

# Arbitrators

AT 24 LINCOLN'S INN FIELDS

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## Simon Crookenden

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Simon Crookenden QC is an experienced arbitrator and mediator in most areas of commercial law. He has acted either as a sole arbitrator, chairman or as a member of the tribunal in ICC, LCIA, LMAA, Lloyds and ad-hoc tribunals. He has successfully mediated many commercial disputes and provides Expert Opinions on English Law.

Simon Crookenden has an engineering background having studied Mechanical Sciences at Cambridge. He started his career in aircraft engineering and then worked in commercial management with Unilever plc and Express Dairies Ltd. Following his transfer to the bar his early career drew on his engineering expertise. He has a solid understanding of shipping disputes and although it has remained at the heart of this practice, Simon's practice has developed to cover a wide range of commercial disputes including banking, insurance, construction, intellectual property and energy and natural resources.

The majority of Simon's cases as counsel were references to arbitration and it was appropriate that Simon started to accept arbitral appointments. He now spends most of his time acting as arbitrator though still appears as counsel from time to time.

### Arbitrator Experience

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- Sole arbitrator in an LCIA arbitration under a joint venture contract for construction of a freshwater pipeline in Saudi Arabia.
- Chairman of LCIA tribunal appointed under a design and build contract for the expansion and modification of an oil refinery.
- Chairman of LMAA tribunal appointed under shipbuilding contract when vessel suffered damage on first cargo voyage alleged due to faulty construction.
- Member of an LMAA tribunal that resolved a claim arising out of the breakdown of a vessel's main engine. The award was upheld on appeal. This case raised the issue of whether a 1993 Saleform contract incorporated the terms as to quality and fitness for purpose implied by the Sale of Goods Act 1979. This issue, although arising many times in London arbitrations, had not previously been the subject of a definitive ruling by the High Court (The "Union Power" [2012] EWHC 3537).
- Sole arbitrator in an LCIA arbitration involving claims under a seismic survey contract.

- President of an ICC tribunal appointed to determine claims under a consultancy agreement relating to the cement business in the UAE.
- Member of an LCIA tribunal appointed to resolve claims arising out of a contract for the construction of a large wood pellet plant built in Russia to supply renewable fuel to power stations.
- Chairman or co-arbitrator in a number of disputes under ship-building contracts. Such disputes included failure to pay instalments when due, delay in construction and technical objections to the construction or testing of the vessel.

## Mediator Experience

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- Mediation of High Court disputes under a voyage charter for the carriage of liquid petroleum gas. Dispute resolved on terms that included agreement for further business.
- Mediation of arbitration dispute under contract for construction of gas pipeline in Australia.
- Mediation of dispute in arbitration under a Norwegian Saleform contract for the sale of a vessel involving claims for engine repairs and loss of income.
- Mediation of High Court claim by cargo owners under bill of lading contract to recover salvage liabilities on the grounds of shipowners' failure to exercise due diligence to make the ship seaworthy.
- Mediation of arbitration claim under reinsurance treaty.
- Mediation of dispute as to whether quota share reinsurance treaty could be avoided for misrepresentation/non-disclosure.
- Mediation of dispute as to brokerage/commission payable under lineslip agreement.
- Mediation of claim by cargo interests against shipowners for damage to a cargo of new potatoes.

## Notable Cases: Counsel

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- Counsel for semi-public Indian oil exploration and production company in an arbitration dispute with joint venture partners regarding exploitation of off-shore Indian oil fields.
- Counsel for US based investors in a dispute arbitrated in London with Russian owned companies registered in UK and Cyprus.
- Counsel for control system company Hitec (now National Oil Corporation) defending a court claim arising out of an accident to deep water drill ship.
- Counsel for Indian interests in London arbitration arising out of non-performance of a contract for the dismantling, removal and shipping of a power station.
- Counsel for major UK based energy company in arbitration arising out of major generator failures.

## Career

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1999	Accredited Mediator
1998	Recorder
1997	Approved ICC Arbitrator
1996	Silk
1976	Essex Court Chambers
1975	Call: Gray's Inn (Bencher)