

Michael Ashcroft KC

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Overview

Michael is a senior silk with a broad commercial practice, specialising in high value and complex (often highly technical) commercial contractual disputes. He relishes cases that involve mastery of complicated expert evidence.

He was awarded the prestigious “International Arbitration Silk of the Year” by Chambers & Partners in 2016 and also won Chambers & Partners “Shipping Silk of the Year” in 2019. Most recently, he completed a hat-trick by winning the The Legal 500 “Shipping, Commodities and Aviation Silk of the Year” for 2023.

Over recent years, he has been ranked as a leading silk by Chambers & Partners and The Legal 500 in the following practice areas: shipping, commodities, insurance, commercial litigation, construction, energy, civil fraud and international arbitration.

Michael’s recent work has focused heavily on energy and natural resources disputes, covering construction, exploitation, sale, insurance, joint venture and shareholder disputes. He recently led a large team in a multi-billion dollar dispute relating to Zambian copper mines. He regularly acts in construction disputes relating to offshore vessels and structures, powerplants and other on-shore complexes. He has excellent experience of very high-value oil and gas supply disputes, including gas pricing arbitrations. He remains a ‘go to name’ for the biggest and most difficult shipping and commodities disputes. He has been instructed regularly in insurance disputes, which he particularly enjoys, including marine, war risks, contractor’s all risks, liability and defence costs disputes.

Michael appears regularly in the High Court, Court of Appeal, and

Publications

- Co-author of *Voyage Charters* (5th edn, Informa Law 2022).

Professional memberships

- Commercial Bar Association

Education

- University of Oxford, Magdalen College: BA, First Class; Bachelor of Civil Law, First Class

Supreme Court. He also has a wide range of experience of cases before, and on appeal from, arbitration tribunals in various jurisdictions (including Singapore, mainland China, Dubai, France, Hong Kong, Sweden, Malaysia, Paris and New York) and he has been admitted to the Bar of St Kitts and Nevis (on an ad hoc basis).

Michael prides himself as a team player and has led large teams of counsel in significant cases; he enjoys working together with clients, instructing solicitors and expert witnesses with a view to formulating the best possible case strategy and maximizing prospects of success; he works frequently as co-counsel with lawyers qualified in other jurisdictions. Michael also has significant experience of mediation.

Michael accepts appointments as an arbitrator both in London and abroad. He is a member of the MOOGAS panel of international arbitrators and mediators. Michael also acts as an expert on English law in foreign proceedings.

Example cases

- Acted for Zambian interests against an English plc in a US\$2 billion LCIA mining dispute relating to shareholder and JV agreements.
- Acted for Peruvian interests in a Chinese (Shanghai seated) arbitration concerning claims on an alleged parent company guarantee and indemnity.
- Acted for a major commodity trader in a LCIA dispute relating to supply of crude oil to a Pakistani refinery.
- Acted for Trafigura in multi-party disputes concerning letters of indemnity and misdelivery of crude oil (*Trafigura Maritime Logistics Pte Ltd v Clearlake Shipping Pte Ltd* [2022] EWHC 2625 (Comm), [2022] EWHC 2234 (Comm)).
- *Salt Ship Design AS v Prysmian Powerlink SRL* [2021], EWHC 2633 (Comm) [2021] EWHC 3583 (Comm). Acted for the successful claimant designer in this litigation concerning the design and construction of an advanced cable lay vessel. Successfully established breach of confidence and unlawful means conspiracy, proving conduct that was sufficiently egregious as to justify, in principle, an award of exemplary damages. Obtained a novel “publicity order” requiring the defendant to publicise the key findings against it on its website.
- Acted for Naftogaz in a US\$2.5 billion dispute with Gazprom relating to a gas transit contract.
- Acted for mortgagees in the leading Court of Appeal case relating to “tracker” mortgages (*Alexander v West Bromwich* [2017] 1 All ER 942).
- Acted for the appellants in an appeal to the Supreme Court relating to various provisions of the Marine Insurance Act (“*The Renos*” [2018] 1 Lloyd’s Rep 285).
- Acted in the Court of Appeal for the successful claimants in relation to claims under letters of indemnity (*Glencore v Navig8* [2018] 2 Lloyd’s Rep 374).
- Acted for banks in ICC arbitration and High Court proceedings in relation to substantial claims under letters of credit and various bonds.

