



## Max Davidson

Called: 2013

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Max is an experienced junior counsel acting in a broad range of commercial disputes, including shipping, commodities, international arbitration, fraud, aviation, energy and insurance. He regularly appears as sole and junior counsel in the Commercial Court and in international arbitration, and has been listed as a leading junior and rising star in the main legal directories for a number of years in a number of practice areas, including shipping, commercial disputes, aviation and commodities. He regularly acts for global energy, shipping and commodities companies, and also frequently acts for ultra-high net worth individuals.

Prior to joining Quadrant Chambers, Max studied law at King's College London, Oxford and Harvard. He was also a Visiting Tutor in Contract Law and Trusts Law and an Examiner in Commercial Arbitration at King's College London during 2012-2013.

### What the directories say

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- *"Max is extremely easy to work with, easily picks up on complicated issues and provides clear and concise advice on strategy and approach, with a practical and commercial outlook."*(Legal 500, 2024)
- *"Good experience in commodities disputes, he provides clear advice."*(Legal 500, 2024)
- *"He is extremely smart, incredibly easy to work with and always available to discuss strategy and procedure."*(Chambers UK, 2024)
- *"Max is astute and to the point; he will comb out the inadequacies in a case."*(Chambers UK, 2023)
- *"Max is very user-friendly and at the same time grasps the detail of complicated, document-heavy matters with remarkable speed."*(Chambers UK, 2023)
- *"His oral advocacy is excellent and he is a genuine pleasure to work with."*(Chambers UK, 2023)
- *"A great legal mind with an appreciation of clients' commercial requirements. A star at all levels."*(Legal 500, 2023)
- *"Confident yet understated, he is thoughtful and precise, has strong advocacy skills and quickly grasps the main issues."*(Legal 500, 2023)
- *"Max masters complex facts and documents very quickly and provides clear and commercial advice."*(Chambers UK, 2022)
- *"He is very good on strategy and has a nuanced understanding of the commercial aspects of knowing what the clients want."*(Chambers UK, 2022)
- *"Phenomenally bright, quick to turn around the work, excellent on paper and very good on his feet."*(Legal 500, 2022)

- *"Confident, eloquent, hard working and good on his feet, he the ability to grasp highly complicated matters with ease."*(Legal 500, 2022)
- *"He knows clients' strengths and weaknesses, always making them feel more knowledgeable."*(Legal 500, 2022)
- *"Max Davidson masters complex facts and documents very quickly, providing very clear and commercial advice."* (Chambers UK, 2021)
- *"Max is very approachable and an extremely skilful lawyer with the ability to simplify complex points of law."* (Chambers UK, 2021)
- *"He knows clients' strengths and weaknesses, always making them feel more knowledgeable."*(Legal 500, 2021)
- *"His strengths include his exceptional attention to detail and thorough understanding of the law."*(Legal 500, 2021)
- *"He is very bright, he grasps the legal issues and commercial aspects of a dispute quickly, and he works at an impressive pace."*(Legal 500, 2021)
- *"He has a great command of the commercial aspects to a dispute, excellent on his feet and ready to argue the client corner and will not shy away from a court room fight."*(Legal 500, 2021)
- *"He knows clients' strengths and weaknesses, always making them feel more knowledgeable."*(Legal 500, 2021)
- *"Very approachable and great at getting into the details."*(Legal 500, 2020)
- *"Extremely thorough, well-reasoned, persuasive and articulate, he is always quick to respond and enthusiastic."*(Legal 500, 2020)
- *"A strategic thinker and someone who can be a huge help in honing litigation strategy and seizing the initiative on a case."*(Legal 500, 2019)

## Commercial Dispute Resolution

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Max has extensive experience of a wide range of both domestic and international commercial disputes in the High Court and in international arbitration, including energy disputes, sale of goods, commodities, supply of services, international trade and fraud.

