



James Shaerf

Year of call: 2021 (Solicitor of England and Wales (non-practising), 2012)

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Called in 2021 (Solicitor of England and Wales (non-practising), 2012)

James joined Chambers in 2022 having practised for more than a decade as a solicitor in major law firms in Paris and London, acting as counsel in more than 20 international arbitrations and in large-scale commercial litigation. Since coming to the Bar, James has appeared led and unled in the High Court (Commercial Court and Chancery Division), in international arbitrations, and (unled) in the ADGM Courts.

James accepts instructions in commercial litigation and international arbitration (commercial and investor-state) matters, with particular experience in disputes relating to energy, construction, banking, commodities, and civil fraud.

James's recent publications include:

"Australian appeal court rules on functus officio" in *Global Arbitration Review* (7 March 2023) (with David Brynmor Thomas KC)

"Delay Claims – Law" in *Dealing with Delay and Disruption on Construction Projects* (Sweet & Maxwell: July 2020) (with Oliver Marsden and Bryan Dayton).

"Making losses good – navigating the legal uncertainty of mitigation of damages in international maritime arbitration" (Paper on mitigation of damages under English and French law selected to be delivered at the International Congress of Maritime Arbitrators, Rio de Janeiro, March 2020).

"Unjust Enrichment as a Primary Rule of International Law" in *General Principles and the Coherence of International Law* (Brill: 2019) (with Dr Ben Juratowitch KC).

James has additionally presented conference papers and lectures in recent years on damages and evidence in international arbitration, sovereign immunity, and legal ethics.

James speaks fluent French and is happy to accept instructions with a Francophone element.

Areas of expertise

Commercial

International Arbitration

Construction

International Arbitration

James has more than a decade's experience acting as counsel in international arbitrations in a variety of sectors, including energy, real estate, mining, telecommunications, banking, and defence.

Cases of note:

- ICC proceedings relating to the enforcement of a English law guarantee in respect of performance of a contract for hotel management in France (English law, Paris seat).
- Instructed in a commodities dispute under the Refined Sugar Association Rules, in respect of a substantial dispute regarding shipments of sugar to Cameroon (English and Cameroonian law).
- ICSID proceedings against Croatia relating to a real estate complex in Dubrovnik
- ICC proceedings for an Egyptian oil and gas company relating to non-delivery of gas to a downstream purchaser (English law)
- LCIA proceedings for a Russian client over the fraudulent dilution of a shareholding in the holding company for telecommunications assets (English law, with satellite BVI and Cyprus litigation)
- Ad hoc proceedings on behalf of a middle eastern government in relation to a defence offset agreement.
- ICC proceedings for an African businessman in a commercial dispute arising out of the operation of a large African precious stones mine (English law)
- SCC proceedings for a Russian confectionary company in a post-M&A dispute regarding misstatements in sales accounts (English law)
- UNCITRAL proceedings on behalf of a central Asian state in relation to a dispute regarding a commercial real estate project

Qualifications

2012: Solicitor of the Senior Courts of England and Wales (non-practising)

2007: Barrister and Solicitor of the High Court of New Zealand (non-practising)

2008-2009: University of Cambridge / LLM (First)

2001-2005: University of Canterbury (New Zealand) / LLB(Hons)/BA

Scholarships and Prizes

WM Tapp Studentship in Law (Cambridge) (2008)

Canterbury District Law Society Gold Medal in Law (top undergraduate) (New Zealand) (2005)

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