



Paul Henton

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Paul is an experienced Commercial practitioner recommended in the directories for Shipping, Energy, Aviation, Commodities and International Trade.

He has been recommended in the directories for many years. He is recommended in Chambers UK, Chambers Global, Legal 500 UK, Legal 500 Asia Pacific and Who's Who Legal. In the current (2023) editions, he is described as *"extremely bright, diligent and reliable"* (Chambers & Partners, 2023, Shipping & Commodities); *"very assured, [having] an incredible eye for detail and ... very keen to do a great job"* (Chambers Global 2023, Shipping & Commodities); *"very efficient and effective, giving very clear and concise advice on the complex issues which turn a case"* (Legal 500 2023, Energy); *"Very efficient and effective in his approach, he is thorough on the detail and gives very clear and concise advice on complex issues"* (Legal 500 2023, Commodities); *"very efficient and effective in his approach. Quick turnaround times and very thorough on the detail. He gives very clear and concise advice on the complex issues which turn a case"* (Legal 500 2023, Aviation); *"Blunt and to the point ... He is not afraid to get stuck in on aspects of a case where other barristers may see it as beneath them"* (Legal 500 Asia Pacific, 2023, Shipping & Commodities).

Paul has been instructed at all levels of the Court system, including the Court of Appeal, Privy Council and Supreme Court. His first instance Court work is primarily in the Commercial and Admiralty divisions; but he has also appeared in the Chancery Division, Companies Court and Mercantile Courts. He frequently acts in interlocutory matters such as injunctions (Mareva, anti-suit, LOI injunctions, etc.), jurisdictional challenges and summary judgment hearings.

A sizeable proportion of his work is in International Commercial or Maritime Arbitration. He has appeared in arbitrations under ICC, LCIA, LMAA and a host of institutional Rules, and frequently acts in related appeals/challenges to arbitration awards (see e.g. *OAQ Northern Shipping Co v Remolcadores de Marin SL* [2007] 2 Lloyd's Rep 302 (s. 68); the "Cenk Kapitanoglu" [2012] 1 Lloyd's Rep 501 (s. 69), and *S v A & B* [2016] EWHC 846 (Comm) (s. 80(5), 68 and 69). He also acts as an advocate at mediations.

Paul also accepts appointments as an arbitrator.

His recent and reported Court work includes (for example):

- *Vitol SA v JE Energy Ltd* [2022] EWHC 2494 (Comm); LMLN 14/10/22: Sole Counsel for Vitol in c. US\$4 million Commercial Court trial arising from disputed termination of international sale contract of fuel oil on FOB Ghana terms. Obligations of FOB Buyer as regards vessel nomination and letter of credit opening. Meaning of "laycan" when used in context of FOB sale. Solely instructed for successful sellers.
- *Havila Kystruten A.S. v Abarca Companhia De Seguros S.A.; Hijos de J Barreras S.A. v Havila Kystruten A.S.* [2022] EWHC 3196 (Comm): Sole Counsel for the shipyard in a heavy Commercial Court trial arising out of the disputed termination of a shipbuilding contract and claims under associated refund security.
- *First City Monument Bank Plc v Zumax Nigeria Ltd* [2022] EWHC 2885 (Ch): Junior Counsel for Defendant bank in proceedings pleaded at US\$200 million+ in respect of allegedly misappropriated international bank transfers. Successfully striking out action as abuse of process. (Previously in Court of Appeal successfully overturned judgment on the issue of whether the funds were impressed with trusts/equitable obligations: [2019] EWCA Civ

294; and on remission obtaining orders debarring the Claimant from prosecuting its remaining claims against the Bank: [2020] EWHC 1852 (Ch)).

- **Maersk A/S v Mercuria Energy Trading SA** [2022] 2 Lloyd's Rep 95: Junior Counsel for Maersk in anti-suit injunction (ASI) proceedings relating to an alleged US\$42.5 million container fraud in Turkey. Principles applicable to allegations of delay/lack of promptness; relevance to Court's discretion of unprotected time-bars; principles applicable to "conditional" injunctions; relevance of forum non conveniens factors to contractual and quasi-contractual ASIs Junior Counsel for successful Claimant.
- **The Ever Given** Admlty Court, ongoing- Junior Counsel for the Charterers in US\$85 million limitation proceedings arising out of well-publicised grounding in the Suez Canal.
- **Trans-Tec International SRL & Anr v m/v "Columbus" and m/v "Vasco da Gama"** [2021] 2 Lloyd's Rep 323: Sole Counsel for fuel suppliers bringing c. US\$4.5 million Admiralty Court claims in rem against arrested Vessels/proceeds of sale. Interpretation of s. 20(2) Senior Courts Act 1981. Recoverability of contractual interest and administrative fees in rem. Whether package of contractual terms may be sub-divided into constituent elements for claims characterisation purposes.
- **Heiser v Iran** [2020] EWHC 3757 (QB); [2019] EWHC 2073 (QB); [2019] EWHC 2398 (QB): Junior Counsel for Iran, successfully resisting proceedings for enforcement of foreign judgments valued at over US\$600m on grounds of State Immunity. Subsequently instructed as sole counsel resisting in part applications for variation of costs orders pending conclusion of OFAC license proceedings in the US.
- **Nautical Challenge Ltd ("Alexandra 1") v Evergreen Marine (UK) Ltd ("Ever Smart")** [2019] 1 Lloyd's Rep. 543 (Baker J): Junior Counsel in quantum proceedings arising out of a collision in the narrow channel off Jebel Ali. Recoverability of heads of loss allegedly exacerbated by inability to finance repairs/profitable trading following a collision. Resisted claims pleaded at c. US\$50 million; net judgment ultimately entered for c. US\$8 million.

