



serle court

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## Jennifer Haywood - Arbitrator

Year of Call: 2007

*"Second to none: she combines high-level strategic advice and lateral thinking with an attention to detail and client service that has made her our go-to counsel this year."*

Chambers and Partners (Partnership)

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## Practice Overview

Having practised as a commercial-chancery barrister for over 20 years, Jennifer practises ADR as a neutral, helping parties to resolve their disputes by acting as an arbitrator, mediator or conducting binding or non-binding evaluations and private FDR's.

Jennifer's experience as an [arbitrator](#) includes disputes involving partnerships, pharmaceuticals, companies, media contracts and finance agreements. She has been appointed to many of the major arbitral institution lists, including those of BVI IAC, HKIAC, AIAC and DIAC. She is a fellow of the Chartered Institute of Arbitrators. She has acted as sole arbitrator, co-arbitrator and presiding arbitrator.

Her experience as a [mediator](#) includes both commercial and private client disputes, reflecting her experience as counsel and her recognised client handling skills and commercial approach. She has particular experience of difficult partnership/JV disputes but she has also mediated company, commercial, property, wills and trusts disputes. She is experienced at remote mediations as well as in person mediations and has also conducted mediations with multiple parties. She is recommended as a mediator by Legal 500.

Jennifer is able to draw on both her experience as a commercial chancery barrister and her medical science background. Her practice as a barrister has covered the breadth of commercial chancery practice, including litigation, drafting and advisory work, with a strong emphasis on disputes involving breach of fiduciary duty, company, partnership, trusts and probate and fraud.

Particularly well-regarded for her commercial outlook and client interaction, Jennifer is praised by The Legal 500 as being *"exceptionally user-friendly, easy work with and a great team player,"* and Chambers and Partners says *"she attracts particular praise for her excellent, candid and common sense-based client service."* She has been ranked in Tier 1 for Partnership work.

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## Areas of Expertise

### Arbitration

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.

### Relevant experience as counsel

- 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.

- 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.
- 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 involving 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
- Acting as Counsel in ad hoc and LCIA arbitrations.

#### **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).

#### **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
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## Company

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### Recommendations

Company and Partnership (*Who's Who Legal: UK Bar*)

Partnership (*Chambers & Partners*)

Partnership (*The Legal 500*)

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### Quotes

*"Combines high-level strategic advice and lateral thinking with an attention to detail that is unsurpassed." "She is particularly well known for her partner disputes work and is excellent at mediation." "She develops good relationships with clients and gives sound advice on the merits of a case and in settlement negotiations."* (Chambers & Partners, 2021)

*"She obviously knows her subject very well and gives clear and sensible advice."* (The Legal 500, 2021)

*"Combines high-level strategic advice and lateral thinking with an attention to detail that is unsurpassed." "Intelligent, responsive and commercially bright."* (Chambers & Partners, 2019)

*"Exceptionally user-friendly, easy to work with and a great team player."* (The Legal 500 2017)

*"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).

### Publications

Discretionary decision making in a commercial context", *Journal of International Banking and Finance Law* (2013) B.J.I.B & F.I. 28(4), 195-198

Contribution to *The Law of Limited Liability Partnerships*, 5th Edition

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### Education & Qualifications

Christ's College, Cambridge - MA (Natural Sciences), MB BCh

City University - Postgraduate Diploma in Law (CPE)

Megarry Scholarship, Lincoln's Inn

### Memberships

LCIA

Chancery Bar Association

Commercial Bar Association

Association of Partnership Practitioners

ACTAPS

ConTRA

BVI International Arbitration Centre Panel

Court of Arbitration for Art

Hong Kong International Arbitration Centre List

KCAB Panel of International Arbitrators

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