

JAMES WILSON – Mediator Profile

“An incredibly pragmatic guy and great to work with; he is able to co-operate when it is required and take all the right points”. (Chambers Directory)

“Your approach was absolutely superb. Frankly, I believed the prospect of us obtaining a settlement was near zero. It was only your efforts that succeeded in a result.” (Client feedback)

Overview

James Wilson has been mediating in the maritime and insurance sectors since being accredited as a Mediator by CEDR in 2000. He stepped down after 25 years as a partner of Ince & Co LLP in June 2016 (having served the last 7 of those as the firm's International Senior Partner). He is now a full time Mediator, helping clients resolve disputes through both traditional mediation and through Early Intervention.

James' mediation experience crosses a wide variety of fields, including:

- Shipping
- Other sorts of transport - including rail, road and air
- Commodities/Trade
- Insurance
- Partnership/J.V./Shareholders disputes
- Professional negligence
- EU anti-competition laws

The amounts involved have varied up to a maximum to date of £186 million. A large percentage of the cases in which he has been involved as a mediator have settled on the day or within 7 days thereafter.

Mediation Style

Feedback from mediation clients confirms that James has a relaxed style that enables him to successfully build rapport and trust with those involved in the mediation process. His emphasis is on assisting the parties to confront the real costs and risks of being in conflict and to discover for themselves the benefits of settlement. The strengths and weaknesses of each parties' case will be tested thoroughly and James encourages the parties to explore alternative grounds or bases of settlement. He is comfortable in dealing with disputes involving technical data. He is well prepared, energetic and will not give up when things look bleak.

Mediation Feedback (all from clients or their lawyers)

"Just a short note to thank you on behalf of myself and my clients for all that you did in the mediation. As a person who has now attended numerous mediations (now well into three figures), on both sides the Atlantic, ... I have to say that in my view you are one of the top mediators."

"The mediation proved to be an invaluable process here. I thought that, as the mediator, you were excellent. You challenged us where necessary but in such a way that added to the process. I think that you did very well to bring the parties together."

"I considered your conduct of the mediation to be quite excellent and it was very much down to you that we were able to find a conclusion when, frankly, I felt a conclusion was unlikely."

"You helped the parties isolate the 2-3 pivotal issues in dispute."

"You dealt with the claimants in a sympathetic and emollient manner where there were strong emotional issues involved. You kept matters under control and in focus. You also shifted consideration away from claims figures to what sum the claimants needed to get on with their lives which seemed to assist the breakthrough."

"You were approachable, had a good 'bedside manner' with difficult clients and were quick to isolate and identify issues."

"James quickly established a good rapport with the clients and lawyers on both sides. He has a relaxed manner, a good sense of humour and ready appreciation of the parties' needs. He inspired confidence and the parties found him very easy to work with."

"You calmed the parties when necessary and kept them on track for a resolution within the day allotted. You also encouraged common sense and inspired trust."

"Your approach yesterday I believe was absolutely superb. Frankly, I believed the prospect of us obtaining a settlement was near zero. It was only your efforts that succeeded in a result."

"I am pleased with the outcome of this case. Did we pay more than we should? Maybe, maybe not, and we will never know. However, as always there was a real risk that we would have lost at trial and you need to pick your battles carefully. We have brought ourselves certainty and avoided the risk by settling at this stage. It was a real eye opener to find that the claimant's motivation for nearly 7 years of litigation was a principle not money. I tried not to fall off my chair when the claimant said as much in our final meeting. As insurers, I think we fall into the trap of thinking that everybody sees these disputes in the same clinical way we do but perhaps some claimants do not. Thank you for helping us gain all this insight!"