Paul's largest cases (by value) typically arise in international arbitration. Some recent examples are as follows:

- **LMAA Arbitration:** Sole Counsel for Sellers at final hearing of LMAA arbitration under a Memorandum of Agreement (MOA) for the sale of a liquefied natural gas (LNG) carrier to be broken up for scrap. Allegations that the MOA was induced by misrepresentation. All claims successfully resisted.
- **Ad hoc arbitration:** Junior Counsel for Owners at a c.US\$50 million unsafe port dispute relating to a grounding at an upriver port in South America.
- **LCIA arbitration:** Lead junior in a team of counsel representing the operators in a c. US\$250 million long-running FPSO refurbishment dispute involving late-delivery of an incomplete FPSO.
- **ICC Arbitration:** Solely instructed at a final hearing for a commodities giant under a services agreement for exploitation of minerals in Southern Africa. Substantial Award obtained
- **LCIA arbitration:** Solely instructed to for transporters of oversized/heavylift cargoes of separation equipment and convection boxes for use in oil processing. Substantial Award obtained

What the directories say

- *"A brilliant brain and a hugely impressive junior, Paul always cuts to the heart of the issues."* (Legal 500, 2024)
- *"Paul is incredibly helpful, always available, bright, detailed and straightforward."* (Chambers UK, 2024)
- *"Paul is a real specialist in the aviation and insurance field, and has the depth of experience to field difficult technical questions without any fuss. He makes the complex projects seem straightforward."* (Legal 500, 2024)
- *"Paul is very assured, has an incredible eye for detail and is very keen to do a great job."* (Chambers UK, 2023)
- *"On short notice, he delivered excellent advice."* (Chambers UK, 2023)
- *"Paul is extremely bright, diligent and reliable."* (Chambers UK, 2023)
- *"He is not afraid to get stuck in on aspects of a case where other barristers may see it as beneath them"* (Legal 500 Asia Pacific, 2023)
- *"Paul is very efficient and effective in his approach. Quick turnaround times and very thorough on the detail. He gives very clear and concise advice on the complex issues which turn a case."* (Legal 500, 2023)
- *"He is very assured, has an incredible eye for detail and is very keen to do a great job."* (Legal 500, 2023)
- *"Paul quickly cuts through complexity and is able to get to the heart of the matter. He is excellent on his feet and fiercely intelligent."* (Chambers UK, 2022)
- *"A real star and a joy to work with, calm under pressure and clear in his analysis."* (Legal 500, 2022)
- *"He is very approachable, very knowledgeable and prompt."* (Legal 500, 2022)
- *"His handling of arbitration hearings is expertly done and his cross examination is incredibly impressive, demonstrating an ability to think quickly on his feet."* (Legal 500, 2022)
- *"Responsive and decisive, will put up a strong fight for clients."* (Legal 500 Asia Pacific, 2021)

- *"He is detailed, experienced and can cut through issues quickly and clearly."*(Chambers UK, 2021)
- *"Always available on a case when needed and turns around high quality work quickly."*(Legal 500, 2021)
- *"He is one to watch - very user-friendly, always available and able to turn around high-quality work quickly."* (Legal 500, 2021)
- *"He is very bright, client-friendly and practical, and he masters the facts of the case quickly."*(Legal 500, 2021)
- *"A fantastic junior who really gets into the detail."*(Legal 500, 2020)
- *"Hardworking, pragmatic, and cool under pressure."*(Legal 500, 2020)
- *"Quick to respond, clear, bright and to the point."*(Legal 500, 2020)
- *"An excellent member of the team. He gets to grips with the technical issues quickly and is level-headed under pressure. His written work is excellent."*(Chambers UK, 2019)
- *"Very responsive, articulate and clear, he thinks commercially rather than in a legal vacuum."*(Legal 500 Asia Pacific, 2019)
- *"Excellent advocate."*(Legal 500 2019)
- *"Bright and commercial, he is very responsive and goes out of his way to help."*(Legal 500 2019)
- *"He has a strong intellect."*(Legal 500 2019)
- *... "Enthusiastic and easy to work with." "Very bright and good on his feet in court."...*(Chambers UK, 2018)
- *... "Very clever and a good choice as a junior for admiralty matters"...*(Legal 500, 2017)
- *... "Great at "head on the block" advice, he always gives 100%"...*(Legal 500, 2017)
- *... "His intellect, commercial acumen and attention to detail are impressive"...*(Legal 500, 2017)
- *... "His work product is excellent, he is very hard-working and very user-friendly. I see him as a rising star."...*(Chambers UK, 2017)
- *... "Extremely bright, diligent and reliable."...*(Chambers UK, 2017)
- *... "An experienced junior with capability in a range of Commercial Court and arbitration actions."...*(Chambers UK, 2017)
- *... "Popular with leading solicitors and commodity trading houses for his dependable advocacy"...*(Legal 500, 2016)
- *... "He applies good drafting skills and excellent application"...*(Legal 500, 2016)
- *... "A highly regarded junior praised for his advocacy skills"..... "He always makes time, and is personable and commercially minded"..... "Phenomenally hard-working, phenomenally bright and phenomenally nice"...*(Chambers UK, 2016)
- *... "A standout junior".... "A reliable advocate, popular with solicitors and commodity trading houses"...*(The Legal 500, 2015)
- *... "An expert in matters relating to the sale of aircraft, lease disputes and cases arising from the maintenance of aircraft"...*(Chambers UK, 2015)
- *... "Has brainpower and knowledge way ahead of his experience or years"..... "He's very technically minded and quick to draw out the pertinent commercial issues"...*(Chambers UK, 2014)
- *... "Unstinting in his energy and intellectually rigorous in his approach"...*(Chambers UK, 2013)

