

# Alexander Yean

CALL: 2022

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Languages: Chinese (fluent)



## Overview

Alex has a busy practice across Chambers' core areas of shipping, commercial arbitration/litigation, and public international law (including investor-State arbitration). He has been involved in arbitrations under a variety of institutional rules, including LMAA, GAFTA, LCIA, ICC, SIAC, and ICSID, as well as proceedings in the Commercial Court. He is regularly instructed as sole counsel, but equally enjoys working as part of a team.

Prior to joining Chambers, Alex studied law at the University of Oxford, where he came first in his year overall and won numerous subject prizes and scholarships. He maintains a strong academic interest in the law; he enjoys attending academic conferences, and his contributions have been published in leading journals such as the *Law Quarterly Review*, *Lloyd's Maritime and Commercial Law Quarterly*, and the *Journal of International Arbitration*.

Alex is fluent in Mandarin Chinese, having grown up in Singapore, and maintains a keen interest in the Asian markets.

## Publications

- 'The Subtle Knife of Separability' (2024) 41(2) *Journal of International Arbitration*
- 'The Confidentiality of Arbitral Deliberations' (2024) *Lloyd's Maritime and Commercial Law Quarterly* 12
- 'The Persistence of Unfairness: Limitation and the Consumer Credit Act 1974' (2024) 39(2) *Journal of International Banking Law and Regulation* 78
- 'A (sub-)trust for thee but not for me' (2023) 29(8) *Trusts & Trustees* 734
- 'No sympathy in choice: reliance damages where expectation damages are readily provable' (2023) 139 *Law Quarterly Review* 546

## Education

University of Oxford, Exeter College: BA in Jurisprudence, First Class (2021)

Awards/Prizes/Scholarships:

- Philip C. Jessup International Law Moot, Finalist and Best Oralist in UK Rounds (2022)
- Martin Wronker Prize for Overall Best

Performance, University of Oxford (2021)

- Gibbs Book Prize for Private Law, University of Oxford (2021)
- Martin Wronker Subject Prize for Jurisprudence, University of Oxford (2021)
- Law Faculty Subject Prize for the Roman Law of Delict, University of Oxford (2021)
- Slaughter and May Subject Prize for Roman Law, University of Oxford (2019)

## Arbitration

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- Instructed by the claimant in s.67/s.68 Arbitration Act 1996 proceedings to challenge a 7-figure award on the basis that the contract under which the underlying claim was brought did not incorporate any arbitration agreement.
- Instructed (as sole counsel) by the defendant to resist a s.68 Arbitration Act 1996 challenge to an award made on the basis of an alleged fraud on the tribunal.
- Instructed (as sole counsel) in relation to a three-party arbitration; successfully persuaded the tribunal to find that it had no jurisdiction on the basis that the claimant's single notice of arbitration against two respondents was invalid.
- Instructed (as sole counsel) in relation to a dispute where each party has sought to commence arbitration in a different jurisdiction.
- Advised on multi-jurisdictional enforcement proceedings arising out of two arbitral awards valued at over US\$50 million (led by Paul Lowenstein KC and Jonathon Redwood SC)
- Instructed in relation to an LCIA arbitration arising out of a partnership agreement between private equity fund managers.
- Instructed in relation to a high-value LMAA arbitration concerning a joint venture to finance the construction and long-term operation of two cruise ships; drafted expert report on English law in aid of an application to a foreign court to stay winding-up proceedings in favour of arbitration.

## Banking and financial services

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- Advised a multinational payment services company on the merits of a dispute in relation to a six-figure sum allegedly owed by a digital wallet provider.
- Represented (as sole counsel) debtor in bankruptcy proceedings in the High Court; successfully obtained validation order to permit disposal of property.
- Advised on the merits of a dispute in relation to a six-figure commercial mortgage.
- Drafted submissions in relation to claims for relief arising out of allegedly unfair credit relationships under s.140B of the Consumer Credit Act 1974.
- Drafted (as a pupil) pleadings for an unjust enrichment claim in relation to a foreign bank's failure to comply with a payment order.

## Civil fraud

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- Instructed by the claimants in a seven-figure, multi-jurisdictional fraud claim scheduled for a two-week High Court trial in early 2025 (led by Simon Milnes KC).
- Instructed in relation to Commercial Court proceedings for the setting aside of judgments obtained by fraud (led by Josephine Davies KC).

## Commercial litigation

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- Successfully resisted (as sole counsel) a High Court application brought by a judgment debtor for an injunction to restrain

the judgment creditor from presenting a winding up petition against it.

- Instructed (as sole counsel) in relation to a High Court claim in relation to a 7-figure guarantee.
- Instructed in relation to a successful application under s.44 of the Arbitration Act 1996 for a 7-figure freezing injunction in aid of arbitration (led at various points by Henry Byam-Cook KC and David Davies KC of Essex Court Chambers).
- Drafted (as a pupil) pleadings and advice in relation to several applications for freezing injunctions/security for costs.