Illustrative cases include:

- ***Scotbeef Ltd v D&S Storage*** (2021 High Court TCC): Acted as sole counsel for defendant storage company in resisting claim for damage to frozen meat products. A preliminary issue, heard in October 2021, concerned incorporation of defendant's standard terms, and whether the claim was time barred.
- ***London Arbitration*** (2021): Acted as sole counsel for a biodiesel manufacturer claiming damages from a supplier of used cooking oil for breach of quality
- ***National Bank Trust v Belyaev***[2020] EWHC 1779 (Comm): Acted as sole counsel for one of defendants in proceedings related to a \$1 billion fraud against a Russian bank
- ***Sugar Association of London Arbitration*** (2020): Acted as sole counsel for a seller of cargo of raw sugar successfully recovering the price of approximately \$2 million from Indonesian buyer
- ***Damazein Global Investments Ltd v Salamanca Capital Ltd and another***(2019): Acted (with Jeremy Richmond) on behalf of an individual accused of fraudulent misrepresentation in a claim worth \$3 million. The Claimant discontinued after Day 2 of trial.
- ***LCIA Arbitration*** (2018): Acted as sole counsel for a commodity trading company claiming approximately \$6 million arising out of a contract for the sale of petcoke
- ***LCIA Arbitration*** (2018): Acted as sole counsel for an individual in proceedings brought against him by a bank seeking approximately €60 million pursuant to a personal guarantee
- ***Sugar Association of London Arbitration*** (2017): Acted (with Chirag Karia QC) for defendant seller in \$13 million dispute concerning contamination of a cargo of raw sugar with sand
- ***Touton Far East Pte Ltd v Shri Lal Mahal Ltd***([2017] EWHC 3922 (Comm); [2017] EWHC 621 (Comm)) - acted (with Chirag Karia QC) for a commodities company to obtain committal orders against five directors of an Indian company, and an order for permission to issue a writ of sequestration against the Indian company
- Acted as sole counsel for a French judgment debtor to obtain a worldwide freezing order in support of foreign proceedings against a Premier League footballer
- Acted (with Stephen Cogley QC) for an energy consultant in respect of an interim search order obtained by a

competitor for alleged misuse of confidential information, inducing breach of contract and unlawful means conspiracy

- *A v B* [2015] 11 WLUK 767 – acted (with Stephen Cogley QC) for the successful Respondent to a freezing injunction application. Concerned the incorporation of a Scott v Avery clause into FOSFA sale contracts
- Advising on whether damages may be recovered under a data and telecommunications services agreement for loss of service following a fire
- Advising on the effect of unilateral/hybrid jurisdiction clause in an international sale contract
- Advising on specification dispute in an international sale of steel contract
- Advising on the enforceability of an international stevedore services contract
- Advising on recovery under a letter of credit in an engineering, procurement and construction contract.

## Shipping

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### Dry Shipping

Max has extensive experience of the full spectrum of charterparty and bill of lading disputes. These disputes are typically heard in either LMAA Arbitration or the High Court and involve charterparties or bills of lading on the main forms (NYPE; Shelltime; Baltimex; Asbatime; Gencon; Shellvoy; BPVoy; Asbatankvoy).

Illustrative cases include:

- *LMAA Arbitration* (2021): Acted as sole counsel for a claimant cargo interest claiming damages of \$1.5 million arising out of unseaworthiness of chemical tanker
- *The Elin* [2019] EWHC [1001] (Comm): Acted for claimant cargo interests claiming that a bill of lading exclusion in respect of deck cargo was ineffective to exclude liability for unseaworthiness
- *Maersk Karachi* [2019] EWHC 1099 (Comm): Acting (with John Russell QC) on behalf of cargo interests whose cargo was damaged following the collapse of a terminal gantry crane and consequent fire
- *LMAA Arbitration* (2017): Acted with Nigel Jacobs QC for a party applying to strike out a claim for want of prosecution
- *Commercial Court in private* (2017): Obtained worldwide freezing order for voyage charterer following shipowners' failure to present vessel for loading
- *LMAA Arbitration*: Acted (with Nevil Phillips) for respondent shipowners in \$2m claim for damages for failure to deliver seaworthy ship
- *A v B* (2015, Commercial Court) - acted (with Stephen Cogley QC) for the successful Respondent to a freezing injunction application. Concerned the incorporation of a Scott v Avery clause into FOSFA sale contracts.
- *LCIA Arbitration* (2015): Acted for successful bareboat charterers in relation to \$4m dispute regarding termination of bareboat charter (led by Tom Macey-Dare)
- *LMAA Arbitration*: \$1.3 million hire dispute, concerning issues of speeding consumption, seaworthiness, liens and interception of sub-freights
- *LMAA Arbitration*: Acting for cargo interest in general average dispute concerning exercise of due diligence to make vessel seaworthy
- *LMAA Arbitration*: Unsafe port dispute concerning suitability of mooring equipment in port and competency of crew's mooring
- *LMAA Arbitration*: Successfully challenged arbitrator's jurisdiction in dispute concerning demurrage owing under a sale of oil contract.

