

Andrew G Moran QC is an independent, full-time, international commercial arbitrator, with over a quarter of a century's experience as arbitrator and judge, in the determination of an extremely wide range of commercial and maritime disputes. His primary office and base is at The Arbitration Chambers of Singapore in Maxwell Chambers; but he also has bases from which he is able to arbitrate in the UK (London), and Continental Europe (Paris and Geneva). He was in practice for over 40 years as Counsel (nearly 25 years as Queen's Counsel) and in that role he led teams of lawyers in conducting many complex commercial, civil and maritime cases. He is a Master of the Bench of the Honourable Society of Gray's Inn.

Andrew has conducted and holds numerous appointments in arbitrations seated in jurisdictions including Singapore, England and Wales, Switzerland, Hong Kong, Malaysia and UAE, as sole arbitrator, presiding arbitrator and party appointed arbitrator. These concern all manner of commercial disputes subject to different governing laws – of both common and civil law systems. By way of example and illustration, and not in any order of predominance, references in which he has been appointed have concerned disputes arising in banking and investment, commodity trading, joint venture agreements, energy and offshore construction (including joint exploration and operating agreements), construction (under many different standard forms of contract as well as bespoke contracts), engineering, shipping (including shipbuilding and ship repair, FPSO conversions, charter party disputes and virtually every other type of dispute commonly arising in the maritime sphere), M&As, including breach of warranty claims and fraudulent misrepresentation in share sale and purchase agreements and breach of directors' duties.

He is a Fellow of the Singapore Institute of Arbitrators and a panel arbitrator at the Singapore International Arbitration Centre, the Singapore Chamber of Maritime Arbitration (where he is also the Chairman of the Rules and Procedure Committee of the Chamber), the Hong Kong International Arbitration Centre, The Emirates Maritime Arbitration Centre in Dubai and the Asian Centre for International Arbitration in Malaysia. He is a member of the London Court of International Arbitration Users' Council and a supporting member of the London Maritime Arbitrators' Association. He is a member of the Worshipful Company of Arbitrators and a Freeman of the City of London.

In addition to his practice as arbitrator and counsel, Andrew was concurrently a part-time judge in England and Wales, for over 25 years, including sitting as a Deputy High Court Judge in commercial, construction, administrative, civil, criminal (including homicide) and chancery cases. He still sits at first instance in the High Court and as an occasional Judge of Appeal in the Isle of Man. In his judicial role, he has tried (and/or heard on appeal) a range of heavy commercial, corporate (including share sale and purchase disputes), trust, banking, telecommunications, competition and maritime cases. Most recently before becoming a full-time arbitrator, he was the trial judge in the enormous "Bitel" litigation (*Bitel Llc v Kyrgyz Mobil et al.*) concerning alleged expropriation by means of acquisition of various corporate entities holding operating licences for mobile telephone services in CIS states. The dispute arose in the wake of the so called, "Tulip Revolution" and involved allegations of fraud and

corruption of the Supreme Court of Kyrgyzstan. In that single case, he was required in dealing with the myriad of issues concerning allegedly fraudulent corporate acquisitions, to understand and apply the civilian laws of CIS States, the Russian Federation and Switzerland; together with English and Manx (which is different) common law rules on the Conflict of Laws. He was the trial judge in several important insolvency cases bought by liquidators following the collapse of Icelandic Banks, which involved issues of conflict between common law systems applying where assets were held; and a civilian legal system regulating banking operations.

He has also presided as the Chairman of specialist market tribunals operating in the regulation of financial services and the trading of commodities, futures and derivatives on the International Petroleum Exchange, the International Commodities Exchange, and as legal adviser to the Tribunal at the London International Financial Futures Exchange (LIFFE) in the City of London.

He has thus acquired enormous experience in the resolution and determination of commercial disputes in the widest range of cases and all types of forum.

SUMMARY OF PROFESSIONAL CAREER

Called to the Bar - 1976

Assistant Recorder and Recorder - 1992-2017

Deputy High Court Judge, England and Wales – 2004-2017

Master of the Bench, Gray's Inn – 2005 – to date

One of Her Majesty's Counsel - 1994

Deemster and Occasional Judge of Appeal, Isle of Man – 2003 – to date

EDUCATIONAL BACKGROUND

MA (Oxon) Jurisprudence, Balliol College, University of Oxford - 1975

Britannia Royal Naval College, Dartmouth – 1972

SELECTED ILLUSTRATIVE EXAMPLES OF CURRENT AND RECENT APPOINTMENTS AS ARBITRATOR IN HIGH VALUE COMMERCIAL CASES:

- Co arbitrator by institutional appointment in dispute concerning joint operating agreement in relation to Egyptian oil and gas resources;
- Sole arbitrator (by joint party nomination and institutional appointment) in dispute arising under aircraft fuel supply agreement between oil major and national airline;
- Co arbitrator by institutional appointment in consolidated references relating to vessel conversion for use as an FPSO;

- Emergency Arbitrator in relation to disputes arising in connection with Indonesian coal and manganese mining operations involving debt restructuring and guarantee liabilities;
- Co arbitrator in complex commercial and taxation dispute relating to importation of equipment for offshore energy exploitation joint venture in Kazakhstan involving Kazakh and English Law;
- Co-arbitrator in a marine insurance dispute involving the status and applicability of a follow clause;
- Sole arbitrator in computer supply dispute between a Government Department and software/hardware provider;
- Emergency arbitrator in dispute concerning alleged breaches of a joint operating agreement between an oil major and government entity in an Indonesian offshore oil and gas field.
- Sole arbitrator appointed by an arbitration association chairman in a multiple ship construction and sale dispute;
- Co-arbitrator in an offshore construction dispute relating to a semi-submersible oil rig;
- Co-arbitrator in ship-repair dispute involving claims for indemnity in respect of US claims in litigation arising from a fatality allegedly caused by defective works;
- Co-arbitrator in multiple repudiated ship sale and purchase contracts;
- Sole arbitrator by institutional appointment in dispute arising under Commodity (metals) trade financing arrangements involving US and Indian parties;
- Co-arbitrator and sole arbitrator in numerous commodity sale disputes involving deficiencies in quality, quantity and performance of the goods sold;
- Co-arbitrator in relation to major offshore energy project cancellation;
- Presiding arbitrator in banking dispute concerning failure of securitization of lending against assets. This case involves application of both English Common and Chinese laws of contract, banking and customs regulations ;
- Sole arbitrator in Geneva seated multinational investment dispute concerning solicitation of investment funding for ground-breaking development in bio-sciences and genetics;

