



### James Carter

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James Carter specialises in complex commercial arbitration and litigation. He acts for clients across a broad spectrum of sectors including energy, construction and infrastructure, banking and financial services, telecommunications and technology. James is the Head of the UK Energy and Natural Resources practice.

All of James' work has an international flavour, and he regularly conducts disputes which have a multi-jurisdictional aspect. He has recent experience of disputes involving Nigeria, Kazakhstan, Russia, Zambia, Italy, India, Belgium, the Netherlands, France, Lithuania, Ghana, Rwanda, Norway, Kazakhstan, Cameroon Singapore, S.Korea, Turkey and the BVI.

### EXPERIENCE

- Acting for investors in a major African energy company in a USD450 million joint venture dispute. LCIA arbitration proceedings have been commenced, and an injunction obtained in the BVI in support of those proceedings. (As part of this dispute James successfully challenged an arbitral award before the English High Court).
- Acting for a major Korean Contractor in a series of 6 LCIA arbitrations and related Nigerian litigation relating to access to a construction yard and other issues following the construction of an FPSO. The claim is worth in the region of USD150 million.
- Acting on behalf of a major Italian energy company in a gas pricing dispute, valued at in the region of USD250 million. The arbitration (ICC rules, seated in Paris) addressed the relative merits of two competing price reviews and in particular the correct application of a price review clause and the impact of changes in the European gas market on gas prices.
- Acting for an African government in an UNCITRAL arbitration against a US contractor relating to the procurement and performance of a USD500 million contract involving disputes as to the extent to which reasonable endeavours were exercised.
- Acting for a major African energy business in a USD50 million dispute arising from the termination of back to back contracts alleged to have involved the trade of sanctioned oil.
- Acting for a major British bank, against significant European banks financial institutions and a European State in claims arising

### RELATED SERVICES

- Litigation, Arbitration and Investigations
- Banking and Finance Litigation
- Cross-Border Litigation
- Construction, Engineering and Infrastructure Disputes
- Global Governance and Compliance
- IT and Telecoms Disputes
- International Arbitration
- Investigations
- Projects, Energy and Infrastructure
- Renewables
- Oil and Gas

### RELATED SECTORS

- Financial Services
- Energy and Natural Resources
- Technology

from a takeover. The claims are valued at EUR135 million. Proceedings have been commenced in the Belgian Courts (where Dutch, Belgian and English law claims will be advanced), and by way of a Paris seated, English law, ICC arbitration.

- Acting for a UHNW individual in a GBP350 million+ Singapore seated LCIA arbitration and related litigation in the Isle of Man involving allegations of fraudulent misrepresentation.

## CREDENTIALS

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### Professional Qualifications

- Barrister in England and Wales

### Recognitions

Clients appreciate, amongst other things, that "his advice is always very polished and commercial in its outlook" (*Chambers and Partners*, 2018), that he "has a good sense of what will work" (*Legal 500*, 2018) and that he is "bright and fun to work with and a great team-building person" (*Legal 500*, 2017). He is also noted for delivering "the perfect combination of strategic advice and attention to detail." (*Chambers and Partners*, 2020), for being "hard working", "highly capable and impressive", and for having "a huge commitment and energy combined with judgement as well as the gravitas and ability to focus a team and lead it" (*Legal 500*, 2019).

### Education

- Cambridge University, BA, Law
- Nottingham Law School, Bar Vocational Course, Very Competent

### Teaching

In 2013 James was invited to teach International Arbitration advocacy to the International Dispute LLM at the University of Geneva.

James has also delivered numerous training sessions covering a wide range of disputes issues including on written advocacy and the drafting of dispute resolution clauses.

## INSIGHTS

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### Publications

#### Scotland gets go ahead for multi-billion pound wind farm investment

29 June 2020

As an antidote to all the COVID-19-related gloom, 10 June brought good news in Scotland for all stakeholders in the offshore wind sector.

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#### The rise and rise of shareholders' Class Actions in the UK

18 June 2020

In the UK there has been a steady rise in shareholders' Class Actions including several Class Actions launched by unhappy shareholders against the companies they invest in.