Shipping

Paul is recommended for his shipping practice in Chambers UK, Chambers Global, the Legal 500 UK, Legal 500 Asia Pacific and Who's Who Legal. He has been recommended in the directories for several years.

Paul's practice spans the full gamut of issues which arise in these fields, including for example unseaworthiness, dangerous cargoes, port safety, off-hire, withdrawal and termination, anti-technicality clauses, bunker disputes, laytime and demurrage, delivery/redelivery obligations, speed and performance disputes, claims under Hague/Hague-Visby Rules, claims under the NYPE Inter-Club Agreement, and much more

In addition, Paul has considerable experience in "wet" cases (i.e., those involving collisions, salvage, general average, etc.), as well as urgent cases concerning disputed ownership of vessels, delivery-up applications and the like.

He is also frequently instructed in urgent interlocutory applications in shipping matters, such as arrest proceedings; applications to place surveyors onboard vessels ("Vasso orders"); applications for the preservation or sampling of cargo; Mareva (i.e. asset-freezing) injunctions; Angel Bell relief, and applications for mandatory injunctions to specifically enforce receivers' obligations to take delivery of cargo.

Some illustrative shipping and maritime cases include:

- *Havila Kystruten A.S. v Abarca Companhia De Seguros S.A.; Hijos de J Barreras S.A. v Havila Kystruten A.S.* [2022] EWHC 3196 (Comm): Sole Counsel for the shipyard in a heavy Commercial Court trial arising out of the

disputed termination of a shipbuilding contract and claims under associated refund security.