### Wet Shipping

Max has extensive experience of a wide variety of wet shipping matters. Recent experience includes:

- *MAERSK HONAM* (ongoing): representing numerous cargo interests in a limitation claim arising out of fire on board the MAERSK HONAM in March 2018
- *MSC DANIELA* (ongoing): representing numerous cargo interests in a limitation claim arising out of fire on board the MSC DANIELA in April 2017
- *Salvage Arbitration* (2021): acted as sole counsel for cargo interests in a claim brought by salvors arising out of the salvage of a stricken vessel in the Black Sea in July 2020
- *ROMY TRADER* (2018): acted as sole counsel for telecommunications company claiming damages in a limitation claim following damage to subsea cables due to a vessel allegedly dragging anchor
- *LMAA Arbitration* (2017): Acted as sole counsel for wreck recovery company in seeking to obtain damages for breach by shipowner of WRECKSTAGE 2010 form agreement

## Yacht Disputes

Max regularly acts in yacht and superyacht disputes, including disputes arising out of sale and purchase contracts (typically on the MYBA Sale Form), charters (typically on the MYBA Charter Form), brokers' commission agreements (including under standard form central agency agreements), collision and harbour damage. Recent experience includes:

- **LMAA Arbitration** (2021): Acted as sole counsel for seller of \$14 million superyacht defending a claim by the buyer to recover deposit.
- **LMAA Arbitration** (2020): Acted for buyer of \$7.25m superyacht seeking to recover deposit following rejection under clauses 26 and 27 of the MYBA Sale Form
- **LMAA Arbitration** (2019) acted for superyacht vendors in a claim brought against them by brokers for sale commission
- **Admiralty Court proceedings** (2018): Acted for yacht owners claiming damages for damage to yacht arising out of a collision during the Cowes Round the Island Race.

## Carriage by road

Max has extensive experience of disputes relating to carriage by road, including disputes subject to the CMR, BIFA and RHA terms. Cases include:

- **Stef Transport Rennes v D&M Fraser** [2018] EWHC 2756; [2019] Lloyd's Rep. Plus 55: Acted as sole counsel for defendant road carrier in successfully resisting a claim under the CMR for damage to a consignment of cheese
- **Philip Morris Products SA v Smidl SRO** [2017] 11 WLUK 430: Acted as sole counsel for defendant road carrier resisting a claim under CMR for tobacco duty payable on lost consignment of cigarettes

## Fraud

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Max undertakes cases involving fraudulent misrepresentation, deceit, knowing receipt and dishonest assistance of breach of trust. He has extensive experience both in obtaining worldwide freezing orders, and in resisting the continuation of worldwide freezing orders.

**Damazein Global Investments Ltd v Salamanca Capital Ltd and another** [2019] EWHC 2730 (Comm): Max acted (with Jeremy Richmond QC) for the successful second defendant in the London Circuit Commercial Court trial of a fraudulent misrepresentation / deceit claim arising out of a US\$3m investment in the United States. Max's client was a former director of a private merchant bank, the arranger for the investment. The claimant investor alleged that Jeremy and Max's client had induced it to invest US\$3m on the basis of allegedly deceitful statements about the investment sums already raised. The trial began on 2 October 2019, listed for 10 days before HHJ Pelling QC (sitting as a Judge of the High Court). After 2 days of evidence by the claimant's witnesses, the claimant discontinued its claim and agreed to pay the defendants' costs of the proceedings on the indemnity basis.

## International Arbitration

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Max has extensive experience of international arbitration (including under ICC, LCIA, LMAA, UNCITRAL and HKIAC Rules).

