guy Blackwood KC in relation to a potential ICSID claim worth c. \$100m arising from the alleged expropriation of an investors' assets following state actions.
- An ICC arbitration led by Nigel Cooper KC in relation to a professional negligence claim against the designers of a highly technical racing yacht.
- An ongoing ICC arbitration where Will is instructed as sole counsel representing the Claimants in a matter worth c. \$2M concerning alleged force majeure relating to the issuing of a letter of credit.
- Various arbitrations under LMAA rules relating to cargo damage disputes, bunker disputes, general average claims, demurrage disputes, speed and performance disputes etc.
- He also acts in relation to court proceedings in support of arbitration including anti-suit injunctions and other interim measures.

## International Trade and Commodities

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Will's practice covers a wide range of international trade cases including sales on FOB, CIF, C&F, FAS or other terms. He recently acted as sole counsel for sellers under FOB contract in relation to a \$700k dispute over damage to steel billets.

Recent examples include:

- UNCITRAL Arbitration worth in excess of \$200m. Acted, alongside Joe Sullivan and led by John Russell KC, in a dispute concerning a failure to deliver LNG under a multi-year FOB sale and purchase contract.
- LCIA Arbitration worth c. \$50m. Acting, alongside Joe Sullivan and led by John Russell KC, in a dispute concerning a failure to deliver LNG under a sale and purchase contract.
- Advising, led by Jeremy Richmond KC, in relation to a failure to pay for Condensate delivered under a sale and purchase agreement.

## Insurance

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Having spent time on secondment with a leading London insurer Will is familiar with the Lloyd's market and with a wide range of shipping, aviation, space, and other policies including P&I, H&M, FD&D, K&R, and cargo (including cargo throughput policies and Institute Cargo Clauses). He has particular experience of advising in relation to war risks. Recent examples include:

- ***ABN Amro v Royal Sun Alliance & Others***[2021] EWCA Civ 1789, [2021] EWHC 442 (Comm). One of The Lawyer's "Top 20 of 2020" cases. Acted for Underwriters in a 5-week Commercial Court trial in November 2020, led by Luke Parsons KC and Stewart Buckingham KC, and in the Court of Appeal led by Peter MacDonald Eggers KC. Issues concerned policy coverage and the duty of good faith owed by a broker.
- ***Brit UW Limited & Others v Vesper Maritime Ltd*** (CL-2020-000083). Acted, led by Stewart Buckingham KC, in a claim for damages for breach of an exclusive jurisdiction clause (and injunctive relief) relating to US actions by the Defendant following the alleged constructive total loss of its yacht.
- Will is regularly instructed to advise on coverage issues of which a recent selection include:
- Advised (sole counsel) the purchaser of a policy run-off in relation to payment due under a profit commission clause in a medical insurance policy. The amount in dispute exceeded US\$6m.
- Provided urgent Advice (sole counsel) to an insurer on policy coverage issues arising from the kidnap (and removal from the vessel) of crew and a ransom demand.
- Advised on the scope of 'add-on' cover in relation to a H&M policy with an agreed value in excess of US\$15m following a superyacht fire.
- Advised on an exclusion of contractual liability clause in an Employers' liability policy.
- Advised on the scope of a legal defence costs clause in a General Liability Insurance policy.
- Advised on potential exclusion clauses following a damage to 3rd party property due to an unexpected power surge.

## Aviation & Travel

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Will has experience of a wide range of aviation disputes dealing with the Montreal Convention and Regulation 261/2004, including personal injury claims, both in court and in CEDR adjudications. Recent highlights include:

- ***White v Red Handling UK Ltd and another***(Claim G05YY828). Acted for the defendant in relation to a personal injury claim following alleged injury using passenger steps.

- Acting in the High Court representing the defendant airline in preliminary hearing concerning the identification of an anonymous witness. The claimant, represented at the hearing by Leading Counsel, alleged serious personal injury caused by a spider-bite during the flight. The case was widely reported in the media.
- Acting for the successful defendant airline in striking out a claim made for false imprisonment, torture, assault, and battery during a flight.
- Acting in matters considering the scope of an 'accident' under the Montreal Convention, for example in relation to nut allergies, injury following a chair reclining, and other matters.
- Acting for the successful Defendant airline in a claim considering the meaning of 'denied boarding' where the airline was alleged to have provided incorrect boarding gate information to the passenger.