- **Maersk A/S V Mercuria Energy Trading SA** [2022] 2 Lloyd's Rep 95: Junior Counsel for Maersk in anti-suit injunction proceedings relating to an alleged US\$42.5 million container fraud in Turkey.
- **The Ever Given** Admlty Court, ongoing- Junior Counsel for the Charterers in US\$85 million limitation proceedings arising out of well-publicised grounding in the Suez Canal.
- **Trans-Tec International SRL & Anr v m/v "Columbus" and m/v "Vasco da Gama"** [2021] 2 Lloyd's Rep 323: Sole Counsel for fuel suppliers bringing c. US\$4.5 million Admiralty Court claims in rem against arrested Vessels/proceeds of sale. Interpretation of s. 20(2) Senior Courts Act 1981.
- **Nautical Challenge Ltd ("Alexandra 1") v Evergreen Marine (UK) Ltd ("Ever Smart")** [2019] 1 Lloyd's Rep. 543 (Baker J): Junior Counsel in quantum proceedings arising out of a collision in the narrow channel off Jebel Ali. Recoverability of heads of loss allegedly exacerbated by inability to finance repairs/profitable trading following a collision. Resisted claims pleaded at c. US\$50 million; net judgment ultimately entered for c. US\$8 million.
- **The "Cape Bari"** [2016] 2 Lloyd's Rep. 469 (PC) – Junior Counsel for Owners, in proceedings arising out of damage to an oil refining terminal, in which c. US\$26.8 million was claimed. The first appellate case since 1897 to directly consider the issue of "contracting out" of an owner's statutory right to limit his liability by reference to the tonnage of the Vessel.
- **LMAA Arbitration**: Sole Counsel for Sellers at final hearing of LMAA arbitration under a Memorandum of Agreement (MOA) for the sale of a liquefied natural gas (LNG) carrier to be broken up for scrap. Allegations that the MOA was induced by misrepresentation. All claims successfully resisted.
- **Ad hoc arbitration**: Junior Counsel for Owners at a c.US\$50 million unsafe port dispute relating to a grounding at an upriver port in South America.
- **LCIA arbitration**: Lead junior in a team of counsel representing the operators in a c. US\$250 million long-running FPSO refurbishment dispute involving late-delivery of an incomplete FPSO.
- **"MSC Flaminia"** – Acted for time charterers/disponent owners in English High Court proceedings arising out of a catastrophic fire and explosion during a laden voyage. Proceedings worldwide arising out of the incident valued at c. US\$250 million.
- **LMAA Arbitration**- Acted for owners in arbitration proceedings arising out of an explosion onboard emanating from containers of dangerous calcium hypochlorite which were misdeclared as harmless and stowed under-deck.
- **LMAA arbitration** - Solely instructed for owners in a dispute over the loss of a substantial parcel of urea/ammonium nitrate fertiliser, during loading operations in Estonia. Issues include whether loss occurred during tank to tank transfer at the terminal, or by discharge through an open line in to the sea following tank washing.
- **Concurrent arbitrations**: Acted for head owners of the Vessel in multi-party arbitration concerning cargo of soya beans which was contaminated with field fungus and refused entry into the Egyptian discharge ports to which it was destined.
- **LMAA arbitration**: Acted for owners of the Vessel in Charterparty reference arising out of sulphur damage to tanks following carriage of yellow sulphur. Water ingress detected following redelivery, necessitating abandonment of voyage and urgent deviation for repairs.
- **The "Astipalaia"** [2014] EWHC 120 (Admlty) – Acted (with Andrew Baker QC, now Mr Justice Baker) for successful claimants in Commercial Court proceedings relating to the correct approach to quantification of damages for loss of profit following an inability to trade on primary spot markets due to loss of oil major approval. Judgment achieved for appx. US\$4.5 million.
- **Collision Arbitration**- Junior Counsel for tanker owners in a complex collision / putting by arbitration concerning errors in navigation in a Suez Canal convoy, leading to a major casualty and oil pollution. The case involved involving seven categories of expert evidence, and claims totalling c. US\$30 million, and led to an interim award on an important question of the recovery of pure economic loss in shipping cases.
- **The "Zagora"** (Comm. Court, 2014)- Junior Counsel for intermediate party in Commercial Court proceedings under a series of back-to-back LOIs, involving cargo discharged and delivered in China to a non-paying receiver.
- **The "Clipper Monarch"** (Comm. Court, 2013)- Junior Counsel for intermediate charterers/ lienholders obtaining order for sale of distressed cargo onboard vessel drifting outside Chinese waters.
- **The "Cenk Kapitanoglu"** [2012] 1 Lloyd's Rep 501: Sole Counsel for the successful Charterers both in the arbitration on appeal to the Commercial Court, setting aside a variation of the Charterparty for economic duress when the Owners refused to deliver the nominated performing vessel into the fixture.
- **The "Remmar"** [2007] 2 Lloyd's Rep 302 – A dispute relating to misrepresentations in connection with the sale of an ice-classed tug. Award successfully remitted for serious irregularity under s68 Arbitration Act 1996.

Paul has a strong commodities and international trade practice, and is frequently instructed both by the leading solicitors in this area and by well-known commodities trading houses. His practice encompasses all aspects of international trade and commodities, including international sales (CIF, FOB, CFR etc), futures, hedging, and involvement at all levels in arbitrations (and related appeals) under institutional rules such as GAFTA, FOSFA, RSA and many more.

Paul is recommended for his international trade and commodities practice by the directories, including Chambers UK, Chambers Global, Legal 500, Legal 500 Asia Pacific and Who's Who Legal.

Illustrative cases in this area include:

