

CURRICULUM VITAE

- Name : Damien Laracy
- Date of Birth : June 1967, Rome
- Education/
Qualifications : Rosmini College, Auckland – 1978-1984
LLB, University of Auckland – 1985-1989
B. Com, University of Auckland – 1985-1989
M. Com. L (Hons), University of Auckland – 1993, 1994
Southampton University Maritime Law Short Course – August/September 1999.
- Admissions
& Jurisdictions : Admitted as a Barrister and Solicitor of the High Court of New Zealand - 1990
Admitted as a Solicitor of the High Court of Hong Kong – 1999
Admitted as a Solicitor of the Supreme Court of England and Wales – 2000.
- Practising
Certificates Held: Hong Kong, UK.
- Location : Hong Kong, Permanent Resident.
- Current Practice
(Summary) : Damien was admitted as a barrister and solicitor in New Zealand in 1990. He has been a Hong Kong resident since 1995.
- His practice comprises a mix of commercial and maritime arbitration and litigation including shareholder and joint venture disputes, shipping and international trade related disputes and employment related disputes.
- Damien also has experience with white collar crime and fraud investigations and litigation as well as with civil litigation arising from product liability and personal injury and fatality claims.
- Arbitration and
Litigation
Practice : **Hill Dickinson Hong Kong**
- Sitting as arbitrator (UNCITRAL Rules, HKIAC Rules, SIAC Rules, LMAA Rules).
 - Advising on insurance coverage and exclusion issues, including in relation to D&O cover, kidnap and ransom cover, business disruption.
 - Professional indemnity insurance issues; advising as to arbitration of coverage issues vis a vis Lloyds underwriters / syndicates.
 - 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.
 - Employment disputes, business diversion and breach of restrictive covenants; severance issues and packages. Assisting as supervising solicitor when Anton Piller Orders are executed.
 - Advice regarding mis-selling claims against banks and finance houses following sale of complex derivative products, and following allegations of improper exercise of mandate.

- Commercial dispute resolution (litigation and arbitration), including shareholders' and joint venture disputes, distribution and licensing disputes, sale of goods disputes, financial services disputes, fraud and business and asset diversion incidents.
- Cross border debt recovery and insolvency work (including recovery against assets and guarantors), pursuit of distressed debt.
- Advising on regulatory / investigative work for clients involved in SFC, ICAC, HKEX investigations and complaints and/or facing allegations of fraud or dishonesty. Damien acted for an employee of an investment bank involved in the global LIBOR investigations. He was involved in negotiations with lawyers and authorities in Europe, the FSA in the UK, and the DOJ in the US, to reach a negotiated resolution.
- Advising regarding misselling claims against property developers.
- Shipbuilding, conversion and repair disputes, ship sale disputes, ship management 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.
 - Termination of ship management agreements.
- Personal injury disputes, fatality claims (EEC, FAO and LARCO) and related product liability issues. Highly publicised fatality claims variously involving Russian, Singaporean, Australian and Hong Kong parties.
- Admiralty work:
 - Arrest and sale of commercial vessels, ship mortgage enforcement, removal and/or sale of cargo and bunkers, repatriating crew.
 - Arrest and sale of a pleasure craft following refusal by purchaser to take delivery after commissioning.
 - Casualties and oil pollution.

Membership of Arbitration Bodies, and Appointments as Arbitrator and Counsel : Damien is a Fellow of the Chartered Institute of Arbitrators, a Fellow of the Hong Kong Institute of Arbitrators, a member of the Panel of Arbitrators of the Law Society of Hong Kong and is admitted to the HKIAC's Panel of Arbitrators.

He has been appointed in arbitrations pursuant to the following procedural rules: LMAA, UNCITRAL, HKIAC International Arbitration Rules, SIAC, SMAC. Damien receives both institutional and party appointments.

As client representative Damien has advised concerning, or participated in, arbitrations regarding: rights as between shareholders; mining services; international sale of goods / commodities; shipping professional services claims; insurance coverage disputes. Applicable Rules have included: CIETAC, ICC, UNCITRAL, HKIAC, LMAA, GAFTA, LME, SIAC, SMAC.

Damien is also a Fellow of the Hong Kong Institute of Arbitrators (and a Panel Member of the HKIAC Panel of Arbitrators); Fellow of the Chartered Institute of Arbitrators; Inter Pacific Bar Association (Vice Chairman of the Maritime Law Sub-Committee); International Bar Association; Full Member of the Hong Kong Maritime Arbitration Group ("HKMAG"); Panel Member of the Singapore International Arbitration Centre ("SIAC"); Panel Member of the Singapore Chamber of Maritime Arbitration ("SCMA");

Panel Member of China Maritime Arbitration Commission (“CMAC”); Panel Arbitrator of the Centre for Arbitration & Consultancy Development (India); Member of the Asian International Arbitration Centre (formerly the Kuala Lumpur Regional Centre for Arbitration) Panel of Arbitrators; Committee member of the ICC-HK ADR and Arbitration Committee; Panel Member of the Shenzhen Court of International Arbitration (“SCIA”).

Membership of Other Professional Bodies : Former Vice Chairman of the Maritime Law Committee of the Inter Pacific Bar Association
Board member of the Hong Kong Association of New York 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
International Bar Association

Court / Tribunal : New Zealand : District Court, High Court
Appearances As Advocate : Hong Kong : District Court, High Court, Court of Appeal, Arbitration

Contact Details : Email address: Damien.Laracy@hilldickinson.com
Mobile telephone: (852) 9758-9825

Publications : Speaker and contributor of commentary and articles regarding arbitration and litigation developments, shipping and trade.

Damien is a contributing author to the Hong Kong law chapter of the 2015 publication *Shipping & International Trade Law – Jurisdictional Comparisons* published by Thomson Reuters (First Edition 2011, Second Edition 2015). The First Edition covered 25 jurisdictions and the Second was expanded to 36.

Chapter for Global Arbitration Review on maritime and offshore arbitration in Hong Kong. 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/>

Co-author of Maritime Law and Practice in Hong Kong ("Enforcement of Maritime Claims", Chapter 17).

DL: June 2022 (Insurance)