

# James Hatt

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James Hatt has a wide commercial law practice.

He has particular experience and expertise in:

- Shipping, shipbuilding and offshore construction
- Construction, engineering and energy
- Financial services and insurance
- Professional negligence and liability
- Commercial litigation

James has extensive experience both of conducting his own cases and of acting as a junior member in a counsel team. He has gained substantial experience as an advocate in both trials and interim applications: he has appeared as sole advocate before many Courts and Tribunals including the Court of Appeal, the Commercial Court, the Technology and Construction Court and numerous arbitral tribunals, and he is experienced in cross-examining both lay and expert witnesses. A substantial proportion of James' work is international in nature, involving arbitrations seated in a number of jurisdictions.

James is available to carry out work on a direct access basis.

## Shipping, Shipbuilding and Offshore Construction

James is recommended by Legal 500 for shipping matters and is described in the 2020 edition as a “*superb junior*”. He has substantial experience of shipping, shipbuilding and offshore construction disputes. He is familiar with standard form charterparties (NYPE, Shelltime, Asbatankvoy etc) and regularly acts in LMAA charterparty disputes. He has experience of the standard shipbuilding and ship sale forms (SAJ, Norwegian Saleform).

## Featured Shipping, Shipbuilding and Offshore Construction cases

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Acting for Chinese shipyard in dispute concerning delivery of US\$53m crude oil tanker.

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Acting for charterers in a long-running series of disputes arising under a charterparty on the Shelltime 4 form by reason of state detention of the vessel. The disputes have included issues of frustration and the scope of contractual indemnities in the charterparty.

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Acting for Owners in ongoing dispute concerning reliquefaction unit on LNG vessel.

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Appeal to the Commercial Court from an arbitration award concerning the correct approach to speed and performance claims.

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Acting for charterers in arbitrations under a COA concerning crude oil shipments to south-east Asia.

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Acting for a Korean shipyard in a number of disputes concerning the completion of a substantial decommissioning vessel (under the Netherlands Arbitration Institute Rules).

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Acting for purchasers in arbitration concerning cancellation of purchase of bulk carrier on an amended Norwegian Saleform.

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Acting for German owners/purchasers in a series of connected arbitrations arising out of delayed construction of a series of vessels by Chinese shipyard.

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Acting for Dutch claimant purchasers in Commercial Court proceedings under refund guarantees in connection with construction of bitumen tankers by a Korean shipyard.

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Advising owners and P&I Club in general average claims and seaworthiness dispute concerning a cement carrier.

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Acting for Indian shipyard in €60m LMAA arbitration concerning claims for extension of time arising out of the delayed construction of Platform Supply Vessels/Offshore Support Vessels (PSV/OSVs).

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Acting for contractors in US\$100m LCIA arbitration concerning hook-up work on a major offshore hydrocarbon extraction project.

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Acting for Brazilian shipyard in US\$83m ad hoc arbitration concerning upgrade works to semi-submersible drilling unit, including claims for extension of time, prolongation and disruption costs.

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Acting for purchasers in US\$20m ad hoc arbitration concerning sale of three tender rigs and associated maintenance contracts.

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## Construction, Engineering & Energy

James has extensive experience of construction and energy cases, particularly ones with an engineering focus.

## Featured Construction, Engineering & Energy cases

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Acting for the contractor in an LCIA arbitration arising out of the supply of coal reclaimers and stackers to a mine in Mozambique.

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Acting for the main contractor in a US\$150m ICC arbitration against a subcontractor concerning welding and other defects in Heat Recovery Steam Generators in a Middle Eastern Combined Cycle Thermal Plant.

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Acting for the design and build contractor in a dispute with an engineer concerning a Moving Bed Bioreactor (MBBR) sewage treatment plant (STP).

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Advising maintenance contractor under PFI contract in relation to alleged defects in London borough housing estate.

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Acting for a south-east Asian refinery against Hong Kong claimants in a US\$500m ad hoc arbitration concerning bitumen exports.

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Advising the contractor in relation to a dispute concerning a UK cryogenic storage plant.

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Advising Chinese metals buyers in relation to a LME arbitration.

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Acting for a contractor (and P&I club) in a dispute arising out of well-swap/pipeline work offshore Nigeria.

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Acting for providers of offshore seismic surveying services in an ICC arbitration.

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Acting for turnkey drilling operator in Commercial Court proceedings concerning provision of semi-submersible drilling rig and associated guarantee claim.

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Advising Turkish vendors of chrome ore concentrates in arbitration proceedings against purchasers.

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Advising drilling contractor regarding a US\$13m claim from an operator under drilling services agreement.

