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Nationality/ Date of Birth	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 Memberships: Law Society of Hong Kong and Member of its Panel of Arbitrators; 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); 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”) (pending).

Current Position

Partner of Hill Dickinson Hong Kong

Professional Experience

- Sitting as arbitrator in commercial and maritime arbitration references – both institution and party appointed. (Rules of: UNCITRAL, HKIAC, HKMAG, LMAA, SCMA, SIAC).
- Commercial dispute resolution including shareholders’ and joint venture disputes, distribution and licensing disputes, sale of goods disputes, financial services disputes, fraud and business and asset diversion incidents.
- Employment disputes, business diversion and breach of restrictive covenants; severance issues and packages.
- Cross border debt recovery and insolvency work (including advising as to recovery against assets and guarantors), pursuit of distressed debt and recovery of proceeds of fraud.
- Commodities / sale of goods disputes.
- Charterparty disputes. Scenarios and issues includes:
 - Off hire, set-off allegations;
 - Performance, consumption claims;
 - Crane or equipment breakdown;
 - Hold cleaning;

- Demurrage, despatch;
 - Diversion;
 - Piracy;
 - Fuel / sulphur specification issues (IMO 2000);
 - Withdrawal, wrongful termination.
- Shipbuilding, conversion and repair disputes, ship sale disputes, ship management disputes. Scenarios and issues include:
 - Specific performance of sale and purchase agreements;
 - 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.
 - Admiralty work:
 - Arrest and sale of commercial and privately owned vessels, ship mortgage enforcement, removal and/or sale of cargo and bunkers, repatriating crew;
 - Arrest (alternatively injunction) pleasure craft following refusal to complete on a sale transactions;
 - Casualties and oil pollution.
 - 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 and kidnap and ransom cover.
 - 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.
 - Ship sale/purchase – non contentious:
 - Preparing opinions;
 - Escrow arrangements;
 - Preparing for and attending closing.

Additional Arbitration Experience

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

He had a busy arbitration practice, acting as both party representative and as arbitrator.

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 ground breaking arbitration in Hong Kong for a listed Singaporean commodities trader. He then succeeded in obtaining recognition of the Hong Kong arbitration Award in China. This was one of the earliest instances of recognition of a foreign award (non CIETAC) 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 is a member of Law Society of Hong Kong and Member of its Panel of Arbitrators; 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); 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”) (pending).

Damien is also a Board member of the Hong Kong Association of New York

Publications

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

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

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/>

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

Languages

English