



<b>Surname, First name</b>	LARACY, Damien
<b>Address</b>	Rm 3205, Tower Two, Lippo Centre, 89 Queensway, Hong Kong
<b>Telephone</b>	+852 2525 7528
<b>Fax</b>	+852 2525 7526
<b>Email</b>	damien.laracy@hilldickinson.com
<b>Nationality/ Date of Birth</b>	New Zealand / 19 June 1967

### Educational/Professional Memberships

Educational: LLB, University of Auckland – 1985-1989, B. Com (Marketing), University of Auckland – 1985-1989, M. Com. L (Hons), University of Auckland – 1993, 1994, Southampton University Maritime Law Short Course – August/September 1999 Professional Membership: New Zealand Law Society; Law Society of Hong Kong; Law Society of England and Wales; Maritime Law Association of Australia and New Zealand; Hong Kong Maritime Lawyers Association; Hong Kong Shipowners Association; Fellow of the Hong Kong Institute of Arbitrators (and a Panel Member of the HKIAC Panel of Arbitrators); Member of the Chartered Institute of Arbitrators; Member of the Kuala Lumpur Regional Centre for Arbitration Panel of Arbitrators; Inter Pacific Bar Association; International Bar Association.

### Current Position

Partner of Hill Dickinson Hong Kong

### Professional Experience

- Sitting as arbitrator
- Commercial dispute resolution (litigation and arbitration), including shareholders' disputes, distribution and licensing disputes, sale of goods disputes, financial services disputes.
- Cross border debt recovery and insolvency work (including recovery against assets and against guarantors), pursuit of distressed debt.
- Breach of contract and misrepresentation claims.
- Shipping and trade disputes.
  - Sale of goods, L/C disputes.
  - Charterparty disputes.
  - Cargo loss / damage / misdelivery claims.
  - Cargo misdescription issues, criminal prosecutions following importation or transshipment resulting in civil indemnity claims against shippers.
- Shipbuilding, conversion and repair disputes, ship sale disputes:
  - Default in payment requiring litigation or arbitration to release escrow funds.
  - Disputes as to specifications, performance and equipment.
  - Enforcement of performance guarantees.
  - Mitigation of loss by hiring-in.
- Admiralty work:
  - Arrest and sale of commercial vessels, ship mortgage enforcement, removal of cargo, repatriating crew.
  - Arrest and sale of a pleasure craft following refusal by purchaser to take delivery after commissioning.

- Professional indemnity insurance issues; advising as to arbitration of coverage issues vis a vis Lloyds Underwriters / Syndicates.
- Advising on insurance coverage and exclusion issues, including in relation to D&O cover.
- Advice regarding potential misselling claims against banks and finance houses following sale of complex derivative products, and following allegations of improper exercise of mandate.
- Employment disputes.
- Personal injury disputes, fatality claims (FAO and LARCO)
- Ship sale/purchase – non contentious:
  - Preparing opinions.
  - Preparing for and attending closings

### **Arbitration Experience**

Damien Laracy has practiced law since 1990, in Hong Kong since 1995. He specialises in complex commercial litigation and arbitration and taking early steps to secure claims by way of injunctive relief. His practice involves cross border debt recovery, breach of contract and damages claims, recovery of proceeds of internet fraud, misrepresentation and mis-selling claims concerning financial institutions, employment disputes and employee fraud and business diversion claims complaints, shareholder and joint venture disputes, international trade and sale of goods disputes, and negotiation of employee severance packages.

Damien advises in relation to drafting and construction of arbitration references and enforcement of Judgments and Arbitration Awards in the PRC and in Hong Kong.

In 2005 Damien won a significant arbitration in Hong Kong for a listed Singaporean commodities trader. He then succeeded in obtaining recognition of the Hong Kong arbitration Award in China (non-CITEAC). This was one of the earliest instances of recognition of a foreign award in the PRC. Due to reluctance of the lower PRC Courts Damien was required (with the assistance of his PRC correspondent lawyers) to make formal written submissions to the People's Supreme Court in Beijing in order to secure recognition in the PRC of the Hong Kong Award. The relevant PRC State Owned Enterprise (i.e. Respondent) then settled.

Damien also sits as an arbitrator and is a Member of the Hong Kong International Arbitration Centre Panel of Arbitrators, Fellow of the Hong Kong Institute of Arbitrators, Member of the Chartered Institute of Arbitrators, Panel Member of the HKIAC and of the Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration, Member of the Hong Kong Maritime Law Association, the Hong Kong Shipowners Association, the Maritime Law Association of Australia and New Zealand, the Singapore International Arbitration Centre Panel of Arbitration, Panel Arbitrator of the Centre for Arbitration & Consultancy Development (India), IBA and IPBA member.

Damien Laracy is ranked :

- by Asia Law, as a Leading Lawyer for Dispute Resolution & Litigation - <http://www.asialaw.com/lawyers/laracy-and-co/laracy-damien/5bcafb67>
- by Chambers & Partners for both “China, Shipping; Litigation (International Firms)” (Band 2) and “China, Dispute Resolution; Litigation” (Band 4) <http://www.chambersandpartners.com/asia/person/312484/damien-laracy>

### **Publications**

Completed a chapter for GAR on maritime and offshore arbitration in the Hong Kong jurisdiction. The chapter answers questions on offshore oil and gas disputes, maritime disputes and security for claims in arbitration.

See: <http://globalarbitrationreview.com/know-how/topics/81/jurisdictions/40/hong-kong/>

Regular Contributor of commentary and articles regarding arbitration and litigation developments. Co-author of the Hong Kong Chapter of "Shipping And International Trade Law 2nd edition (2015), Thomson Reuters.

### **Languages**

English