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#### COVID-19, force majeure and frustration: An in-depth analysis

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9 June 2020

The outbreak of COVID-19 has caused major disruption to businesses around the world, with many finding it difficult, or impossible, to fulfil their contractual obligations because of the pandemic and the response to it.

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### **Just deserts: English court grants conditional anti-suit injunction on “quasi-contractual” basis**

5 June 2020

Times Trading Corporation v National Bank of Fujairah (Dubai Branch), the English Commercial Court granted an anti-suit injunction (ASI) restraining the National Bank of Fujairah (Dubai Branch) (NBF) from pursuing Singaporean court proceedings. The judgment contains a helpful summary of general principles applicable to “contractual” ASIs.

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### **The collapse in oil prices: force majeure and other strategies**

27 May 2020

On 20 April 2020, the WTI benchmark price for crude oil in the US temporarily fell to negative \$37.63, the first time in history it has fallen below zero. One question many clients are posing is whether a collapse in oil prices might excuse performance of a contract on force majeure grounds.

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### **The Energy Transition: The impact of Covid-19 and moving to a net-zero economy**

26 May 2020

On 19 March 2020, Adrian Del Maestro, global research director with PwC Strategy&, presented to DLA Piper’s International Energy and Natural Resources sector lawyers on the immediate impact of COVID-19 and challenges of moving to a net zero economy.

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### **Certainty for commercial parties**

7 May 2020

The Court of Appeal (CoA) granted the Claimant, a Turkish construction company, an anti-suit injunction restraining an entity within the Chubb insurance group from continuing Russian court proceedings which the CoA ruled it had brought in breach of an arbitration agreement specifying London as the seat.

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### **Force Majeure Certificates in a global context: What are they and what is their effect?**

30 April 2020

On 30 January 2020 the China Council for the Promotion of International Trade announced that it would offer Force Majeure Certificates to local businesses. The intention was to assist them in prospective disputes with foreign counterparties.

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### **Coronavirus (COVID-19) – top tips for your commercial contracts including force majeure**

16 April 2020

The outbreak of coronavirus COVID-19 is having a profound effect on the global economy, and a widespread impact on the ability of parties to perform their contractual obligations.

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## Issue 4

9 April 2020

Energy and Natural Resources Case Law Update

In this fourth edition of the E&NR Case Law update we focus on cases from the last six months of 2019 which - even where they did not directly concern the energy sector - are of general application to the drafting and management of contracts by E&NR businesses.

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## Acquisition interrupted? The potential impact of nascent class actions on mergers and acquisitions

1 April 2020

A recent case has illustrated the potential impact which group litigation / class actions based on so called parent company liability (i.e. the liability of parent companies for the acts of their foreign subsidiaries) can have on international businesses.

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## WIN Wise - Tech dispute checklist

11 March 2020

Tech disputes can be complex. It can be difficult to remember everything while trying to get to grips with the factual/legal issues and putting in place a litigation strategy. Certain key issues must be considered to minimise risk and to ensure the efficient management of the dispute.

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## P v D arbitration claims under section 68 and 33 of the Arbitration Act 1996

29 January 2020

The decision from the English Commercial Court highlights the consequences for parties if they fail to interrogate fully opponent witnesses on key points of evidence, and for Tribunals of issuing awards inconsistent with unchallenged evidence or predicated upon a case that has not been advanced.

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## Issue 3

17 October 2019

Energy and Natural Resources Case Law Update

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle. In this third E&NR Case Law Update, we draw together relevant themes emerging from recent cases.

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## Caster Semenya ruling and the pros and cons of the Court of Arbitration for Sport

6 September 2019

On April 30, 2019 the Court of Arbitration for Sport (CAS) gave its much anticipated ruling on the case of Caster Semenya, dismissing the challenges brought by her and Athletics South Africa (ASA) regarding the validity of the International Association of Athletics Federations' (IAAF) Eligibility Regulations for Female Classification (Athletes with Differences of Sex Development) (the DSD Regulations).

