



William Godwin QC

Call Date: 1986

Silk Date: 2017

William is a highly experienced litigator. He specialises in commercial and construction law, often with a cross border element, and international arbitration. He is an arbitration panel member of the China International Economic and Trade Arbitration Commission, the Shanghai International Arbitration Center, the Shenzhen Court of International Arbitration, the Dubai International Arbitration Center and the Mauritius MARC. William is also a legal member of the FIDIC Updates Task Group for the 2nd edition of the construction contracts. A graduate of University College London (first class) and Oxford University (DPhil), William is a visiting lecturer at the City University London. He is a Board member of the Great Britain-China Centre.

Commercial

Recently acted in substantial and complex Commercial Court proceedings by major German group arising from acquisition debt push down in several jurisdictions following private equity buy-out and restructuring involving conflict of laws, German company law and valuation issues; acted in a London International Chamber of Commerce arbitration for a South African mining group arising out of a commercial loan agreement in connection with purchase of AIM listed shares; in related LCIA arbitration proceedings concerning investments in Liberia; and in the Chancery Division in interpleader proceedings concerning trusts of shares. Other work includes appearing in a Hong Kong International Arbitration Centre hearing for a large Chinese pharmaceutical company in claims arising from a share sale agreement; and advising in complex interrelated proceedings in several jurisdictions concerning Russian parties and covering cross border tracing claims, trusts, partnerships and joint ventures.

Freezing order applications in a range of commercial cases, often involving fraud.

Insurance and Professional Indemnity

Substantial experience of insurance issues and professional indemnity/liability issues in a commercial and construction law context. Appearing for the policy-holder accountants against insurers in the landmark decision in *HLB Kidsons v Lloyds Underwriters and Others* [2009] Lloyds Rep IR 8 concerning coverage and notification provisions in standard form

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professional indemnity policies; acted in related professional negligence proceedings against insurance brokers and solicitors. Other cases include acting in substantial and complex professional negligence claims against major law firm arising from tax and other advice given in relation to corporate restructuring and debt push down transactions in several jurisdictions; advising insurers on subrogation issues in major fire claim; advising insurers on contractors all risks policy coverage; acting for developers in claims against insurers and contractors following total collapse of docklands development and advising insurers defending property damage claims against dredging contractors.

Banking

Especially letters of credit, bonds and guarantees. Cases include acting for privatised Russian shipping corporation defending multimillion dollar UNICTRAL arbitration claims by major European bank on parent company guarantee raising Russian and English company law issues; advising Nigerian distributors of Kodak film on injunction proceedings in relation to an on-demand bond; advising Singapore pulp mill owners on a performance bond concerning a major plant development in Thailand; and advising on calls under performance securities in connection with a major project in Africa.

Sale Contracts

Sale contracts generally, including commodities. Cases include acting for Chinese metal traders in LCIA arbitration concerning supply of alumina in breach of UN/US sanctions; acting for two Bosnian corporations in successfully setting aside a multimillion dollar Commercial Court judgment in a claim by Sinochem under an on-sale of Iranian crude oil; and for Indian buyers of breeding poultry from US sellers under a sales right agreement in challenge proceedings to an ICC award raising issues of US state and federal law, New York Convention issues and co-ordination of US and London proceedings.

Engineering, Technology and Construction/ International Projects

Very substantial experience of engineering, technology (including computer systems) and construction matters of all kinds, including liability of engineers, architects and others, loss and expense claims, delay analysis, geotechnical cases, sub-contractors, suppliers and certificates; EPC/turnkey projects. Special expertise in FIDIC-based contracts; regular invited speaker at the FIDIC users' conferences and writer and accredited instructor on the FIDIC contracts. He is also a member of the FIDIC Updates Task Group for the second edition of the main construction forms.



Recently instructed by JV contractors in very substantial claims arising under a FIDIC 4th edition form for a hydro project in the Balkans and by major French turnkey contractors on very large DAB claims arising from a sea container port project in North Africa under a FIDIC Silver Book form. Other work includes advising and acting for a central European transport authority in very large DAB claims arising from a major urban transport project under FIDIC Yellow Book conditions; advising major Indian group on its position in respect of major claims against third parties for infringement of copyright in bulk handling equipment dispute; acting for UK mining engineers under FIDIC White Book appointment against US owner concerning gold mining project in Kazakhstan; and acting for major UK architecture practice in claims in DIAC and LCIA arbitrations arising from major projects in UAE.

Professional Negligence/ Liability

Substantial experience of professional liability claims in a wide range of subject matters including tax advice, financial services, insurance and construction and engineering. Cases include acting in proceedings involving insurance brokers and solicitors in relation to tax mitigation schemes; acting in proceedings against solicitors in relation to implementation of corporate mergers and their tax effects; acting in cases involving engineers, architects and other construction professionals in a wide range of projects.

Shipbuilding and Offshore Installations

Substantial experience of shipbuilding projects and offshore installations, including extensions of time and rescission for late delivery under standard form contracts. Appeared in major LMAA arbitration defending Chinese yard against very large claims for rescission for late delivery in respect of multiple chemical tanker new build contracts; also advised another Chinese yard on disputes concerning delivery under standard form contracts.

Shipping

Acting in arbitrations and advising on shipping issues generally. Recent cases include acting for a major Chinese state enterprise in defending claims under a voyage charter raising complex issues of quantum and causation, acting for Chinese charterers in substantial LMAA arbitration defending claims by Korean disponent owners for damages for breach of contract of affreightment and acting for Chinese charterers facing various claims arising out of five C/Ps in LMAA arbitration.



Arbitration

Very substantial experience of institutional and ad hoc commercial and technical arbitrations and related applications, challenges and appeals. Cases include a number of important arbitration law decisions: LG Caltex Gas Co and Contigroup Companies v China National Petroleum Corporation and China Petroleum Technology Development Corporation [2001] BLR 235 (effect of s 67 Arbitration Act 1996); North Range Shipping Ltd v Seatrans Shipping Corp (The Western Triumph) [2002] 2 Lloyd's Rep 1 (CA applying Human Rights Act 1998 to leave to appeal applications under s 69 Arbitration Act 1996; Antaios held no longer to apply); Peterson Farms Inc v C&M Farming Ltd [2004] 1 Lloyd's Rep 614 (first reported decision on power under s 70(7) Arbitration Act 1996 to secure award pending appeal or challenge; guidelines).

Legal Directories

Legal 500, 2016

'He has particular expertise in international engineering contracts'.

Construction

Legal 500, 2015

'An experienced junior recommended for international engineering contract disputes'.

Construction

Legal 500, 2014

'has established good credentials in the arbitration communities of China and Asia'

International Arbitration

Languages

German