

Jonathan Schaffer- Goddard

Call 2017 (E&W), 2023 (NY)



Jonathan is a sought-after junior for commercial litigation and international arbitration, dual-qualified at the New York Bar. His practice spans the breadth of chambers' work, including construction, technology, insurance, and shipping matters.

Jonathan was recently junior counsel in a \$1bn ICC arbitration, relating to a "giga-project" in the Middle East, where he was instructed from the opening of pleadings through to the month-long final hearing and closing submissions.

He is frequently instructed in international and domestic disputes, as sole and junior counsel, before the courts as well as a range of arbitral tribunals. Jonathan has significant experience dealing with large quantities of expert evidence, and works well as part of a larger team of counsel and solicitors on large complex disputes. He is particularly skilled at interrogating otherwise obtuse data sets, and using them to develop strategic overarching narratives in factually complex cases.

Recognized for his advocacy, Jonathan is known for his exceptional work ethic, determined problem solving, and fastidious attention to detail. He has appeared as sole counsel before the High Court multiple times, and has conducted well over 150 contested trials and hearings. He is regularly instructed prior to or at the very start of proceedings to provide ongoing tactical and strategic advice.

Jonathan has a particular interest in cross-border work between England and the United States.

He completed his LLM at New York University School of Law as a Starr Foundation Global Scholar, graduating with the law school's prize for International Litigation and Arbitration. During his LLM he worked as a Research Assistant to Professor Linda Silberman, and a Graduate Editor of the New York University Journal of International Law and Politics. Jonathan assisted *amici* in the preparation of a brief in the United States Supreme Court in *Golan v Saada*, ___US___, 142 S Ct 1880 [2022].

Jonathan continues his English practice from Chambers while being primarily based in New York City where he practices from the firm of Holwell Shuster & Goldberg LLP.

Arbitration

Much of Jonathan's work is before arbitral tribunals and in challenges and applications under the Arbitration Act 1996.

Featured Arbitration cases

Instructed from the opening of pleadings through until a final month-long hearing as junior counsel in a ten-figure ICC arbitration arising out of a large Middle Eastern infrastructure project with Duncan McCall KC and Ben Pilling KC.

Sole counsel in a successful arbitration seeking an order that the director of a company travel internationally and undergo mandatory quarantine, in order to fulfil contractual obligations under a JCT Design and Build contract.

Junior counsel (with Thomas Crangle) in a multi-million pound ad hoc arbitration – a coverage dispute between a design and build contractor and their insurer.

Sole counsel in a s.67 and s.68 challenge to the decision of an LMAA Arbitrator in a dispute arising out of the sale of a multi-million pound yacht.

Assisted Alex Wright in *Jiangsu Shagang Group v Loki Owning Company* [2018] EWHC 330 (Comm): A s.67 challenge to the decision of an arbitrator in a \$80m charterparty dispute.

Assisted Alex Wright in *Haven Insurance Company v EU1 (t/a Elephant)* [2018] EWHC 143 (Comm) and [2018] EWCA Civ 2494: A s.67 challenge to the decision of an arbitrator, in a dispute arising out of the articles of association of the Motor Insurance Bureau.

Insurance & Reinsurance

Jonathan has experience in a range of insurance disputes and is regularly instructed by insurers to advise on suspected fraudulent claims, on coverage dispute and on contemplated subrogated actions.

Featured Insurance & Reinsurance cases

Led by Roddy Dunlop KC in *Ristorante Limited (t/a Bar Massimo) v Zurich Insurance Plc* [2021] EWHC 2538 (Ch) for the successful Claimant, the most recent statement of the law on material non-disclosure and the insurer's waiver of disclosure.

Instructed as junior counsel advising a Lloyds syndicate on a high-value sensitive coverage dispute

Instructed as sole counsel in a co-insurance dispute arising out of a flooding incident.

Instructed in relation to a multi-million pound loss arising out of a fire at commercial premises.

Regularly instructed by insurers to advise on suspected fraudulent claims, on coverage disputes and on contemplated subrogated actions.

Commercial Litigation

Jonathan has extensive experience in commercial litigation, acting as sole and junior counsel in a broad range of disputes. Jonathan has a developing specialist focus on luxury asset disputes, including high value classic car and yacht disputes.

Featured Commercial Litigation cases

Junior counsel in a seven-figure agency dispute arising out of the sale of a classic car (with Alex Wright)

Sole counsel in a large software dispute for a well-known investment firm

Sole counsel in a claim to recover a six-figure sum lost as a result of a phishing attack

Sole counsel in a claim by an aerial mapping company relating to damage to two specialist aircraft.

Regularly instructed to act for auctioneers and agents in claims relating to alleged negligence and breach of contract or fiduciary duty.

Regularly instructed to act in disputes arising out of the sale, auction, repair and of high value and classic cars and yachts.

Shipping

Jonathan has experience in a range of shipping and marine disputes:

Featured Shipping cases

Advising on the construction of a dangerous goods clause in the standard terms of a major shipper.

Instructed in a claim for damage to a racing yacht.

Assisted Alex Wright on an anti-suit injunction following the arrest of a vessel in Bangladesh.

