

Jonathan Lux

Mediation consultant, Ince & Co LLP



Jonathan Lux has been a litigator and contract lawyer at Ince & Co LLP in London since 1975 with a wide-ranging international practice. He has over 30 years' first-hand experience of the commercial side of the maritime, energy, insurance, international trade and commerce industries, and has championed the use of mediation and arbitration in these areas. He is a leading expert in shipping and commercial law, and has co-authored the only legal textbook on bunkers. Jonathan Lux has handled cases as far afield as Hamburg and Hong Kong.

Regarded as motivated, committed and approachable, Jonathan Lux brings a wealth of legal, commercial and negotiation skills to mediation. His ADR practice is broad, underpinned by language skills and an international outlook.

Jonathan Lux speaks English, French, and German.

ADR Experience

A pioneer in the introduction of ADR into his fields of practice since 1993, Jonathan Lux is also a practicing arbitrator and Fellow of the Institute of Arbitrators, a contributor to several prestigious ADR publications. He is accredited as a mediator by CEDR, ADR Net, and the Academy of Experts and is on the panel of arbitrators for:

- China Maritime Arbitration Commission (CMAC)
- China International Economic and Trade Arbitration Commission (CIETAC)
- German Maritime Arbitration Association (GMAA)
- Hong Kong International Arbitration Centre (HKIAC)
- Hungarian Chamber of Commerce and Industry
- Shanghai Arbitration Commission
- Shanghai International Shipping Arbitration Court

- Singapore International Arbitration Centre
- Singapore Chamber of Maritime Arbitration (SCMA)
- Kuala Lumpur Regional Centre for Arbitration (KLRC), Panel of Maritime Arbitrators

Representative Matters

- **Banking**
 - Dispute over the non-repayment of a loan.
- **Commercial Contract and Tort Disputes**
 - Dispute over whether registration enquiries for the “Get Off” product had been properly made and registration obtained with a view to lawful sale in international jurisdictions.
 - Claim related to alleged breaches of restrictive covenants by the defendant, and was for monetary damages only. Further dispute over a counterclaim by the defendant.
 - Dispute over whether digging, surfacing and tarmacking work was carried out with reasonable care and skill and whether materials were of a satisfactory quality. Claimant sought to recover in excess of £100,000 for non-payment of invoices in the matter.
 - Disputes over property, partnership and employment between a company operating GP surgeries under contracts from NHS Primary Care Trusts and former partners in another medical practice.
 - Where there was a lease agreement for a number of photocopiers and a service agreement the claimant claimed misrepresentation as to the first agreement and breach of duty to obtain client’s authority to sell photocopiers to two different companies.
 - Breach of an Agency Agreement led to the innocent party terminating the agreement and claiming substantial damages.
 - Claim by accountants for substantial unpaid fees and a counterclaim by their clients for an even larger sum.
 - A radio company claimed in respect of unpaid airtime. Defendants claimed that the Claimant jumped the gun in allotting airtime to others and so counterclaimed for the loss suffered by being kicked off air.

- **Construction and Engineering**
 - Dispute arose in relation to the construction of affordable housing that a partnership was building for its client. Issues in the case involved the expert opinion of a structural engineer.
 - Large claim by sub-contractor against a contractor. Defendants counterclaimed because the invoices in question were allegedly disputed by HMRC.
- **Property**
 - Dispute over whether a break clause had been validly exercised in accordance with the lease. Defendant sought a declaration that the lease had not been terminated and claimed rent and interest under the same.
 - Failure to complete the purchase of a multimillion pound commercial property led to claims arising for specific performance of a contract.
 - Claimant claimed for possession of land on the basis that he had a substantial level of security of tenure under the Mobile Homes Act 1983.
 - Dispute in connection with extension to the claimant's property where work was not completed but had been paid for on account.
 - Non-payment of invoices for building work. Dispute arose because of incomplete snagging work.
 - Dispute regarding allegations as to the extent and quality of work carried out by the Claimant and so Defendants were resisting payment.
 - Claim for breach of restrictive covenants.
 - Claim in respect of failure to complete the purchase of a property following exchange of contracts. Thereafter loss of monies due to the collapse of the housing market.
 - Alleged breach of contract for the sale of property to joint purchasers involving substantial claims and counterclaims.
- **Sports and Leisure**
 - Commercial dispute over non-payment of services contracted and supplied to a high profile F3 racing driver over the European F3 Open Championship.
 - Dispute over amounts due following the sale of a jointly owned yacht.

