



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

Construction

James has significant experience appearing in complex and technical construction disputes, including expert determinations. James also regularly advises in relation to construction adjudications under the Housing Grants, Construction and Regeneration Act 1996.

Cases of note:

- Currently acting on multiple construction adjudications concerning major real estate development projects.
- Acting in Chancery Division proceedings relating to insurance cover for latent defects in commercial real estate development.
- ICC arbitration and expert determination proceedings for a consortium of Asian engineering and construction firms relating to a petrochemical plant in north Africa (Algerian law)
- SCC proceedings for a Russian oil and gas business related to the construction of gas turbines for use in a Moscow power plant (English law)
- LCIA proceedings for a European oil and gas multinational relating to the construction of a semisubmersible mobile offshore drilling unit for drilling operations off the Libyan coast (English law)
- ICC proceedings for a major European building materials company in a post-M&A purchase price-adjustment dispute and related expert determination (English law)

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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