

RHYS CLIFT – Mediator Profile

Rhys Clift has *“a formidable reputation in the mediation marketplace”* (Sir Henry Brooke, Chairman Civil Mediation Council).

He has a *“remarkable depth of expertise”* (The International Who's Who of Shipping and Maritime Lawyers).

Professional Background

Rhys Clift was accredited as mediator by CEDR in October 1998 and has mediated commercial disputes (principally in shipping) in tandem with work in private practice since that time, usually in London.

Rhys has been a maritime lawyer for more than 40 years. He has enormous experience in shipping and insurance (predominantly marine insurance). Many are complex, high value matters, with multijurisdictional aspects. Based on practical experience, he is the author of an ongoing series of guides and papers on the legal aspects and practical mechanics of mediation, commencing in 2000.

Rhys began his career at the specialist maritime firm Hill Dickinson & Co in 1981 and became partner in 1989, handling a wide range of shipping disputes, specialising in insurance. He was Managing Partner of Hill Taylor Dickinson 1999/2003. He joined Penningtons Manches Cooper LLP in 2019, where he is now a consultant.

He has played a pivotal role in the establishment of commercial mediation in the maritime field in England & Wales. He is co-founder of the Maritime Solicitors Mediation Service in 2001 (which he administered until 2018) and of SeaMediation Chambers in 2014.

Rhys is listed on the Panel of Distinguished Neutrals, CPR International Institute for Conflict Prevention and Resolution (New York).

Expertise

Shipping. Marine Insurance. Insurance/Reinsurance. Energy.

Dispute Resolution (sample as mediator)

Aviation - lease agreement

Cargo - theft and contamination

Charterparty - off hires pandemic (several)

Charterparty - off hire, damages non-performance

Charterparty - crane damage, off hire

Charterparty - fire, dangerous cargo, off-hire

Charterparty - collision/allision, off hire

Charter party - scrubber installation

Cargo - damage to grain while in land-based storage

MOA - disputed sale/damages

Also road traffic, boundary disputes

Shipping and marine insurance (sample)**Arrests** - contested associated ship arrests/flight from arrest**Commodities** - theft from storage and mysterious disappearance, coverage terms for goods on consignment/credit finance, recovery/seizure of exported goods**Cargo** – deliberate sinking/destruction, dangerous cargo/stowage, jettison, contamination, liquefaction and capsize, shortage/damage, shipment of goods in breach of sanctions, contested CTL claims**Charterparty disputes** - off hire, termination, frustration, speed & performance, demurrage, loss of deck cargo, damage to cranes**Collisions and allisions** - in port/entering port**Container contents** - alleged theft/illicit cargoes - Afghanistan, Iran, Czech Republic, Colombia**Contested Judicial Sales/Registrations** - Bulgaria, Cameroon, Gibraltar, Israel, Liberia, Panama**Energy** - contested sale and purchase of production platform, loss of tow/grounding total loss of platform**Fidelity bonds/guarantees** - defence/actions against guarantees**Innocent owners insurance** - detainment/seizure for carriage illicit narcotics**Hull** - drafting-editing foreign market package policy (Hull, War, LOH)**Hull** - multiple: machinery damage, fires, explosions (at sea, at berth), structural failure, groundings, sinkings, capsize, contested CTL and ATL claims**Loss of Hire** - direct cover, reinsurance**Mortgagees Additional Peril (Pollution) Insurance** - collision, pollution, salvage, judicial sale, contest amongst creditors**Mortgagees Interest Insurance** - multiple alleged fraudulent/illicit sales, illicit scrapping, alleged fraudulent detainment, theft of vessels, carriage of alleged bomb making cargo, explosion, fire and actual total loss**P&I claims on insolvent P&I Clubs** (multiple)**P&I** - drafting/editing fixed premium cover/wording, cargo shortage/damage**P&I** - drug smuggling/fines/penalties**Piracy** - multiple Somali piracy detainments for owners, war underwriters, K&R underwriters, disputed K&R, carriage of illicit cargo, theft of ship and cargo electronic goods**General Average** - fire at sea, groundings, recoveries, unrecoverable GA**Ship-repairers liability** - explosion and fire, physical loss/damage to vessel and yard/death personal injury**Yacht** - fire in dry dock, drafting refit contracts, sinking/multiple loss of life, death/injury at berth**Yacht** - drafting/editing foreign market package policy (Hull, War, Legal expenses)**War** - alleged terrorist attack, explosion and fire on ferry, wreck removal, detainments alleged fraudulent mortgage/alleged illegal fishing**Wreck removal** – storm/sinkings coverage**Insurance & reinsurance (sample)****Art** - alleged theft of paintings, destruction of precious books and manuscripts**Aviation** – hull and liabilities, crash, loss of life, direct/reinsurance, land-based collision, theft of gold bars**Business interruption** - hotel, riots**Delay in start-up (DSU)** - factory, generator casualties en-route**Energy** - loss of directional drill, collapse of braced caissons, construction/installation buckling piles**Excess of Loss reinsurance** – follow fortunes, Claims cooperation, Claims control, aggregation, retrocession of Fac/Oblig cover, charterers liability cover