## Shipbuilding

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Will is developing his practice in this key area of Chambers' work and was led by Nigel Cooper KC and Gemma Morgan in relation to a dispute relating to the design and construction of an America's Cup Yacht which engages complex issues of naval architecture and modelling using numerical (FEA) methods.

During pupillage Will assisted with preparation for a substantive hearing considering whether Class certification was conclusive evidence of contractual compliance and the proper application of *ex turpi causa* following *Patel v Mirza* [2016] UKSC 42.

## Energy

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Will has a developing practice in the field of energy and natural resources and was recently instructed with Ben Gardner in a dispute relating to the hire of a jack-up rig to exploit oil wells in the Cook Inlet, Alaska.

## Insolvency

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Will has been instructed on various matters relating to both personal and corporate insolvency including appearing in the winding-up court. During pupillage he assisted with an Advice as to the merits of an application under s.50 of the Administration of Justice Act 1985 to remove and replace an administratrix who was bankrupt.

## Gambling Disputes & E-Sports

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Will has extensive experience in relation to gambling disputes and related matters. He is regularly instructed both by casinos and customers in relation to issues including: (i) non-payment of jackpots; (ii) software error; (iii) jurisdictional issues; (iv) contractual claims; (v) fraud; (vi) breach of LCCP/contractual terms. He recently appeared for the successful defendant casino operator in defending a claim for monies withheld following improper use of a casino bonus. Other recent cases include:

- *Gibson v TSE Malta LP* (t/a Betfair) (Sole Counsel). Acting for the Claimant in a £1.2m claim arising from losses incurred under gambling contracts. Issues include the proper effect of a breach of the LCCP on underlying contracts. The matter is listed for trial in 2024.
- *Mark Downer v Gamstop* (458MC124). Acting for the National Online Self Exclusion Scheme Ltd in relation to a claim for unpaid gambling wins.
- *X Ltd*. Advising the operator of an online website relating to gambling in relation to a proposed prize competition and regulatory requirements.
- Advising on the scope of a copyright license granted in relation to a e-gaming sponsorship contract.
- Advising on the merits of an application for pre-action disclosure in relation to the non-payment of a jackpot due to software error.
- Representing the Defendant online casino operator in relation to a number of claims alleging breaches of the Licence Conditions and Codes of Practice ("LCCP") and, in particular, the social responsibility code.
- Advising the potential Claimant in respect of a claim against an online casino for in excess of £1m of losses.

## Pro Bono

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Will has an active pro bono practice and is regularly instructed directly by members of the Gypsy and Traveller Community and by non-governmental organisations representing those communities. His recent and ongoing work

includes:

- Acting for the potential claimant in obtaining the successful delivery up of horses detained by the RSPCA.
- Advising on the merits of discrimination claims under the Equality Act 2010 in a wide range of denial of services situations.
- Advising a client in relation to the protection of the Withy Patch Gypsy and Traveller site in West Lancing facing relocation following planning permission for the New Monks Farm Development.
- Appearing for two Irish Traveller families in a successful appeal against a refusal to grant a school place.
- Acting for five clients in a discrimination claim following the denial of service at a pub.

## Academic

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BSc Mathematics, Imperial College, London (First Class)

MSc (Oxon)

Graduate Diploma in Law, Oxford Brookes University (Distinction, 1st in year)

Bar Professional Training Course, BPP (Outstanding)

## Awards

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Lord Denning Scholar, The Honourable Society of Lincoln's Inn

Buchanan Prize, The Honourable Society of Lincoln's Inn

Hardwicke Entrance Award, The Honourable Society of Lincoln's Inn

Excellence Award, BPP

Oxford University Press Law Prize (for the highest performance on the GDL)

## Ranking

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## Publications

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A reach too far? A review of the extra-territorial scope of the Court's powers to support Office-holder's investigations, International Corporate Rescue, Chase Cambria, 2020, Vol 17:5

ICSID arbitration in the age of populism: the case for reform, PLC Arbitration Blog, Jan 2020 2019.

Sabbagh v Khoury and implications for anti-arbitration injunctions, PLC Arbitration Blog, Aug 2019.

## Memberships

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Young ICCA

LSLC

YMP

## In-house Experience

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Leading Insurer, complex claims team

## Personal

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Will sits on the London Advisory Board of the national children's charity Chicks. He has been a long-standing advocate for the Gypsy, Roma and Traveller community and is happy to consider pro bono instructions in related matters.