- **UNCITRAL Arbitration** (2018): Acted as part of counsel team for claimant state owned oil company claiming damages from a base oil manufacturer arising out of alleged breach of a joint venture agreement
- **LCIA Arbitration** (2018): Acted (as sole counsel) for an oligarch resisting a claim brought against him by a Russian state-owned bank for approximately \$70 million pursuant to a personal guarantee

Max has previous experience of assisting on advising on the merits of an investment treaty arbitration and studied International Dispute Settlement and Investment Treaty Arbitration at Oxford and Harvard respectively. He is therefore well-equipped to assist with state arbitrations on ICSID rules.

## Aviation & Travel

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Max has experience of a wide range of aviation disputes involving aircraft leasing and maintenance agreements, jurisdictional and choice of law issues, the Montreal/Warsaw Convention and Regulation 261/2004. Max is regularly

instructed by a number of major airlines, including Ryanair, British Airways, Emirates, Monarch and Thomas Cook.

Recent work includes:

- acting as sole counsel for an airline resisting a claim arising out of damage sustained to an aircraft engine testing facility during engine testing
- acting as sole counsel for an Indian owned company in relation to a partnership agreement for the use of private jets
- acting as sole counsel for an airline claiming for damage to an engine following alleged negligence by aircraft maintenance company
- *Ryanair Ltd v Secretary of State for the Home Department* [2016] 1 WLUK 356: Max represented Ryanair in an appeal against the Home Office's decision to impose a charge upon Ryanair pursuant to section 40 of the Immigration and Asylum Act 1996 for the carriage of two passengers who travelled into the United Kingdom on false passports. The appeal, which was the first such appeal brought in relation to section 40, considered the question of whether the falsity of the passports used by the passengers was "reasonably apparent".

## Insurance

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Max has undertaken work at a leading London insurer and reinsurer and has experience of advising on a range of insurance and reinsurance disputes. Illustrative cases include:

- Advising on coverage under P&I policy
- Advising on whether an insured had made a fair presentation of risk under a hull and machinery policy
- Advising on whether an employee's claim for sexual harassment is covered by an employers' liability policy
- Advising on whether an insurer may avoid a policy for non-disclosure of a report relating to an excluded peril
- Advising on coverage under a product liability policy and whether certain claimed losses were said to arise out of damage to tangible property
- Advising on a reinsurer's liability to a reinsured in respect of claims brought under an underlying products reinsurance policy
- Advising on whether claims for fraudulent misdelivery are covered under the Institute Cargo Clauses A form
- Advising on reinsurers' potential liability under the Insurance Act 2015 for late payment of claims by reinsureds

## Shipbuilding

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Max has experience of shipbuilding disputes and accepts instructions in this field.

## Sports Law

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Max has previous experience of drafting arbitral awards for the Court of Arbitration for Sport (in both Ordinary and Appeal procedures), including a case involving a contractual dispute between a football club and player.

Max acted as sole counsel to obtain a worldwide freezing order against a Premier League footballer who had failed to pay judgment sums outstanding.

## Alternative Dispute Resolution

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Max trained in mediation at Harvard Law School, and accepts instructions to act in ADR procedures, whether as counsel, mediator or arbitrator.

## Academic

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LLB, King's College London (Highest First Class Honours – ranked 1st in both 2nd and 3rd years).

BCL, Oxford University (Distinction).

LLM, Harvard Law School.

BPTC, BPP Law School (Outstanding – 3rd in Year).

## Awards

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Gray's Inn Prince of Wales Scholarship; Judges and Silks Award; Sweet and Maxwell Book Prize; Zafrullah Khan Prize; Oxford University Press Book Prize; Helen Gibbons Prize in Commercial Law; KCL scholarships for excelling in academic studies and contribution to student life (08/09 and 09/10)

## Ranking

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## Publications

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Protecting and extending time in collision actions: The Stolt Kestrel (Shipping and Transport International Vol 10 (2))

## Appointments

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Visiting Tutor in Contract Law and Trusts Law, KCL (2012-13)

Examiner in Commercial Arbitration, KCL (2013)

Stagiaire, Cleary Gottlieb, Brussels (Summer 2012)

Placement in leading US insurance law firm

Placement in leading London shipping firm

Placement in leading London insurer and reinsurer

## Memberships

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COMBAR, London Shipping Law Centre, LCLCBA.