

BENJAMIN MACFARLANE

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Profile:

A pragmatic, solutions-driven international lawyer who delivers results. He was as Partner in leading London law firm Clyde & Co until January 31st 2005. Now he is the principal of his own firm. Almost twenty years of experience, specialising in litigation and providing advice on:

- Insurance
- Reinsurance
- Banking & Financial Services
- Trade
- Energy
- Transport

These competencies have been developed and deployed in:

- Litigation
- Dispute Resolution
- Arbitration
- Advice on Regulatory Matters

Other areas of expertise include:

- Administration of Foreign Offices (Hong Kong and Singapore)
- Administration as Member of Group Committee (Insurance/Reinsurance group London)
- Selection and hiring of arbitrators, expert witnesses, foreign lawyers and counsel
- Client Relations, PR and business development representing firm at seminars and events
- Scrutiny of fee notes and general budget control of multi-million Dollar claims
- Recruitment, training and supervision of teams of Junior Lawyers
- Liaison between Paris and London operations
- External lecturing on reinsurance and insurance matters in UK and overseas - fluent in French

Qualifications & Education:

Solicitor of the Supreme Court of England and Wales
Solicitor of the Supreme Court of Hong Kong
B.A. (Hons.) History, Magdalen College, Oxford University
Ampleforth College, York

Career History:

2002 - 04 Clyde & Co., London Office Partner, Reinsurance Group

In addition to Partnership responsibilities, providing leadership and technical expertise in wide range of cases, including:

- Reinsurance disputes in relation to a Colombian BBB Policy (reported as Brotherton v. Colseguros)
- Reinsurance disputes relating to energy and construction matters in India and the Far East (power plants, submarine cables)
- Trade dispute involving sale of US wheat to Argentina
- Contract dispute arising from the supply of Pipelines from India to Singapore
- An insurance dispute in relation to ART-type policy (Residual Value Insurance)
- Sale of damaged turbine rotor in Turkey

1999 - 02 Clyde & Co., Singapore Office Partner

One of two Partners, heading small team and sharing administrative responsibility for the office. Advising and acting on:

- Credit insurance claims arising out of the restructuring of APP (commencing liquidation proceedings against APP)
- Restructuring insurer/reinsurer claims against AFP/GAR (Asia Food and Properties/ Golden Agri Resources), also part of Indonesia's Sinar Mas group

Career History Continued:

- Reinsurance policy wording and legal recourse on a policy dispute arising from the construction of a Power Generation Plant in Thailand
- Insurance and contract disputes arising from the construction of the West Natuna Gas Transportation System
- Claims for an oil major in connection with contamination of bunkers in Singapore
- Two major political risk matters involving Indonesian Government entities
- The 'Hikari II', collision with a chemical tanker and dredger
- The collision of the 'Hual Trinita' and 'Ever Glory' (car carrier with container carrier) including contested jurisdiction between Belgium and Singapore
- Cargo claims in connection with the grounding of the 'CMA-CGM Normandie'

1990 - 99

Clyde & Co., Guildford Office

Partner

Partnership responsibilities included acting as liaison between UK and Paris offices. Examples of cases and activities include:

- Leading large team of lawyers acting for the British Government against financial advisors in connection with multi-million pound claims arising from the collapse of a financial house which purportedly dealt in Gilt Edged Stock. This entailed managing claims for 14,000 individuals
- Resisting reinsurance claim for the French Market on a quota share reinsurance arising from a jewellers' block policy placed in the French Market through Belgium (reported as Allianz & Ors v. Marchant Dwyer and Bain Hogg)
- Acting for Lloyd's Members' Agents and advising in connection with their administration (following the excess of loss spiral claim at Lloyd's) and their claim against French Market Professional Indemnity insurers including regulatory matters
- Recovering reinsurance monies from North African reinsurer
- Resisting and commuting inwards reinsurance claims against Portuguese reinsurer
- Advising in connection with and successfully resisting an attempt to found jurisdiction in England in connection with an allision between the vessel 'Heidberg' and the Shell Oil jetty on the Gironde River (reported as 'The Heidberg')
- Resisting Hull policy claim for the French Market involving the sinking of vessel in Piraeus Harbour: 'Argo Carrier' (also reported)
- Resisting claim for the French Market under an aircraft spares policy for heavy lift aircraft, spares destroyed in fire

1987 - 90

Clyde & Co., Hong Kong Office

Partner (from 1989)

Invited to Hong Kong while still Assistant and made a partner in 1989, thereafter sharing responsibility for administration of that office. Examples of activities:

- Acting in one of the first reinsurance cases in Hong Kong involving a possible fraud claim and consideration of 'follow the settlements'
- Dealing with collision matter: Pioneer Container (reported House of Lords case) involving the issue of incorporation of jurisdiction clause where feeder Bills of Lading involved
- Acting for insurers on a major warehouse fire and policy claim thereunder
- Dealing with a high value bullion recovery claim: bullion was stolen while the aeroplane was in transit in Canada
- Handling a policy action on a jewellers' block policy involving theft from a jewellery store in Hong Kong: theft from containers where seals were broken in transit
- Acting for cargo insurers in a case where there was condensation on cargo during the course of a container transit

1984 - 87

Clyde & Co., Guildford Office

Assistant

Dealing with Maritime and Transport claims including a number of Japanese frozen fish claims.

- Acting for cargo insurers on seawater contamination claims in bulk cargoes

Career History Continued:

- Handling a significant air law claim: Swiss Banking Corporation v. Brinks MAT (reported) involving the theft of bank notes from Heathrow
- Acting for cargo insurers on recovery actions arising from container thefts
- Handling palm oil contamination recovery actions

1982 - 84

Macfarlanes

Articled Clerk

Articled at Macfarlanes (mid-sized commercial firm in the City of London)

Other Information:

Interests: tennis & golf; fishing; film.

Born: 22nd January 1958

Status: Married with two children