- **Personal Injury**
 - Claim for an accident suffered whilst on school property leading to personal injury.
 - Personal injury claim after tripping over a cargo net and sustaining injury to shoulder whilst in the course of employment.
 - Claimant's wife died as a result of the impact of a bollard which had sheared. Claimant sued defendant and insurers for substantial sums.
- **Professional Negligence**
 - Claim for non-payment of professional fees resisted by Defendant on the grounds of professional negligence.
 - Builders claimed substantial sums regarding alleged incompetence of structural engineers.
- **Shareholder Disputes**
 - Dispute over shares in a family property and hotel business where the claimant was claiming entitlement to 40% of the valuation of the properties owned by the family company.
 - Dispute over the shares of a deceased in respect of commercial property.
 - Multimillion pound breach of warranty dispute regarding sales of shares in a PLC.
 - Claimant claimed they were wrongly excluded from acquiring shares in the Defendant. Multiple issues including valuation of the shares.
 - Claimant claimed as minority shareholder that the Defendant company should buy his shares. Claimant also claimed for unfair dismissal.
- **Shipping, International Trade and Offshore Energy**
 - Defects appearing during the guarantee period repaired by a different shipyard and those repairs in turn giving rise to claims which were mediated between the original shipbuilders, repairers and buyers.
 - Vessel warranted "approved" by specified number of oil majors. Issues as to whether vessel was so approved and whether substantial delays/cancellation of charters running to US dollars many millions were attributable to non-approval or other reasons.

- Vessel hijacked by pirates off the coast of E. Africa and ransom paid to secure vessel's release. Were the vessel's Charterers liable to pay hire during the period of detention and were the vessel's insurers liable to indemnify Owners for the ransom paid?
- Vessel under charter performing voyages between gulf of Aden and India/Japan pursuant to Charterers' orders. Owners field to recover the cost of putting armed guards on board the vessel to minimise the risk of attack by pirates.
- Damage to cargo resulted in a substantial cargo claim and issues surrounding the vessel's seaworthiness.
- Off-shore energy/support vessels: multi-million dollar disputes relating to suitability of chartered-in support vessels for off-shore oil operation.
- Solar Energy: multi-national parties in a claim for over £250m relating to solar energy.

Honours, Memberships, and Professional Activities

- Featured as a top ten lawyer in Lloyd's List Top 100, 2011
- Global Shipping & Maritime Lawyer of the Year, *Who's Who Legal Awards*, 2011 & 2010
- Member, International Bar Association
 - Past Chairman of Committees on Maritime and Transport Law, and Human Rights Institute's Committee on Legal Systems
 - Co-Chairman of Corporate Social Responsibility Committee
 - Past Chairman, Mediation Across Sectors Subcommittee of Mediation Committee
- Former Co-Chairman, UK branch of British Chamber of Commerce, Germany
- Former Council member, British Chamber of Commerce in Germany
- Member, Supporting Members' Liaison Committee, London Maritime Arbitrators' Association
- Supporting member, Association of Average Adjusters
- Former Council member, International Bunker Industry Association
- Director, London Shipping Law Centre
- Fellow, Chartered Institute of Arbitrators
- Member, British Academy of Experts
- Member, LMAA/Baltic Exchange Panel of Mediators
- Liveryman, Worshipful Company of Solicitors
- Awards judge, Lloyd's List Global Shipping Awards

- Freeman, City of London
- Honorary Consul to Cape Verde in London
- Member, Hamburg Bar Association, 2001
- Solicitor, England & Wales, 1977
- Solicitor, Hong Kong, 1986

Publications

- Co-author/Editor, *Getting the Deal Through – Shipping*, 2011
- Contributor, *Responsible Business: How to Manage a CSR Strategy Successfully*, Wylie, 2010
- Co-author, *ADR and Commercial Disputes*, Sweet & Maxwell, 2003
- Contributor, *Mediation Techniques*, IBA e-book, 2010
- Contributor, “Vol. II: [Chapter on] London Maritime Arbitrator’s Association (LMAA)”, *World Arbitration Reporter*, Arbitrators’ Association, 2nd Ed., Juris, 2010
- Co-author/Editor, *Expropriation of Oil and Gas Investments: Historical, Legal and Economic Perspectives in a New Age of Resource Nationalism*, AIPN, 2008
- Co-author/Editor, *Maritime Law Handbook*, Kluwer Law, 2008
- Co-author/Editor, *Corporate Social Responsibility*, Kluwer Law, 2005
- Contributor, “Chapter 19: The European Initiatives,” *Corporate Social Responsibility, International Bar Association Series*, Kluwer Law, 2005
- Co-author/Editor, *Bunkers*, Petrosport Ltd., 2004
- Co-author/Editor, *Classification Societies*, L L P, 1993
- Co-author/Editor, *The Law and Practice of Marine Insurance and Average*, Cornell Maritime, 1987
- Co-author/Editor, *The Law of Tug, Tow and Pilotage*, Cornell Maritime, 1982

Background and Education

- Partner, Ince & Co, 1983-present
- Senior Partner, Ince & Co, Hamburg, 2002-2004
- Associate, Ince & Co, 1977-1983
- L.L.B (Hons) (University Exhibition), Nottingham University, 1973
- Masters degree (French Government Scholarship), France