- Presiding arbitrator in dispute arising under an alleged Chinese law governed contract concerning claimed agency of intermediaries in oil trading contracts;
- Ad hoc joint party appointment as sole arbitrator in a dispute stemming from alleged unseaworthiness/contamination of cargo and consequential loss and damage to industrial plant;
- Co-arbitrator in respect of a dispute relating to the loss of drilling equipment from a barge under tow;
- Co-arbitrator in charterparty disputes of all types, often relating to rejections of tendered vessel, repudiation and acceptance (numerous);

EXPERIENCE AS COUNSEL

(Illustration by examples of commercial cases conducted as Counsel in arbitration and litigation)

Sale of Goods and Services and Product Liability:

- Acted as leading counsel in case of *Bence Graphics v Fasson International* before the English Court of Appeal – a leading case on latent defects in goods and displacement of the statutory measure of damages for breach of warranty of quality in certain cases;
- Acted as leading counsel in a case proceeding in the English Commercial Court concerning contamination of foodstuffs from adulterated constituent ingredients (*Premier Ambient Products UK Ltd v Unbar Rother Ltd (Sudan 1)*);
- Acted as leading counsel in the English Commercial Court in a claim for indemnity under a company sale agreement for liabilities arising under an aircraft maintenance agreement. *SR Technics Acquisition II and SR Technics UK Ltd (ex FLS Aerospace (UK) Ltd) and Flsmidth & Co a/s (ex FLS Industries a/s)*.

Corporate Commercial Disputes:

- Often stemming from M&As, including breach of directors' duties and breach of warranty claims and fraudulent misrepresentation in share sale and purchase agreements. Examples include post acquisition and merger disputes arising from an SPA for major port based shipping container manufacturers and suppliers to multi-national conglomerate; SPA for acquisition of commercial food and beverage wholesaler to major UK conglomerate and an SPA for acquisition by the "Kwik Fit" chain of vehicle repair outlets of another competitor entity in the same business.

- Directors' breach of duty cases, including diversion of corporate opportunities, secret profits, misappropriation of corporate assets including intellectual property, Breach of Trust – such claims involving pursuit of all types of remedy and injunctive relief, including Anton Piller/ Search orders, worldwide Mareva injunctions, equitable compensation, tracing, restitution and damages.

Insurance and Re-Insurance:

- Cases involving coverage and non-disclosure issues too numerous to list or exemplify;
- Advised as leading counsel in a massive re-insurance claim in respect of indemnities paid in respect of industrial pollution caused to North American Rivers and allegedly back to back re-insurance treaties with follow clauses – ***Royal Sun Alliance Canada v The London and Lancashire Insurance Company and Teck Cominco Metals Limited***;
- Advised the Association of Canadian Names during the Lloyd's litigation;
- Acted as leading Counsel in defending claim by a pension fund against a fidelity insurer in respect of investment transactions - ***Universities Superannuation Scheme v Royal and Sun Alliance***;
- Acted as leading counsel for insurers of large industrial plant producing edible oils in respect of destruction of the plant in consequence of defective fire prevention installations ***Bibby Edible Oils v Fire Defender UK Ltd***); and

Banking, Investment and Financial Services:

- Acted in banking test action (***McGuffick v RBS***) in the English Commercial Court relating to enforceability of credit agreements under consumer credit legislation;
- Advised the London International Financial Futures Exchange on the content of its rules and trading practices, he became an adviser to its disciplinary panels and then became Chairman of Disciplinary Panels of the International Petroleum Exchange and the International Commodities Exchange, sitting with market practitioners in order to hear and determine various different disputes arising under the rules of the exchange or market.

Professional Negligence (Clinical, Architects/Surveyors, Solicitors, Insurance Broker's)

- Acted as leading counsel in many clinical negligence actions involving catastrophic personal injury and often involving obstetric negligence;

- Acted as leading counsel in many claims against solicitors for professional negligence in the conduct of litigation and in non-contentious work;
- Acted in claims against surveyors and valuers for negligent valuation, insurance brokers for negligence in fixing insurance arrangements, architects for defective design and surveyors for negligence in failing to identify and report on property defects.

Shipping and Maritime Law :

Andrew's Royal and Merchant Navy background and training, coupled with wide experience of all types of commercial dispute, together with training and experience as an advocate in different fields of law, provides a distinct advantage in dealing with cases in the maritime sphere in arbitration.

Notable highlights have included acting in the following cases:

- The Resumed Formal Investigation before the English Admiralty Court into the loss of the Bulk Carrier, *MV Derbyshire*, then the largest British Ore Bulk Oil carrier ever built, which sank without trace or explanation with the loss of all hands in the Sea of Japan in 1980;
- The *Sea Empress*, the largest estuarine pollution incident in North West Europe when 70,000 tonnes of Brent Crude was spilled into Milford Haven;
- The *Robert "M"* (the only ship ever to sink inland, in a dry-dock in a major British City – a unique tale to tell!).