- **Vitol SA v JE Energy Ltd** [2022] EWHC 2494 (Comm); LMLN 14/10/22: Sole Counsel for Vitol in c. US\$4 million Commercial Court trial arising from disputed termination of international sale contract of fuel oil on FOB Ghana terms. Obligations of FOB Buyer as regards vessel nomination and letter of credit opening. Meaning of "laycan" when used in context of FOB sale. Solely instructed for successful sellers.
- **ICC Arbitration**: Solely instructed at a final hearing for a commodities giant under a services agreement for exploitation of minerals in Southern Africa. Substantial Award obtained
- **S v A** [2016] 1 Lloyd's Rep 604: Sole Counsel for the successful CFR buyers in US\$1.6 million commodities arbitration relating to supply of blast-furnace grade coking coal. Subsequently resisted the Sellers' applications to the Commercial Court to challenge / appeal the Award under s. 68 and 69, and for an extension of time to bring such applications under s. 80(5), of the Arbitration Act 1996. The Judgment confirms the principles applicable where the statutory time-limit is missed due to delays in collecting/paying for the Award.
- **Hong Kong arbitrations**- Acted for FOB buyers/ DES sellers under swap contracts relating to term-sales of LPG and propane cargoes. Advising in relation to issues including (i) validity of termination of sub-contracts and (ii) economic tort claims against the FOB sellers/DES buyers, their directors and corporate affiliates in Hong Kong.
- **GAFTA arbitration**- Acted for buyers in GAFTA proceedings relating to FOB sale of wheat on Gafta 38 and Gafta 125 clauses, where the issues include the proper construction of Gafta "rye clauses" and the applicability of Gafta sampling procedure
- **Vitol SA v Sterling Oil Trading Ltd & others** [2012] EWHC 3108 (Comm): Junior Counsel for Vitol in proceedings under a long-term oil supply contract and related financing agreements. Successfully resisted summary judgment in respect of Vitol's main claim valued at appx. US\$16 million. Interpretation of entire agreement provisions in oil supply contract.
- **FOSFA Appeal/s. 68 proceedings**: Junior Counsel for buyers in connection with an appeal to the Commercial Court from a FOSFA Board of Appeal Award made following a first remission by the High Court (reported at [2013] 2 C.L.C. 920). The disputes in the second set of proceedings concerned the construction of price allowance provisions occurring in a number of standard CIF forms (including forms published by FOSFA and GAFTA).
- **GAFTA arbitrations**: Junior Counsel for the successful sellers in respect of a series of claims for non-acceptance of grain cargoes. The disputes were determined by aa GAFTA Tribunal which issued a series of Awards in favour of Paul's clients totalling around US\$20 million. Subsequently appeared in related Commercial Court applications including a worldwide freezing injunction and a successful application to commit the Buyer to prison for contempt of Court.
- **SAL arbitrations**: Junior Counsel for sellers in three concurrent Sugar Association of London (SAL) arbitrations worth c. US\$11 million; relating to hedging and price-fixing provisions under contracts for the sale and purchase of Brazilian raw cane sugar.
- **Ad hoc arbitration**: Acted for the owners of a cargo of yellow soybeans under a CIF sale contract. Whether buyers were obliged to take up the documents where condition of the cargo was known and/or the carriage contract likely to be frustrated.

Insurance

Paul has a busy insurance and reinsurance practice encompassing both marine and non-marine matters. His experience spans the full range of issues which arise in these areas including (for example) CTL/ATL, fraud/fraudulent devices, breach of warranty defences, misrepresentation, non-disclosure, claims co-operation provisions, valued/non-valued claims, follow clauses and much more.

Some Illustrative cases include:-

- **Commercial Court proceedings**- Acted for reinsurers in relation to aviation hull risks reinsurance claim under

cut-through clause

- **Ad hoc arbitration-** Junior Counsel for insurers in a US\$1.6bn pharmaceutical liability insurance tower arbitration. Led by Christopher Butcher QC (now Butcher J)
- **Ad hoc arbitration-** Junior Counsel for insurers/reinsured in US\$240 million property/business interruption reinsurance arbitration arising out of a tunnel collapse at a hydro-electric power station in Chile. Led by Christopher Butcher QC (now Butcher J)
- **Commercial Court proceedings-** Sole Counsel for the assured in Commercial Court proceedings under a hull and machinery policy arising out of an engine breakdown at sea, in which the defences included breach of maintenance/ISM warranties and fraud/fraudulent devices in connection with the claims presentation.
- **Commercial Court proceedings-** Sole Counsel for reinsurers in US\$5.5 million Commercial Court dispute concerning total loss of Boeing 737 aircraft whose pilot was allegedly intoxicated
- **Commercial Court proceedings-** Junior Counsel for insurers in c. US\$70 million Commercial Court CTL claim, relating to capture of vessel by pirates
- **Commercial Court proceedings-** Sole Counsel for successful insurers at trial, defending claim on the basis of fraud/fraudulent devices.
- **"Princess 7"**[2011] EWHC 3940 (Comm): Marine insurance dispute raising issues of construction of claims settlement clause and jurisdictional provisions.

Energy

Paul has developed a high-level of experience in this field, having acted in substantial disputes relating to: the construction, maintenance and repair of rigs/FPSOs, exploration platforms, support vessels, pipelines; the exploration for and extraction of natural resources (including drilling contracts, long-term supply contracts, joint venture agreements and the like); the international sale and carriage of hydrocarbons; the sale and purchase of FPSOs and support vessels (ultra-deep-water drilling vessels, pipe laying vessels.) Disputes under the full range of specialised forms for the chartering and tug/tow of FPSOs and offshore equipment; disputes under related agreements in respect of finance, insurance and reinsurance of the above; and related issues in respect of jurisdiction and applicable law, including where Sovereign Immunity is asserted by overseas suppliers and contractors.

