James Hayton

Principal

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Expertise and Practice

James Hayton has extensive experience with resolving disputes through commercial litigation and international arbitration, across a variety of industries, including financial services, professional services and the art world. He has handled arbitrations under the LCIA, ICC, ICSID and UNCITRAL rules, as well as ad hoc arbitrations, and has served as Secretary of the Tribunal in a LCIA arbitration.

James has been published in leading journals on topics in international arbitration and civil procedure. He is a contributor to *Arlidge, Eady & Smith on Contempt* (5th ed., Sweet & Maxwell) on breaches of civil orders and undertakings.

Project Highlights

James's experience includes:

- Representing Behlen Industries LP, a leading Canadian manufacturer of steel buildings, in an ICC arbitration commenced against a state and a state-owned enterprise arising from a project to design, build and finance the construction of sports infrastructure (London seat).

- Representing the trustees of a family trust in the English High Court in their defence of a claim for commission on the sale of Gauguin's *Nafea faa ipoipo* to the Qatari royal family for US$210 million.

- Representing the court-appointed liquidators of the Kingate Funds, the second largest of the "feeder funds" to Bernard Madoff's Ponzi Scheme, which collapsed with losses of over US$550 million.

- Represented Ping An, the Chinese financial services group, in its ICSID BIT claim against Belgium arising from the collapse of Fortis (the first ever ICSID claim by a Chinese investor).

- Represented Atrium European Real Estate, a leading owner and developer of shopping centres in Central and Eastern Europe, in its €2 billion fraud claim in the English High Court against its former managers and related arbitrations.

- Represented EN+ Group, the largest shareholder in RUSAL, in a shareholder dispute about the management of RUSAL and seeking to prevent cancellation of a US$47 billion aluminium trading deal between RUSAL and Glencore (LCIA arbitration; London seat).

- Represented an operational agency of the UN in ad hoc arbitration defending claims made by commercial counterparties under a contract governed by general principles of international law over losses arising out of a blockade of the Gaza Strip.

- Represented Mr Naguib Sawiris and others in *Benedetti v Sawiris* [2009] EWHC 1330 (Ch), a dispute with a broker over commission arising from what was then the largest LBO in history. The case reached the Supreme Court and is now one of the leading English authorities on the law of unjust enrichment.

Career

James trained as a barrister at a commercial chancery set before going on to practise at Kirkland & Ellis where he spent over six years. Before joining LK in 2015, James also spent a year working in-house at the Bank of Nova Scotia in London.

Qualifications

- MA (Philosophy), Sidney Sussex College, University of Cambridge (2003)
- Postgraduate Diploma in Law, The College of Law London (2004)
- Bar Vocational Course, The College of Law London (2005)

Admissions

- Bar of England & Wales (Inner Temple) (2005) (not now practising)
- Solicitor, England and Wales (with higher rights of audience) (2011)

Industry and Community

- Member, Chartered Institute of Arbitrators (MCIArb)
- Member, LCIA Young International Arbitration Group (YIAG)
- Member, LCIA European Users' Council
- Member, ICC Institute of World Business Law
- Member, ICC Young Arbitrators Forum (YAF)
- Member, Young Singapore International Arbitration Centre (YSIAC)
- Member, Dubai International Arbitration Centre's Young Practitioners' Group (DIAC 40)
- Member, the Honourable Society of the Middle Temple (ad eundem) (2014)