



Max Davidson

Called: 2013

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Max undertakes work in a broad range of commercial disputes, including shipping, commodities, international arbitration, conflicts of law, aviation, energy and insurance. He regularly appears in the Commercial Court and in international arbitration.

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

- *"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

Max has experience of a wide range of both domestic and international commercial disputes in both court and arbitration, including sale of goods, commodities supply of services, international trade and fraud. Max also has experience of freight forwarding disputes and disputes concerning the carriage of goods by road, typically governed by the CMR Convention or BIFA or RHA terms.

Illustrative cases include:

- *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 USD 3 million. The Claimant discontinued after Day 2 of trial.
- *Stef Transport Rennes v D&M Fraser* [2018] EWHC 2756: Acted as sole counsel for defendant road carrier in successfully resisting a claim under the CMR for damage to a consignment of cheese
- *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) - 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) – 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

Dry Shipping

Max has extensive experience of advising on and drafting pleadings in a wide range of charterparty and bill of lading disputes, including cargo claims, off-hire, laytime and demurrage, general average, unsafe ports and dangerous cargo. These disputes are typically in either the LMAA Arbitration or the High Court and involve charterparties or bills of lading on the main forms (NYPE; Shelltime; Gencon; BPVoy).

Illustrative cases include:

- **LMAA Arbitration** (2019): Acted for superyacht vendors in claim brought against them by brokers for commission under a commission agreement
- **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**: 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 experience of a variety of salvage, wreck and collision disputes, and of limitation claims. Recent experience includes a claim pursuant to the WRECKSTAGE 2010 form and a claim arising out of subsea cable damage by a fishing vessel.

Yacht Disputes

Max has acted in numerous yacht and superyacht disputes, including arising out of contracts of sale, brokers'

commission agreements, collision and harbour damage. Recent experience includes: acting for superyacht vendors in a claim brought against them by brokers for sale commission; acting for superyacht buyers to recover deposit paid; acting for the owners of the yacht "FOOTLOOSE" in Admiralty Court proceedings against the owners of the yacht "BLUE MANGO" in a case arising out of a collision during the Cowes Round the Island Race.

Fraud

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): Max recently acted (with Jeremy Richmond) acted 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: *Damazein Global Investments Ltd v Salamanca Capital Ltd and another* [2019] EWHC 2730 (Comm).

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

Max accepts instructions to act in international commercial and investment arbitration (including under LMAA, ICC and LCIA Rules).

Max has previous experience of assisting on advising on the merits of an investment treaty arbitration and has studied International Dispute Settlement and Investment Treaty Arbitration at Oxford and Harvard respectively.

Aviation & Travel

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 for an Indian owned company in relation to a partnership agreement for the use of private jets
- acting for an airline claiming for damage to an engine following alleged negligence by aircraft maintenance company

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

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

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

Banking

Max has experience of a number of banking and finance related issues, including matters involving letters of credit, loan agreements and financial product mis-selling.

Max recently acted as sole counsel for an individual in LCIA proceedings brought against him by a bank seeking approximately €60 million pursuant to a personal guarantee.

Sports Law

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

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

Academic

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

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



Publications

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

Appointments

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

COMBAR, London Shipping Law Centre, LCLCBA.