Illustrative cases include:

- **LCIA Arbitration-** Junior Counsel for operators under a contract for the conversion of an FPSO at a Dutch yard for use on an oilfield off Brazil – who allege that the conversion project is heavily delayed and over-budget, resulting in disputes valued at c. US\$250 million.
- **LCIA Arbitration-** Sole Counsel at final hearing of LCIA arbitration relating to oversized/heavylift cargoes of separation equipment and convection boxes for use in oil processing;
- **ICC Arbitration-** Sole Counsel at final hearing of ICC arbitration under a services agreement for exploitation of minerals in Southern Africa;
- **Uncitral Arbitration-** Junior Counsel for claimants in a US\$ multi-million arbitration arising out of a joint venture for the production and marketing of lubricant base oils at a hydrocracker plant
- **ICC Arbitration-** Junior Counsel at an ICC arbitration seated in Paris, for the operators of an LNG terminal affected by terrorist and insurgent activities
- **Ad hoc arbitration-** Junior Counsel for the operators of an FPSO stationed in the UK Continental Shelf, in a US\$150 million arbitration arising out of the failing of the fixed catenary mooring system of the rig and consequent loss of station-keeping.
- Junior Counsel in a US\$30 million arbitration under a contract for the drilling and testing of deviated wells from an off-shore platform off the Ivory Coast.
- Junior Counsel for operators of an FPSO in a c. US\$30 million arbitration under a contract for the repair and refurbishment of the rig at a vanilla quay, where the refurbishment contract was terminated early for contractor default.
- Sole Counsel for owners of newbuild LNG tanker in series of disputes concerning LNG boil off warranties following pressurisation at an LNG terminal.

International Arbitration

Much of Paul's practice is in arbitration (in particular, LMAA, LCIA, ICC, and commodities arbitrations) - invariably having an international dimension. In recent years he has had particular experience of truly international arbitrations

seated outside London and governed by non-English procedural or substantive law. In this connection he has worked closely with lawyers from numerous jurisdictions including Chile, Israel, France, the US (various states), Singapore, Morocco, Algeria, China and elsewhere.

Paul is also frequently instructed in connection with challenges to domestic arbitration awards under s. 67, 68 and 69 of the Arbitration Act 1996, applications for urgent interlocutory relief under s. 44 of the Act, and for costs assessments under s. 63 of the Act. Paul conducts documents-only arbitrations, and also appears led and unled in larger arbitrations which go to final hearings.

Some illustrative cases include:

- **ICC Arbitration:** Solely instructed at a final hearing for a commodities giant under a services agreement for exploitation of minerals in Southern Africa. Substantial Award obtained
- **LCIA arbitration:** Solely instructed to for transporters of oversized/heavy lift cargoes of separation equipment and convection boxes for use in oil processing. Substantial Award obtained
- **LCIA Arbitration:** Acted for operators of an FPSO in a c. US\$250 million ongoing rig refurbishment arbitration under LCIA Rules. The disputes came to a head when the contractors unlawfully brought proceedings in Rotterdam, in breach of the London arbitration clause, which were subsequently abandoned, with the yard being ordered to pay substantial damages to Paul's clients.
- **Uncitral arbitration:** Junior Counsel for the operators of a hydrocracker unit in the Middle East in a c. US\$300 million joint venture arbitration under UNCITRAL Rules
- **ICC arbitration (Paris seat):** Junior Counsel for operators of an LNG terminal in a Paris-seated ICC arbitration. The case involved close liaison with French practitioners in relation to French procedural provisions and interim remedies.
- **Ad hoc arbitration:** Junior Counsel for FPSO operators at US\$150 million three-week arbitration arising out of loss of station-keeping incident in the North Sea.
- **Ad hoc arbitration (London seat, Israeli law):** Junior Counsel for insurers in a US\$1.6 billion patent infringement liability insurance tower dispute (led by Christopher Butcher QC- now Butcher J).
- **Ad hoc arbitration (London seat, English and Chilean law):** Junior Counsel for insurer/reinsured in ad hoc arbitration seated in London, relating to alleged bad faith settlement of US\$240 million property damage and business interruption claim relating to a tunnel collapse at a hydro-electric power station in Chile. The primary claims were adjusted and settled according to Chilean law, which was accordingly incorporated into any aspects of the reinsurance claim which needed to be proven from the ground up.
- **ICC (Paris) arbitration:** Acted for Algerian state interests in a series of disputes arising out of an abortive joint venture with Jordanian investors. Numerous Awards totalling c. US\$20 million obtained

Shipbuilding

Paul is frequently instructed in shipbuilding disputes as well as related matters such as refurbishment/repair, ship sale/MOA disputes, ship management disputes and similar. He is familiar with all the standard forms in these areas including the SAJ, AWES and NSF forms. Recent matters have included:

- **Havila Kystruten A.S. v Abarca Companhia De Seguros S.A.; Hijos de J Barreras S.A. v Havila Kystruten A.S.** [2022] EWHC 3196 (Comm): Sole Counsel for the shipyard in a heavy Commercial Court trial arising out of the disputed termination of a shipbuilding contract and claims under associated refund security.
- Sole Counsel for buyers of 3 vessels, successfully resisting applications for anti-suit injunctions, and obtaining orders for security in the region of US\$37 million per Vessel.
- Junior Counsel for buyer of luxury superyacht sold for appx. €17 million. The disputes included allocation of responsibility for delay and the application of the "prevention principle" to shipbuilding disputes.
- Sole Counsel for shipyard in c. US\$13 million arbitration in which Buyers alleged repudiatory breach of a shipbuilding contract on an amended SAJ form.
- **Consolidated ICC arbitrations:** Junior Counsel for the shipyard in four consolidated ICC arbitrations relating to disputed terminations in relation to a series of contracts for the construction of split hopper barges. C. US\$50 million in dispute.
- **"Casanna"** [2009] EWHC 1074 (Comm)- Instructed on the appeal from the High Court decision in a shipbuilding dispute in which jurisdiction was resisted on grounds of State immunity
- Acted for owners in a heavy arbitration under a ship management agreement in which c. US\$10 million is claimed in respect of (inter alia) loss of oil major approval, earning potential and diminution in resale value of a

tanker.