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## Issue 2

25 April 2019

Energy and Natural Resources Case Law Update

Deals in the Energy and Natural Resources (E&NR) Sector are often complex, high value and high stakes, and disputes can arise at any stage of the deal life cycle.

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### Civil procedure in a post-Brexit landscape

8 MAR 2019

With the Brexit deadline fast approaching, a no-deal scenario remains a real possibility. Companies facing on-going and threatened English litigation proceedings are keen to understand the impact of a "no-deal" Brexit on the conduct of their disputes.

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### Shareholder activism in the sports sector

10 JAN 2019

The sports sector is relatively unregulated when compared with other sectors, such as financial services or manufacturing.

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### Inconsistent dispute resolution clauses - when should the "one-stop shop" give way to gravity?

27 DEC 2018

Where, in complex commercial arrangements, there is a multiplicity of agreements, problems associated with inconsistencies between them abound. That can have significant consequences, particularly where there is an inconsistency between dispute resolution provisions in different but related contracts.

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### Privilege - a checklist for in-house lawyers

13 DEC 2018

Legal professional privilege has recently been the subject of numerous important English court judgments, which have sought to restrict the applicability of legal advice privilege and litigation privilege.

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### Third party funding - an international outlook

13 DEC 2018

The third party funding market has seen exponential growth in recent years and, with both the number of funders and cases under their management growing year on year, the appetite of the market for good claims to fund shows no signs of diminishing.

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## Issue 1

5 December 2018

Energy and Natural Resources Case Law Update

Given the often complex nature of business in the Energy and Natural Resources sector, it is inevitable that disputes will arise, and that the law will develop apace.

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## Real News - Autumn 2018

22 OCT 2018

Real News

Latest insight into penalty clauses, tenant CVAs and Airbnb accommodation.

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## May the force be with you: Force majeure clauses in the energy sector

18 SEP 2018

This article explores the implications of the Seadrill case, in which the hirer of an oil rig sought to rely on a force majeure clause as the basis for its early termination of the contract, and highlights certain practical drafting points which may be particularly relevant to contractors in the energy and natural resources sector.

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- Caster Semenya ruling and the pros and cons of the Court of Arbitration for Sport, 6 September 2019
- The Guide to Challenging and Enforcing Arbitration Awards (Chapter 3 on Challenges) published by GAR, June 2019
- Energy & Natural Resources Case Law Update, 25 Apr 2019
- Civil procedure in a post-Brexit landscape, 8 Mar 2019
- Shareholder activism in the sports sector, 10 Jan 2019
- Inconsistent dispute resolution clauses - when should the "one-stop shop" give way to gravity?, 27 Dec 2018
- Shareholder activism in the sports sector, 20 Dec 2018
- Third party funding - an international outlook, 13 Dec 2018
- Privilege - a checklist for in-house lawyers, 13 Dec 2018
- Energy & Natural resources case law update, 5 Dec 2018
- Real News - Autumn 2018, 22 Oct 2018
- May the force be with you: Force majeure clauses in the energy sector, 18 Sep 2018
- A reliable decision: foreign act of state doctrine applies in English arbitration, 16 Jul 2018
- Entire agreement clauses – and implied terms..., 2 Jul 2018
- *Nori Holdings Ltd v PJSC BOFC*: The status of West Tankers now and in a Post Brexit world, 26 Jun 2018
- Lucky Seven: Clarification on the doctrine of common mistake, 6 Jun 2018
- Endeavours and expectations in the energy sector, 6 Jun 2018
- Dutch courage: The Netherlands propose investment treaty shake-up, 5 Jun 2018
- The Legal Effect of NOM clauses, 21 May 2018
- No Oral Modification clauses - solid as a rock, 18 May 2018
- Penalty clauses: how to stay sweet following Candy, 9 May 2018

## Events

## Previous

## Take your 'Seat' - a debate on the relative merits of European arbitral seats

19 JUN 2019  
London

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## NEWS

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### Law firms collaborate on industry first to accelerate tech adoption in international arbitration

2 July 2020

DLA Piper is amongst six international law firms which have developed a Protocol to help deliver a globally consistent approach to the use of online case management platforms in international arbitration.

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