Quota Share reinsurance - land based storage risks

Commodities - alleged theft of computer chips from storage/transit

Diamonds & Jewellery - alleged theft from transit/storage locations

Generators - loss and damage Saudi Arabia

Gold - alleged theft from manufacturing warehouse

Kidnap/ransom - South America, Indian subcontinent

Political Violence – civil war/insurgent attack, military attack on premises, theft of stock/finished product

War - loss of land-based generators, reconstruction Iraq

Reported cases

S&W Beresford v NGI [1992]: alleged theft gold, jurisdiction

Aliza Glacial [2002] EWCA civ 577: detainment, alleged illegal fishing

Aneco Reinsurance Underwriting Limited v Johnson & Higgins Limited [2001] UKHL 51: broker negligence (acted for the successful Lloyds Reinsurers in related arbitration)

Limit (No3) v PDVIC [2005] EWCA Civ 383: land-based pollution, jurisdiction

Suez Fortune Investments v Talbot Underwriting [2015] 1 Lloyds Rep 651: CTL by explosion and fire

Personal style

Calm and patient, methodical and determined. Rhys applies himself to the utmost to assist parties to solve their disputes.

Feedback: directories (as a lawyer)

Rhys has a *“remarkable depth of expertise”* (International Who’s Who Maritime Lawyers), 2010.

Legal 500 2023: *“he has decades of experience in insurance and particularly marine insurance. His technical knowledge and understanding of principles of insurance is second to none, and far superior to that of partners at other comparable firms, in my experience. He is also extremely committed and dedicated to his clients, frequently working around the clock to get the job done”.*

“The key person from my perspective is Rhys Clift. He has enormous experience and is a shrewd and highly competent litigator, a real force to be reckoned with, and a veteran of some huge cases particularly in the marine sector”.

Rhys is listed as a Global Leader by the Who’s Who Legal in Transport - Shipping, 2024.

For mediation, Rhys was Finalist in the CEDR Awards for Excellence in ADR in 2006 and 2008. Judge in the CEDR Awards for Excellence in ADR in 2012 on panel chaired by Lord Rix.

Professional

LLB (Hons) 1979 2:1

Solicitors Finals 1980, Honours and Alfred Syrett Prize

DESU, 1981- University of Aix Marseille (EU Competition Law)

Partner Hill Taylor Dickinson 1989 to 2006 (Managing Partner 1999/2003)

Partner Hill Dickinson LLP 2006 to 2018

Partner Thomas Cooper LLP 2018

Partner Penningtons Manches Cooper LLP, on merger 2019 to 2023

Consultant Penningtons Manches Cooper LLP, 2023 onwards

Mediation Talks and Publications

Internationally, Rhys has given talks and seminars on ADR/mediation/dispute resolution, insurance, piracy and ransom (war, hull, cargo, P&I coverage, general average), cyber hazard and electronic fraud, corporate manslaughter, pure economic loss, environmental/economic salvage, cultural factors in international negotiation, disaster and innovation, at Intertanko, Intercargo, AAA, BILA, CII (Masterclass on ADR), CESAM, CSC, IIL, IADC, IUMI, LMA/ILU, MUNIS, Nehru Centre, SCAA, USMLA. He has acted as judge and mediator in ICC International Mediation Competition, Paris.

Books

“Mediation in England and Wales”: Rhys Clift is the sole author of ***“Mediation in England and Wales”*** a compendium of essays, first published in 2010 and also available in French and Italian. The book is described by Professor Greiman of Harvard University’s Kennedy School of Government as ***“essential reading”*** and by Sir Henry Brooke then Chairman of the Civil Mediation Council as ***“excellent”***.

“Alternative Dispute Resolution in Practice”: Rhys Clift is the original architect of ***“Alternative Dispute Resolution in Practice”***, a comprehensive guide principally for the insurance and reinsurance market published by the Institute of Insurance of London in January 2011.

Other experience/skills

Rhys is widely travelled in Europe, Scandinavia, North America, South America, North Africa (Maghreb), Middle East and Far East. He is trained in cultural aspects of cross-cultural disputes. He has more than 40 years of practical experience in dealing with parties from multiple origins, backgrounds and cultures. Fluent in French.

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