Aviation & Travel

Paul acts on behalf of airlines, airports and providers of services to the aviation industry. His aviation practice has a particular focus on aviation disputes in a commercial context, including cases involving aircraft leases, aircraft and engine maintenance agreements, contracts for the sale of aircraft and related commission agreements, and disputes involving aircraft liens / powers of sale and arrest. Paul has also appeared in numerous trials and other hearings in relation to claims under the Montreal Convention and its predecessors (in particular, cargo claims and baggage disputes). He has been recommended in the legal directories for his aviation practice for several years.

Recent illustrative examples in this field include:

- ***KAL Leasing v Ingosstrakh (Comm. Ct)*** Acted for reinsurers in relation to US\$5.5 million aviation hull risks reinsurance claim under cut-through clause
- ***Atlantic Airlines Ltd v MPI Aviation Ltd (Comm. Ct)*** Junior Counsel for owners of aircraft in US\$multi-million proceedings relating to implosion following intervention by fuel tank leak repair specialists. Settled.
- ***Turkish Airlines Technic v White Airways (Commercial Court)*** Sole Counsel for a provider of aircraft maintenance services in Commercial Court proceedings relating to agreements for the supply of technical services and the loan of Auxiliary Power Units ("APU"s) during servicing.
- ***EGI Holdings v Aviance UK Ltd (Commercial Court)*** Sole Counsel for groundhandlers in US\$8 million Commercial Court proceedings arising out of a collision between aircraft under tow
- ***Marsden v Crumplin (Commercial Court)*** Sole Counsel for Claimant in proceedings arising out of a collision between a 1967 Westland Wasp helicopter and a 2008 Stolp Starduster bi-plane
- Instructed by the operators of an aircraft to provide expert evidence to Chinese Courts in connection with a total loss claim concerning pitting corrosion damage arising out of defective paint-stripping and repainting of fuselage, and/or ineffective application of filiform corrosion resistant wash primer.
- Sole Counsel for a private airport asserting a lien and right of sale over an aircraft.
- Successfully overturned an injunction and indemnity costs order obtained against an airline.

Banking

Paul has experience of acting for banks and financial institutions, including for example disputes in relation to ship-finance, aircraft finance, trade finance, cheques, letters of credit, investment advice, account fraud and breach of mandate claims. He has conducted commodities arbitrations at final hearing where the issues included disputes as to trade finance. Some illustrative examples in this field have included:

- ***First City Monument Bank Plc v Zumax Nigeria Ltd***[2019] EWCA Civ 294 (CA)- Leading case on the imposition of trusts/equitable obligations in the context of international bank transfers involving correspondent banks.
- ***DNB Bank ASA v Braverus Maritime Inc (Commercial Court)***- Sole Counsel for the lender in a ship finance dispute; obtained c. US\$14.5 million judgment.
- ***Re NITC (Commercial Court)***- Junior Counsel in US\$565 million banking / ship-finance dispute, on behalf of the owners of a fleet of newbuild tankers seeking injunctive relief to prevent foreclosure under finance agreements affected by changes to international sanctions regimes.
- ***Taurus Petroleum Ltd v Oil Marketing Company of Iraq (SOMO)***[2014] 1 Lloyd's Rep 432- Junior Counsel for judgment creditors seeking enforcement of a c. US\$9m judgment by attaching debts under letters of credit. The issues included the situs of debts under letters of credit.
- Sole Counsel for lender in £6 million dispute with corporate borrower / property developer
- Sole Counsel for the successful lender at a 1-day summary judgment hearing in a claim involving the establishment of a letter of credit as finance for the sale of bagged rice.
- Appeal in relation to factoring agreement - Paul acted for the successful assignee of invoices under a factoring arrangement on appeal.
- ***National Westminster Bank Plc v King***[2008] 2 WLR 1279 – Paul acted for the successful bank in a dispute over allocation of jurisdiction in proprietary proceedings.