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Acting for main contractor in dispute with piling sub-contractor concerning works at Heathrow Terminal 4 Link Bridge.

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Acting for a property developer in a TCC dispute concerning redevelopment of a substantial inner London site.

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Acting for the contractor under a major PFI contract in disputes with a local authority.

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Acting for a property management company in dispute with offshore trustee owners of UK residential property portfolio.

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## Financial Services & Insurance

James' experience includes both cases involving financial instruments ancillary to offshore or other construction contracts (such as performance bonds/guarantees or CAR insurance) and also pure banking and insurance matters.

## Featured Financial Services & Insurance cases

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Acting in TCC injunction proceedings for the façade sub-contractor against main contractor and bank restraining calls on a performance guarantee.

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Acting for the defendant Chinese bank in anti-suit injunction proceedings arising out of a refund guarantee in relation to a shipbuilding contract

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Acting for the lending bank in a series of successful US\$10-US\$20m summary judgment applications against Brazilian borrowers under facility agreements.

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Acting for a Greek bank defending Commercial Court proceedings concerning claim on a payment guarantee in connection with a contract for the construction of a bulk carrier by a Chinese shipyard.

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Interest rate swap (IRHP) mis-selling disputes, including FSA/FCA Review scheme and Court proceedings. James acted in the *Bartels v Barclays* case at first instance ([2016] EWHC 1360 (QB)) and before the Court of Appeal (in the conjoined appeal *CGL v RBS* [2018] 1 WLR 2137). He has experience of complications including personal and corporate insolvency of claimants, death of claimant and partners/joint claimants.

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Acting for a fund manager and distributor in a dispute with over mistaken investment of pension funds.

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Acting for professional indemnity insurers in a dispute raising aggregation and attachment issues.

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Advising insurers in connection with loss of grain from a warehouse in Liberia.

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Advising Dutch underwriters in connection with claims arising out of warehouse receipts issued in respect of metals stored in Chinese bonded warehouses.

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Advising underwriters in connection with Channel Islands flood risk cover.

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Advising underwriters in connection with claims arising out of a transatlantic yacht casualty.

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Acting for shipowners in a dispute with insurers arising out of hi-jacking of a vessel by Somali pirates.

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## Professional Negligence & Liability

James has experience of professional negligence cases with a construction/engineering focus but also often acts in cases of solicitors' negligence.

James also has experience of professional disciplinary proceedings, having acted for the architect before the RIBA Hearings Panel and the Architects Registration Board. James is the author of a forthcoming chapter of the 10<sup>th</sup> edition of the *Architect's Legal Handbook* dealing with professional disciplinary proceedings.

## Featured Professional Negligence & Liability cases

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Acting for defendant solicitors in negligence claim concerning drafting of option agreement in property transaction.

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Acting in a claim for professional negligence against consulting engineers concerning foundation design.

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Acting for insurers in negligence claims against loss adjusters.

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Acting and advising in respect of various claims against solicitors and valuers relating to commercial and residential property.

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Acting for defendant solicitors in multi-party proceedings concerning allegations of breach of warranty of authority.

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Acting for solicitors in a series of cases arising out of alleged mortgage frauds.

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Advising and acting in a mediation on behalf of a quantity surveyor alleged to have acted negligently in the preparation of a bill of quantities.

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Advising and acting for the defendant architect in a claim brought for allegedly negligent design and supervision of a restaurant conversion.

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## Commercial Litigation

James' practice includes a wide range of miscellaneous commercial disputes, often with an international element.

### Featured Commercial Litigation cases

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Acting for biotech company in dispute with employment agent, including representation at a mediation.

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Advising international businessman on alleged malicious civil prosecution in foreign jurisdiction.

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Acting in a jurisdictional dispute concerning international gambling contracts and alleged conspiracy to defraud.

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Acting in Chancery Division proceedings concerning beneficial ownership of an international property portfolio.

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Acting for the provider of security services in a High Court claim from warehouse client.

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Acting for Turkish licensees of a major international TV station in Chancery Division proceedings.

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Acting for funders in claims against directors arising out of abortive AIM listing.

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Involvement in a number of aviation-related disputes, including acting for the claimant in a small arbitration claim under an aviation chartering agreement, acting for the defendant repairers in a dispute arising out of a contested aircraft lien and acting in High Court proceedings concerning the misappropriation of the deposit for the purchase of a helicopter.

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## Education

- BA (Oxon) PPE 1<sup>st</sup> Class
- Dip Law (City)

## Languages

- French (working knowledge)

## Recommendations

James is listed as a leading junior in the “Shipping” section of Legal 500 UK.

The 2019 edition comments that “He has a very straightforward common-sense approach.”