Sole counsel in an LMAA Arbitration – a dispute arising out of damage to a vessel caused by a barge supplying bunkers.

Regularly instructed by yacht and other luxury boat owners in claims relating to defective works, repairs or damage.

Technology

Jonathan regularly acts in disputes relating to technology, and writes regularly for the Society for Computers and Law on recent decisions. He is particularly interested in disputes arising out of emergent technologies, including artificial

intelligence and blockchain.

Featured Technology cases

Acting for a major investment firm as sole counsel in a large software dispute.

Acting for a variety of SMEs in complex software disputes with suppliers.

Construction & Professional Negligence

Jonathan has experience acting for both Employers and Contractors in relation to construction disputes of all sizes, as well as in a variety of professional negligence claims.

Featured Construction & Professional Negligence cases

Junior counsel in an ultra-high value ICC arbitration arising out of a large Middle Eastern infrastructure project (with Duncan McCall KC and Ben Pilling KC).

Junior counsel in a TCC dispute regarding validity of a payless notice and the proper construction of a standard term in a JCT contract (with Anthony Speight KC).

Junior counsel in an ad hoc CIMAR Arbitration regarding negligent design in relation to a £2 million residential development (with Thomas Crangle).

Acting as junior counsel in a successful resistance to enforcement of an adjudicators award.

Instructed as sole counsel in professional negligence claim against a Yacht Broker.

Instructed as sole counsel in solicitors negligence dispute.

Assisted Jessica Stephens KC in *BDW Trading v Integral Geotechnique* [2018] EWHC 1915 (TCC): The successful defense of a £2.5m claim arising out of the alleged negligence of a geotechnical engineer.

Regularly instructed to act as sole counsel for both Homeowners and Contractors in relation to disputes arising out of domestic construction work.

Other Experience

Jonathan is regularly instructed on matters in county courts across the country, including fast track trials, RTAs, disposal hearings, credit hire claims, interim applications, general contractual disputes, and claims in negligence against employers and occupiers. Jonathan also has experience of working with the Disclosure Pilot under Practice Direction 51U. Jonathan is regularly instructed for CCMCs and in applications for relief from sanctions.

Jonathan also conducts cases on a pro bono basis through the Free Representation Unit and Advocate. He is direct access qualified.

Jonathan is regularly involved in teaching advocacy and mooting to law students. He judges domestic and international mooting competitions and is a member of the Advisory Committee for the English Speaking Union Moot. He is a member of the Student Societies and International Committee of the Inner Temple.

Publications

- A New Frontier for Extraterritorial Disclosure Orders in England & Wales, *Transational Litigation Blog* (2023)
- Court orders for oral evidence and disclosure by non-parties in support of foreign arbitral proceedings, *NYU Journal of International Law and Politics* (2022)
- Jurisdiction and place of performance under the Civil Jurisdiction and Judgments Act 1982, *LexisPSL* (2022)
- Digital Dispute Resolution Rules: Challenging awards under the Arbitration Act 1996, *Society for Computers and Law* (2022)
- What is required to elect to arbitrate? (*Aiteo v SWST*), *LexisPSL* (2022)
- Severability of adjudicators' decisions, and genuine belief in sum stated as due, *LexisPSL* (2021)
- When is a collateral warranty not a construction contract?, *LexisPSL* (2021)
- The Payment Rules, *The Architect's Legal Handbook* (10th Ed), 2021, with Jessica Stephens KC
- "Case Note: *AA v Persons Unknown: Unmasking the Proprietary Status of Cryptoassets*", *Society for Computers and Law* (2019)
- "Case Note: *Triple Point Technology v PTT Public Company*", *Society for Computers and Law* (2019)
- "Set-off defence to claim for unpaid VAT widens scope of adjudication", *LexisPSL* (2018)
- *How to Run A Country: A Parliament of Lawmakers*, Reform Research Trust (2015)

Memberships

- The Honourable Society of the Inner Temple
- The Commercial Bar Association (COMBAR)
- The Technology and Construction Bar Association (TECBAR)
- Young ITA (Institute for Transnational Arbitration)
- Young Maritime Professionals (YMP)
- Society of Construction Law (SCL)
- Society for Computers and Law (SCL)
- New York City Bar Association
- New York State Bar Association

Education

- LLM in International Business Regulation, Litigation and Arbitration, NYU School of Law (2022)
- International Business Regulation, Litigation and Arbitration Award, NYU School of Law (2022)

- Starr Foundation Global Law School Scholarship, NYU School of Law (2021)
- Princess Royal Scholarship, Inner Temple (2017)
- UK Team, Commonwealth Mooting Competition (2017)
- Excellence Scholarship, BPP Law School (2017)
- BPTC, BPP University (2017)
- Winner, ESU/Essex Court National Mooting Competition (2016)
- Graduate Diploma in Law, Oxford Brookes University (2016)
- Winner, Inner Temple Inter-Varsity Mooting Competition (2015)
- Major Scholarship, Inner Temple (2014)
- Philosophy, Politics, and Economics (BA), Brasenose College, University of Oxford (2014)