Matters Mediated in Maritime, Insurance and Trade Sectors**Shipping**

- Cargo - contamination
- Cargo - wet damage
- Cargo - late delivery
- Cargo - delivery without bills of lading/construction of LOU
- Cargo - loss of deck cargo/heavy weather
- Collision - quantum of claims
- Collision - three party collision/division of liability
- Charterparty - formation of contract/ lifting of 'subjects'
- Charterparty - formation of contract/certainty of terms
- Charterparty - speed and performance
- Charterparty - right to terminate/repudiation
- Charterparty - grounding of vessel and subsequent salvage
- Fishing vessel - loss arising from loss of MCA stability certification
- General Average - recoverability/unseaworthiness
- Norwegian Saleform - effect of Class notations
- Norwegian Saleform - time for payment of deposit
- Salvage - 'ad hoc' salvage agreement/quantum
- Salvage - SCOPIC quantum
- Ship Management - negligent repairs/limitation
- Ship Management - unpaid fees and disbursements

Marine Insurance

- Insurance (H&M/P&I) - division of loss between different insurers
- Insurance (H&M) - cause of loss/scope of cover
- Insurance (H&M) - material non-disclosure, construction of policy terms
- Insurance (H&M) - S39(5) MIA unseaworthiness defence to claim

- Insurance (P&I) - scope of discretionary cover/ quantum of loss
- Insurance (Yacht) - cause of loss/scope of cover

Professional Negligence

- Insurance broker - negligence
- Barrister negligence - shipping matter
- Solicitor negligence - shipping matter
- Solicitor negligence - time limit issue

Other Experience in Mediation

Along with Stephen Mills, Rhys Clift and Silas Taylor, James was one of the founders of the Maritime Solicitors Mediation Service (MSMS) which worked to introduce the use of mediation in the maritime field.

James has previously acted as an adjudicator (examiner) for the Chartered Institute of Arbitrators' mediation training course.

Professional Background

Lawyer

James qualified as a solicitor in England & Wales in 1985 and also in Hong Kong in 1986.

He was engaged in commercial litigation as a solicitor from 1983, much of it with an international flavour. He was a partner of Ince & Co between 1991 and 2016.

At Ince & Co, James specialised in all aspects of maritime law. Prior to taking over as the firm's International Senior Partner, James led Ince & Co's marine casualty team, dealing with the full range of marine casualties. In addition to this wet expertise, James advised widely on issues arising in connection with charterparties, the carriage of goods by sea, insurances, ship management, and ship sale and purchase.

James has advised shipowners and their insurers in some of the world's highest profile marine casualties in the past two decades including: *Braer* and *Sea Empress* (the largest oil spill casualties in the UK); *Orapin Globa/Evoikos* (a collision resulting in the largest oil spill off Singapore); *Nissos Amorgos* (the largest oil spill

in Venezuela); *Sea Parana/Estrella Pampeana* (a collision resulting in the largest oil spill in Argentina); *Kaminesan/Hyundai 105* (a collision off Singapore resulting in the sinking of *Hyundai 105* and claims in excess of US\$120 million); *Fowairet* (vessel grounded and broke back in River Scheldt – at the time, the largest LOF peacetime salvage award); *Hebei Spirit* (the largest oil spill in Korea).

James worked for three years in Hong Kong and has conducted business extensively in the Far East throughout his career. The international nature of his practice is also reflected in the fact that he has overseen court litigation and arbitrations not only in the UK but also in HK, Japan, PRC, South Korea, Singapore, India, Sri Lanka, South Africa, Nigeria, Australia, New Zealand, Argentina, Venezuela, Mexico, USA, Canada, Norway, Germany, Denmark, Greece, France and the UAE.

James is a co-author of the Admiralty section of the current *Halsbury's Laws of England*

Business Management

James was elected to act as Ince & Co's International Senior Partner from 2008-2015. Working without a traditional law firm Managing Partner, James' role was more akin to that of a CEO, overseeing a business comprising approximately 90 partners, 600 total personnel working in 11 offices worldwide with an annual turnover of about US\$150 million. James' tenure as Senior Partner saw many changes in the business world in the aftermath of the Global Financial Crisis and the sudden and extended downturn in the shipping and trading markets worldwide.

The insights and experience gained from this period in senior business leadership has added to the skill sets that James brings to his role as mediator.

Other

- Associate member of the Baltic Exchange
- Associate member of the Association of Average Adjusters
- Liveryman of the Worshipful Company of Shipwrights
- Former Director of Maritime London, a not for profit professional body for UK based companies that provide professional services to the international shipping industry

Contact: for bookings

Email: clerks@SeaMediation.com

Tel: +44 (0) 7824 879427

or ongoing matters:

james.wilson@SeaMediation.com

+44 (0) 7831 495241