## Commodities and international trade

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- Instructed by the buyers in a seven-figure LCIA arbitration concerning contracts for the sale of diesel oil.
- Instructed in relation to a GAFTA dispute arising out of the assignment to a sanctioned entity of the seller's rights under a contract of sale.
- Instructed in relation to a GAFTA arbitration concerning alleged short landing of cargo.
- Instructed in relation to multi-party LMAA proceedings arising out of shipowners withholding delivery of a high-value cargo on the basis of an asserted common law lien (led by Chirag Karia KC of Quadrant Chambers).

## Public international law

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- Instructed by the claimants in High Court proceedings against a State in respect of the alleged hacking of the claimants' mobile devices for surveillance purposes (with Professor Philippa Webb).
- Instructed by investors in relation to the alleged expropriation of various investments by a State.
- Instructed by investors in relation to the alleged expropriation of an investment in the food and beverage industry by a State.
- Instructed by the claimant investor in *ABH Holdings S.A. v. Ukraine*, ICSID Case No. ARB/24/1, concerning the alleged expropriation of a leading bank (led by Baiju Vasani).
- Acted for the claimant investors in *Ye and Yang v. Kingdom of Cambodia*, ICSID Case No. ARB/21/42, concerning an investment in the telecommunications sector.
- Assisting in the *M/T "Heroic Idun" (No. 2)* case currently pending before the International Tribunal for the Law of the Sea (ITLOS), concerning the circumstances under which a coastal State may take enforcement action against a foreign-flagged vessel in its exclusive economic zone.

## Shipping

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Alex is regularly instructed as sole counsel in relation to charterparty disputes such as those concerning off-hire, underperformance, laytime/demurrage, and short loading/landing of cargo. He also has experience with disputes in respect of shipbuilding, ship sales, and shipping-related financing arrangements. Representative instructions include:

### Time charters/trip time charters

- Advised the time charterers of a vessel that has come under armed attack in the Gulf of Aden.
- Instructed by the time charterers in a high-value LMAA arbitration involving multiple alleged instances of underperformance and deviation.
- Instructed by the time charterers of a bulk carrier in an LMAA arbitration arising out of the vessel's cranes all suffering breakdowns while loading, resulting in significant consequential losses.
- Instructed by the owners of a bulk carrier in an LMAA arbitration arising out of allegations that the Master had failed to comply with loading instructions and port regulations.
- Advised shipowners in relation to their time charterers supplying off-specification bunkers, leading to consequential losses.
- Advised shipowners in relation to their entitlement to withdraw the vessel from their time charterers' service upon the late payment of hire.
- Advised time charterers in relation to the validity of redelivery notices sent "without guarantee".
- Advised time charterers in relation to the proper construction of a bespoke quarantine clause.

## **Voyage charters/contracts of affreightment**

- Instructed by the shipowners in a High Court claim in respect of unpaid demurrage.
- Instructed by the charterers of multiple vessels in an 8-figure LMAA arbitration concerning the alleged repudiation of long-term consecutive voyage charters and unpaid demurrage.
- Instructed by the shipowners in an LMAA arbitration concerning demurrage which raised complex factual issues involving inconsistent laytime statements/statements of facts and conflicting weather data.
- Instructed by the carriers in an LMAA arbitration concerning alleged breaches of a booking note.
- Instructed by the shipowners in an LMAA arbitration concerning the alleged frustration of the voyage charter due to the closure of the UN-administered Ukraine grain corridor.
- Instructed by the shipowners in a high-value LMAA arbitration concerning the calculation of demurrage, involving the prolonged detention of the vessel at the loading port.
- Advised shipowners on their entitlement to terminate a voyage charter where the charterers failed to provide a cargo to load.

## **Bill of lading/cargo claims**

- Advised shipowners on potential claims under a letter of indemnity issued in their favour for delivering cargo to a party that was not the consignee named in the bills of lading.
- Advised on the enforceability of a letter of indemnity issued by shippers in favour of shipowners, in respect of the shipowners issuing “clean” bills of lading for allegedly unsound cargo.
- Advised shipowners on their entitlement to “clause” bills of lading in circumstances where the charterers insisted on the issuance of “clean” bills.
- Advised shipowners in relation to a claim by cargo interests arising out of two different liquid cargoes being mixed at the discharge port.
- Advised shipowners in relation to their liability to cargo interests in a dispute over whether the bills of lading were owners’ bills or charterers’ bills.

## **Shipbuilding/sale of ships**

- Advising shipbuilders in relation to delays under multiple shipbuilding contracts caused by late delivery by sub-contractors.
- Instructed by the buyers in relation to an eight-figure LMAA arbitration arising out of a shipbuilding contract, involving the arrest of the vessel over alleged non-payment.
- Instructed by the buyers in relation to a high-value LMAA arbitration arising out of a shipbuilding contract, involving allegations of a defective vessel being delivered (led by Rupert Hamilton).
- Advised the buyers of a second-hand vessel in relation to latent defects in circumstances where the buyers had waived the right to physically inspect the vessel prior to delivery.