Commercial Dispute Resolution

In addition to the specific practice areas referred to elsewhere, Paul acts in a range of commercial and contractual disputes. Some illustrative examples include:

- ***First City Monument Bank Plc v Zumax Nigeria Ltd***[2019] EWCA Civ 294 (CA)- Leading case on the imposition of trusts/equitable obligations in the context of international bank transfers involving correspondent banks.
- ***Progress Bulk Carriers Ltd v Tube City IMS LLC***[2012] 1 Lloyd's Rep 501- Commercial Court proceedings in which the Court upheld finding that a settlement agreement was voidable for economic duress, by virtue of a combination of an actual unaccepted repudiatory breach together with threats to commit further unconscionable (but lawful) acts. Paul acted for the successful respondent.
- ***Invertec Ltd v de Mol Holdings BV***[2009] EWHC 2471 (Ch - Arnold J) – Junior Counsel for the sellers in a US\$4.5 million share sale dispute involving allegations of fraudulent misrepresentation.
- Acted for a mineral exporter in dispute with its partner in relation to a joint venture for the exploitation of Sierra Leonean mining licenses.
- WFO/Contempt proceedings (Commercial Court) – Junior Counsel for the successful applicant obtaining worldwide freezing order in support of a US\$20 million commodities arbitration, and subsequently made a successful application to commit the Buyer to prison for contempt of Court.
- Representing a company whose business included the sourcing and supply of medical professionals to hospital authorities, at several hearings during the course of interpleader proceedings which it commenced between a self-employed surgeon and a provider of medical payment services.

Alternative Dispute Resolution

Paul is an advocate of mediation in appropriate cases. He is frequently instructed to draft position papers and/or to act as mediation advocate. Some recent examples include:-

- Mediation advocate for reinsurers and primary insurers at mediation of US\$5.5m claim under property insurance and Cut Through Clause for total loss of aircraft;
- Junior Counsel for operators at mediation of c. US\$250 million FPSO construction dispute;
- Mediation advocate for a bank at the mediation of £multi-million Chancery Division proceedings;
- Junior Counsel for Buyers at the mediation of a high-value shipbuilding dispute;
- Mediation advocate for industrial machine strippers at a mediation relating to the dismantling and stowage of industrial printing presses.

Jurisdictional Disputes and Conflicts of Laws

Paul is regularly instructed in connection with jurisdictional disputes, as well as challenges to the jurisdiction of arbitral Tribunals. Several of Paul's cases in this area have involved allegations of State Immunity. Paul is available to advise clients strategically in cases where a number of potential jurisdictions might be available.

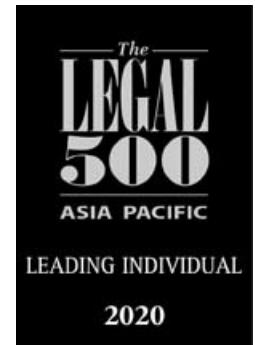
Examples of recent instructions:

- ***Heiser v Iran*** [2020] EWHC 3757 (QB); [2019] EWHC 2073 (QB); [2019] EWHC 2398 (QB): Junior Counsel for Iran, successfully resisting proceedings for enforcement of foreign judgments valued at over US\$600m on grounds of State Immunity. Subsequently instructed as sole counsel resisting in part applications for variation of costs orders pending conclusion of OFAC license proceedings in the US.
- ***Taurus Petroleum Ltd v Oil Marketing Company of Iraq ("SOMO")***[2014] 1 Lloyd's Rep. 432: Junior Counsel for buyers in multi-day jurisdictional challenge in Commercial Court proceedings arising out of an oil supply contract; Sellers resisting enforcement of a c. US\$9 million judgment on grounds of State Immunity.
- ***Wilhelm Finance Inc v Ente Administrador Del Astillero Ria***. Junior Counsel for the respondent buyers in connection with an appeal to the Court of Appeal from a decision at [2009] EWHC 1074 (Comm), in relation to a shipyard's unsuccessful jurisdictional challenge on grounds of State Immunity.
- ***Aizkir Navigation Inc. v Al Wathba National Insurance Co.*** [2011] EWHC 3940 (Comm): Marine insurance; jurisdictional dispute; conflict of laws; construction of claims settlement clause and jurisdictional provisions. Paul acted (solely) for the owners in relation to a jurisdictional challenge in a US\$2 million marine insurance dispute.
- ***High Court jurisdictional challenge***: Paul acted (solely) for the successful applicant in an international trade / commodities dispute proceeding in the High Court and said to be worth c. £1 million.

Academic

LLB (Lond.)
LLM (Cantab.) (1st class)
BVC (outstanding)

Ranking



Publications

For several years Paul co-published (with Emmet Coldrick) a regular summary of recent arbitration awards for the LMAA's quarterly newsletter. Paul has also published a number of articles relevant to his practice areas.

Presentations

Paul regularly gives presentations relevant to his practice. Some examples include:

- "Leave means leave" – Exiting contractual obligations post – Phones4U Ltd v EE Ltd
- An Introduction to Litigating in England & Wales
- Warranty claims – remedy v rectification and (non) recoverability of damages post-Star Polaris
- "I know my rights" – Contracting out of Statutory Limitation Regimes
- Cargo Description Conundrums
- Frustration and force majeure
- CIF and C&F hybrid contracts
- Introduction to tanker chartering
- Drafting arbitration submissions
- Introduction to marine cargo insurance
- Asset freezing and disclosure orders

Memberships

COMBAR, LMAA, Supporting Member, LSLC, LCLCBA

Interests

Harlequins RFC, food, wine, travel, spending time with the family