

JAMES DRAKE KC

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After more than 35 years as an advocate, James Drake KC is now a full-time arbitrator, with a practice covering a wide range of international commercial and sporting disputes.

James has extensive experience in international commercial arbitrations (whether as sole or co-arbitrator or chairman) under the auspices of the American Arbitration Association (AAA), the Chartered Institute of Arbitrators (CIArb), the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the Singapore International Arbitration Centre (SIAC), the Singapore Maritime Academy (SMA) and the Swiss Arbitration Centre (SAC), as well as in *ad hoc* arbitrations. He is a member of ICC (Australia and United Kingdom), the LCIA, a fellow of the CIArb, a fellow of the Australian Centre for International Commercial Arbitration (ACICA), a member of the CIArb's Presidential Panel, and a chartered arbitrator.

His recent appointments in the commercial arena have included disputes in areas such as: commodities and international sale of goods, energy, oil rigs, finance, share sales, corporate fraud, joint ventures, limited liability partnerships, insurance/reinsurance, and international infrastructure projects. His recent commercial appointments are listed below.

James has had extensive experience in sports arbitrations and is a member of the panel of arbitrators for the Court of Arbitration for Sport (in Lausanne) and a former member of Sport Resolutions in the UK. He is also a member of the English Premier League's Judicial Panel and a member of the Judicial Panel for the Lawn Tennis Association. His recent appointments in sport arbitrations are listed below.

Professional background

Before becoming a full-time arbitrator, James had a broad international commercial practice at the Bar in London and an advocate in New York. He is qualified in London, New York, Australia and the British Virgin Islands, and has appeared as counsel in courts and before arbitral tribunals in London, Sydney, New York, BVI, Antigua and Bermuda.

Before coming to the Bar in London, James practised extensively in the US (New York) and in Australia (Sydney and Adelaide). He was a partner in a specialist litigation firm in New York, since merged with Norton Rose, and worked for many years in the New York and Sydney offices of Baker McKenzie.

As counsel, James specialised in all areas of commercial law, with particular emphasis on commercial fraud, banking and financial services, insurance / reinsurance, energy and commodities, and joint venture/ partnership disputes.

James is also a qualified accountant and worked at KPMG before moving into the law.

Recent appointments as arbitrator (commercial)

- Chairman of three-member panel in USD450m commercial dispute in relation to Ukraine facilities and force majeure effect of Russia-Ukraine conflict. LCIA Rules.
- Chairman of a three-member panel, appointed by the co-arbitrators, in relation to a joint venture for the development of green energy in the UK between sovereign state and domestic company, USD400m in issue, LCIA Rules.
- Chairman of a three-person panel, appointed by the LCIA, in a dispute as to the sale of iron ore by South African seller to Ukraine buyer.
- Chairman, appointed by the ICC, of a three-member panel in a USD500m dispute between international oil companies and a Nigerian concern in relation to contracts for local development and exploitation of oil.
- Co-arbitrator, appointed by the claimant. New York reference related to the sale of asphalt by a Swiss seller to a Mexican buyer; New York law.
- Chairman of the panel, appointed by the ICC. The dispute related to the design, construction and installation of a sugar refinery (and related facilities) in Nigeria.
- Co-arbitrator, appointed by the LCIA. The dispute related to the trade credit risk insurance in respect of the sale of helicopters in Mexico.
- Sole arbitrator, appointed by the CIArb, in this ad hoc reference in relation to a dispute between a Saudi national and a BVI company in relation to a real estate transaction. English law.
- Sole arbitrator, appointed by the CIArb, in this ad hoc reference in relation to a dispute between partners of a financial advisory firm.
- Sole arbitrator, appointed by the parties, in a dispute between a Turkish buyer and a Canadian seller in respect of the sale of iron ore in Canada. SCMA Rules; English law.
- Sole arbitrator, appointed by the parties, in an insurance dispute between two London insurers as to the applicable period of coverage in respect of liability to the insured. LCIA Rules.

Recent appointments as arbitrator (sport)

- Al Nasr Club v Al Daihani & Ors
- Antyukh v World Athletics
- Artistic Gymnastics Federation of Russia v International Gymnastics Federation
- Ayala v Middlesbrough Football & Athletic Company
- Ayala and Gested v Middlesbrough Football & Athletic Company
- Braz v World Athletics
- CBSK v World Skate
- Chess SA v FIDE
- Coleman v World Athletics
- Danilova v World Triathlon
- Dascalu v UCI
- De Souza v ABCD and Ors
- International Boxing Association v International Olympic Committee
- International Tennis Federation v Buyukakcay
- Kenderesi v Hungary ADO
- Kipruto v World Athletics
- Lasitskene v World Athletics
- Leeper v International Association of Athletics Federations
- Lekic v Bosnia and Herzegovina Anti-doping Control Agency
- Lopez v UCI
- Mohammed v Arabi Sports Club
- Nairo Alexander Quintana Rojas v Union Cycliste Internationale (UCI)
- Pakistan Cricket Board v Akmal
- Premier League v Everton Football Club
- Philippine Swimming Inc. v World Aquatics
- Rangelova v Bulgarian Olympic Committee (BOC)
- Rehm v International Olympic Committee
- Russian Anti-doping Agency v Selikhov
- Russian Anti-doping Agency v Gadisov
- Russian Anti-doping Agency v Ogarkov
- Russian Anti-doping Agency & Ors v Valieva
- Russian Biathlon Union v International Biathlon Union
- Russian Olympic Committee v European Olympic Committee

- Russian Skating Union v International Skating Union
- Russian Table Tennis Federation v European Table Tennis Federation
- Russian Table Tennis Federation v International Table Tennis Federation
- Singapore Karate-do Federation v World Karate Federation
- Trinidad and Tobago Olympic Committee v World Athletics
- Volleyball Federation of Russia (VFR) v Fédération Internationale de Volleyball (FIVB)
- WADA v Banks
- WADA v Russian Anti-doping Agency
- WADA v International Boxing Association and Emiliano
- WADA v International Canoe Federation and Ors
- World Athletics v Amusan
- Yastremska v International Tennis Federation

General Information

Academics:

- Columbia University of New York: LL.M (1992)
- University of Adelaide: LL.B (Hons) (1985)
- University of South Australia: BA (1980)

Admissions:

- Queen's Counsel – 2011
- Eastern Caribbean (BVI) – 2007
- England & Wales – 1998
- New York – 1992
- New South Wales – 1987
- South Australia – 1985

Positions:

- 7 King's Bench Walk, London, 1998 - date
- Partner, Owen & Davis LLP, New York, 1993-1998 (now Norton Rose NY)
- Senior Associate, Baker & McKenzie, Sydney and New York, 1987-1993

- Associate, Reilly Ahern & Kerin, Adelaide, 1985-1986
- Accountant, KPMG, 1980-1981