

JAMES DRAKE QC

7 King's Bench Walk
Temple
London EC4Y 7DS

T: +44 (0)20 7910 8300
E: jdrake@7kbw.co.uk
W: www.7kbw.co.uk/
W: <https://7kbw.co.uk/barrister/james-drake-qc/>



7 King's Bench Walk
Temple, London EC4Y 7DS

Tel: +44 (0)20 7910 8300
Fax: +44 (0)20 7910 8400
Email: clerks@7kbw.co.uk
DX: 239 LDE

www.7kbw.co.uk

James Drake QC is an experienced advocate and arbitrator, with extensive experience across a number of jurisdictions, principally England & Wales, the United States (New York), British Virgin Islands, and Australia.

As an advocate, James specialises in all areas of commercial law, with particular emphasis on contractual disputes of all kinds. Recent examples include: aviation; commercial fraud; factoring; insurance and reinsurance; international trade; partnership; and all related interlocutory and jurisdictional issues. As part of his commercial practice, James has represented sports associations in commercial matters, good examples being acting for the British Gymnastics Association (see below) and the Surf Life Saving Association of Australia in a dispute in relation to the right to conduct 'Iron Man' competitions in Australia and associated intellectual property rights.

James is also an experienced arbitrator in international commercial arbitral disputes. He is a member of the London Court of International Arbitration, a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Australian Centre for International Arbitration, and a Chartered Arbitrator. James is a member of various international arbitration panels and has conducted arbitrations under the auspices of AIAC, ICC, LCIA, LMAA, SMA, and SCMA, as well as various *ad hoc* proceedings. (James has chaired in the order of 25 arbitrations and has been co-arbitrator on a similar number of occasions.)

James is also a member of the Court of Arbitration for Sport panel of arbitrators and a panel member of Sports Resolutions UK.

Before coming to London, James was a partner in Owen & Davis LLC, a New York

commercial litigation firm (now part of Norton Rose) and before that was with Baker & McKenzie in Sydney and in New York. James moved to the Bar in London in 1998, joining 7 King's Bench Walk as a tenant in 1999, and took silk in 2011.

James is also a qualified accountant, and worked with KPMG prior to the law.

Recent cases as advocate

- **British Gymnastics Association v Zurich Insurance & Ors:** James was leading counsel for the British Gymnastics Association in these Commercial Court proceedings as to the liability to indemnify the claimant for a claim for serious personal injury suffered by a gymnast at a member gymnastics association. Successful settlement on eve of trial.
- **X v Y:** James is leading counsel for the insured international oil and gas company in a dispute with insurers in respect of the failure of a pipeline in the North Sea, on property damage and related business interruption claims. It is a £500m claim being heard by an *ad hoc* tribunal (of three) working under the LCIA Rules, with New York law as the governing law. Successful award on question of coverage.
- **X v Y:** James is leading counsel for a sovereign state in a commercial dispute relating to the sale, over a 10 year period, of iron ore. The overall dispute is in the order of US\$400 million. Arbitration references in various jurisdictions: London (LMAA), Zurich (ICC), New York (SMA), Miami (SMA).
- **A v B:** James represents a regional airline in the context of the threatened seizure of two aircraft. LCIA arbitration in London.
- **Orb a.r.l. & Ors v Ruhan & Ors:** James was leading counsel for the claimants in this complex and high value (£250m) multi-party commercial fraud dispute in the Commercial Court.
- **Alstom v English Electric:** James was leading counsel in the Court of Appeal for this dispute relating to the proper construction of a contractual indemnity for long-standing employment liabilities.
- **Bank v Insurers:** James represented the bank purchaser (in the secondary market) of promissory notes issued in the context of a forfaiting transaction on a claim under a trade finance policy of insurance. LCIA arbitration in London.

Recent appointments as arbitrator

- Chairman of a three person panel, appointed by the LCIA, in a dispute as to the sale of iron ore by South African seller to Ukraine buyer.
- Chairman, appointed by the ICC, of a three member panel in a dispute between international oil companies and a Nigerian concern in relation to contracts for local development and exploitation of oil.
- Co-arbitrator, appointed by the claimant. This New York reference relates to the sale of asphalt by a Swiss seller to a Mexican buyer. New York law governs.
- Chairman of the panel, appointed by the ICC. The dispute related to the design, construction and installation of a sugar refinery in Nigeria.
- Co-arbitrator, appointed by the LCIA. The dispute related to the trade credit risk insurance in respect of the sale of helicopters in Mexico.
- Sole arbitrator, appointed by the CI Arb, in this *ad hoc* reference in relation to a dispute between a Saudi national and a BVI company in relation to a real estate transaction. English law governs.
- Sole arbitrator, appointed by the CI Arb, in this *ad hoc* reference in relation to a dispute between partners of a financial advisory firm.
- Sole arbitrator, appointed by the parties, in a dispute between a Turkish buyer and a Canadian seller in respect of the sale of iron ore in Canada. The reference is being conducted under SCMA Rules; English law governs.
- Sole arbitrator, appointed by the parties, in an insurance dispute between two London insurers as to the applicable period of coverage in respect of liability to the insured. The reference is being conducted under LCIA Rules.

General Information

Academics:

- Columbia University of New York: LL.M (1992)
- University of Adelaide: LL.B (Hons) (1985)
- University of South Australia: BA (1980)

Admissions:

- Queen's Counsel – 2011
- Eastern Caribbean (BVI) – 2007

- England & Wales – 1998
- New York – 1992
- New South Wales – 1987
- South Australia – 1985

Positions:

- 7 King's Bench Walk, London, 1998 - date
- Owen & Davis LLP, New York, 1993-1998 (now Norton Rose NY)
- Baker & McKenzie, Sydney and New York, 1987-1993
- Reilly Ahern & Kerin, Adelaide, 1985-1986
- KPMG, Accountant, 1980-1981

Interests:

- Sports: golf, tennis, cricket, football