

JENNIFER HAYWOOD FCIArb

Curriculum vitae

I am a barrister, called in 2001, a fellow of the Chartered Institute of Arbitrators and a CEDR accredited mediator. My practice as a barrister has covered much of the breadth of commercial chancery work, with an emphasis on disputes between members of partnerships, LPs, LLPs, companies and joint ventures and disputes involving alleged breaches of fiduciary duty/good faith and fraud. I am ranked in Band 1 for partnership by both Chambers and Partners and Legal 500.

I currently practise as a neutral, either as arbitrator, mediator or expert. I conduct binding and non-binding commercial/chancery evaluations and private Financial Dispute Resolution hearings.

Arbitration appointments and experience

- I have been appointed as sole arbitrator, co-arbitrator and presiding arbitrator in arbitrations covering a wide range of issues and sectors, including one dealt with on an expedited basis and two involving non-participating parties. For example,
 - Co-arbitrator in LCIA arbitration by multinational professional services LLP against a member.
 - Co-arbitrator in LCIA arbitration by multinational media company against a Turkish joint venture partner.
 - Sole arbitrator in LCIA arbitration between Indian and US companies arising out of a pharmaceutical supply agreement, involving alleged regulatory breaches.
 - Sole arbitrator in LCIA arbitration between Malaysian and Irish companies arising out of a pharmaceutical supply agreement, involving jurisdictional issues, regulatory problems and claims of wrongful exercise of a discretion.
 - Co-arbitrator in LCIA arbitration by Luxembourg finance company for US\$89m under personal guarantee.
 - Sole arbitrator in LCIA arbitration of professional services/property dispute, involving expert valuation evidence.
 - Presiding arbitrator in LCIA arbitration arising out of a settlement agreement.
 - Sole arbitrator in BVI IAC cryptocurrency arbitration.

Relevant experience as counsel

- I have extensive experience of disputes between members of general partnerships, limited partnerships, limited liability partnerships, companies and joint ventures across a very wide range of sectors. For example,
 - *Flanagan v Liontrust Investment Partners LLP* [2015] EWHC 2171 (Ch), a leading LLP decision concerning notice provisions and whether the doctrine of repudiatory breach applies to LLP agreements.
- I have experience of contractual disputes (especially those involved allegations of fraud and/or breach of fiduciary duty and/or breach of a duty of good faith) in sectors as wide ranging as shipping, finance/investment, art, pharmaceuticals and real estate. Relevant cases include
 - *Fiona Trust & Holding Corp v Privalov* [2006] EWHC 2583 (Comm), a decision on whether bribery arguments impeached the arbitration clause.
 - *Soprim Construction Sarl v Djibouti* [2016] EWHC 3864 (Comm) an appeal on a point of law from an arbitration award.
 - *Experience Hendrix LLC v PPX Enterprises Inc* [2003] EWCA Civ 323, a leading case on the assessment of damages for breach of a negative covenant.
- I have dealt with many trusts disputes (onshore and offshore), including disputes between beneficiaries, claims against trustees and attacks on trusts.
 - *Barnes v Tomlinson* [2006] EWHC 3115 (Ch), a decision identifying the test for honesty in the context of an express trustee.
- Many disputes involved issues of foreign laws, including the laws of Russia, Djibouti, Switzerland, France and Germany. For example:
 - *Joint Stock Co Aeroflot v Berezovsky, Glushkov* [2014] EWCA Civ 20
 - *Djibouti v Boreh* [2016] EWHC 405
- Experience of ad hoc and LCIA arbitrations

Mediation

- I am a CEDR accredited mediator, with experience of over fifty mediations (in person and virtual). Several have included multiple parties.
- The subject matter of the disputes has included commercial matters and trusts/probate matters. I have particular experience of difficult partnership, LLP and joint venture disputes.
- My approach varies from facilitative to evaluative, depending on the case in hand. I am always available for pre-mediation calls and am keen to assist parties to resolve issues relating to the mediation itself and broader procedural issues relating to the matrix proceedings. I am proactive in suggesting solutions to impasses and remain in contact with the parties if there is no final settlement on the day of the mediation.
- I am recommended by Legal 500 for Mediation.

Recent ADR articles and case notes

- The proper law of an arbitration agreement – the Law Commission revisits *Enka v Chubb*, *Solicitors Journal*, 27 April 2023
- Reining in section 67 challenges to tribunal jurisdictions: the Law Commission's proposals, *LIDW* 19 June 2023
- How effective conflict management can prevent and resolve disputes, *Law360*, 27 July 2023
- LexisNexis Case Note: *Alphamix Ltd v District Council of Rivière du Rempart (Mauritius)* [2023] UKPC 20
- LexisNexis Case Note: *SQD v QYP* [2023] EWHC 2145 (Comm).

Directory quotes

- *“Jennifer Haywood is a calm and constructive presence, even in fraught and emotive mediations.”* (Legal 500 2023, Mediation)
- *“Jennifer Haywood is excellent. She gets to grips with the facts and issues quickly, delivers high-quality written work speedily and gives astute commercial advice.”* (Chambers and Partners 2021)
- *“Very straightforward in her advice and very well-liked by clients.” “She is always excellent with her response times and flexible when it comes to being available at short notice.”* (Chambers and Partners 2019)
- *“A force in her own right who doesn’t sit on the fence and is robust but realistic.” “Highly able and with massive intellectual firepower, she’s ruthless when she needs to be and has a fingertip feeling for the issues.”* (Chambers and Partners 2015)
- *“Clients and solicitors favour her ‘concise yet very thorough advice and written opinions’ and her ‘ability to think seamlessly’. With a broad commercial chancery practice, she is ‘able to cross-apply principles between disciplines very well’ and ‘offers clients consistently sound judgment’. ...Especially well regarded for her client interaction in contentious matters, she is distinguished for her ‘wonderful touch with clients, which really enable tense situations to be smoothed over successfully.’”* (Chambers and Partners 2009)

Other relevant professional experience and associations

- First degree in Natural Sciences/Medical Sciences. I practiced as a medical practitioner before coming to the Bar.
- Admitted to practice as a barrister in the British Virgin Islands (2013)
- Contributor to the fifth edition of The Law of Limited Liability Partnerships, Whittaker and Machell

Education

- MA (Natural Sciences) MB B Ch, Cantab
- Postgraduate Diploma in Law, City University
- Megarry Scholarship, Lincoln’s Inn

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Jennifer Haywood CV