Commercial arbitration

Michael has vast experience of general commercial arbitration (primarily as an advocate, but also as an arbitrator) under ad hoc and institutional rules, in numerous jurisdictions, including London, Singapore, Hong Kong, Malaysia and New York. He is very comfortable dealing with any commercial contractual disputes and his recent work has included share and asset sale disputes, investment joint ventures, finance leases, gas supply contracts, oil rig disputes, and construction disputes (from superyachts to windfarms). His pre-eminence in this area has been recognised by him winning Chambers and Partners “Silk of the Year” for International Arbitration in 2016. He is ranked as a leading silk in this area (The Legal 500 2024, “*Incredibly clever, focused, hard-working, absolutely first rate*”; Chambers and Partners 2024, “a hugely intelligent practitioner with impressive credentials across a range of markets”).

Recent examples of work:

- Acted for Norwegian Buyers of drillships in very substantial disputes arising out of termination of resale contracts.
- Acted for a major commodities trader in LCIA arbitration concerning disputes arising out of supply of crude oil to a Pakistani oil refinery.
- Acted (as arbitrator) in a contractor's all risk dispute arising out of a catastrophic turbine failure at a powerplant in Bangladesh.
- Acted (as arbitrator) in a multi-billion dollar dispute gas supply dispute between Egyptian and Israeli interests.
- Acted for Zambian interests against an English PLC in relation to a US\$2bn dispute in LCIA arbitration against Indonesian interests arising out of the sale of shares in various mining companies.
- Acted for Turkish companies in LCIA proceedings defending claims by a Russian Bank for \$300m under various guarantees.
- Acted for a Gulf Bank in ICC proceedings involving very substantial claims under various bonds.
- Acted for UAE financiers in relation to a finance lease concerning a ship. The case gave rise to a question of general importance as to whether the hirer of a chattel progressively acquires a beneficial proprietary interest in it as a result of hire payments made.
- Acted in an ICC arbitration concerning the construction of a windfarm off the English coast.
- Led a team including four other counsel (including a junior silk) in a 3 days preliminary issue hearing and then five weeks substantive hearing, involving over 20 factual and expert witnesses, concerning a \$500m+ dispute arising out of the construction and delivery of semi-submersible drilling rigs from Chinese to Brazilian interests.
- Acted for BVI interests in a substantial ICC arbitration dispute with Peruvian interests relating to gas supply contracts.
- Acted for a high profile Bulgarian individual in a substantial LCIA arbitration relating to claims under an investment/joint-venture agreement. The arbitration involved allegations of fraud, breach of fiduciary duty, the taking of secret profits and questions as to proprietary remedies arising out of an agreement to transfer shares.

Commercial litigation / dispute resolution

Michael has considerable experience dealing with general commercial disputes in a wide variety of areas, including share and asset sales, options, joint ventures, performance bonds, finance/investment agreements, (bank and other) guarantees, agency relationships, letters of credit, indemnities, mortgage securities and mining agreements. He is very familiar with the ISDA Master Agreement terms.

Michael is also very familiar with jurisdictional disputes, which arise in many of the cases that he deals with. He recently acted in the Court of Appeal and Supreme Court in hotly contested multi-party litigation concerning the *lis pendens* provisions of the Judgments Regulation. He has acted regularly in anti-suit injunction cases.

He is recognised as a leading silk in this area (The Legal 500, 2024 "A superb operator who knows the law inside out. Judges feel comfortable following his propositions – he is the voice of reason").

Recent examples of work:

- *Salt Ship Design AS v Prysmian Powerlink SRL* [2021] EWHC 2633 (Comm). Acted for the successful claimant designer in this litigation concerning the design and construction of an advanced cable lay vessel. Successfully established breach of confidence and unlawful means conspiracy, proving conduct that was sufficiently egregious as to justify, in principle, an award of exemplary damages. Obtained a novel publicity order requiring the Defendant to publicise the key findings against it on its website.
- *Naftogaz v Gazprom* [2019] 6 WLUK 788, [2019] EWHC 658 (Comm). Acted for Naftogaz in hotly contested litigation relating to the enforcement of a \$2.5bn arbitration award arising under a gas pipeline transit contract, including freezing injunction relief obtained against Gazprom.
- *The Swedish Club v Connect Shipping Inc* [2019] UKSC 29. Acted for insurers in the Commercial Court, Court of Appeal and Supreme Court defending claims for a constructive total loss under marine insurance contracts.
- *Single Buoy Moorings Inc v Aspen Insurance (and others)* [2018] EWHC 1763. Advised Repsol in relation to its 50% share in all aspects of \$1 billion claims on CAR insurance policies relating to the YME project offshore Norway.
- *W v X* [2017] EWHC 3430. Acted for successful applicants for orders in support of London arbitral proceedings requiring compliance with final, peremptory disclosure orders.
- *Alexander v West Bromwich Mortgage Company Ltd* [2016] EWCA Civ 496. Acted for a very large group of landlords in a successful appeal to the Court of Appeal concerning tracker mortgages. The case is of considerable general importance. It

established that the West Bromwich's standard terms and conditions did not permit it to vary interest rates otherwise than strictly in accordance with base rate movements and did not permit termination of mortgages on a mere one month's notice, absent any default or other circumstances justifying termination.

- The *Alexandros T* [2014] 1 Lloyd's Rep. 223, [2013] 1 Lloyd's Rep. 217. Acted with Iain Milligan QC and Luke Pearce in this heavy, multi-party, commercial litigation dispute before the Court of Appeal and the Supreme Court. The case involved points of fundamental importance concerning the *lis pendens* provisions of the Judgment Regulation, which apply in all civil and commercial matters that involve a European element. The case is the leading authority on the proper interpretation of Arts 27 and 28 of the Judgments Regulation.
- *EFT Holdings Inc v Marinteknik Shipbuilders* (before the Singapore High Court and Court of Appeal) [2014] 1 SLR 860. Acted for the Respondents in \$20m+ claims for unlawful means conspiracy. One of the leading Commonwealth cases on the requirements of the tort of conspiracy by unlawful means.
- *CIMC Raffles Offshore (Singapore) Ltd v Schahin Holding SA* [2013] 2 Lloyd's Rep. 575, [2012] EWHC 1758. Acted for the Claimants in the Commercial Court and Court of Appeal in relation to claims under a guarantee issued by a holding company of Brazilian interests that had purchased semi-submersible oil rigs. The Court of Appeal case is the leading judgment on the scope of the Triodos Bank (or 'purview') doctrine and an important case so far as concerns anti-discharge/anti-avoidance provisions in guarantees generally.
- *Rainy Sky v Kookmin Bank* [2012] 1 Lloyd's Rep. 34. Acted for the successful appellants before the Supreme Court in relation to this important case concerning refund guarantees. The judgment of Lord Clarke JSC provides important guidance as to the construction of commercial contracts generally, in particular as to the extent to which judges should take into account business common sense when choosing between rival interpretations.

Civil fraud

Michael has received recent praise in legal directories for his knowledge of civil fraud issues. Many of his cases involve civil fraud, directly or indirectly.

Recent examples of work:

- Acting in 2019 for a Gulf Bank in ICC arbitration proceedings, leading Charlotte Tan and Richard Greenberg, defending \$60m claims on bonds on the basis that the demands were made fraudulently.
- Acting in 2019 for Standard Chartered Bank in relation to claims on Letters of Credit where it was alleged that there was fraud in the underlying transaction, precluding any claim.
- *Pablo Chiriboga, Jaime Chiriboga and Jaya Sudhir v Intervisatrade SA*. Acting in a substantial Commercial Court dispute, leading Andrew Fulton KC, arising out of the sale of shares in a power-generating plant. The case involved allegations of fraudulent misrepresentation and breach of warranty.
- *EFT Holdings Inc v Marinteknik Shipbuilders* (before the Singapore High Court and Court of Appeal) [2014] 1 SLR 860. Acted for the Respondents in US\$20m+ claims for unlawful means conspiracy. Advised generally and prepared written opening, closing and appeal submissions for use in the Singapore proceedings. All claims were defeated. One of the leading Commonwealth cases on the requirements of the tort of conspiracy by unlawful means.
- Acted successfully for the builders of semi-submersible drilling rigs in a \$500m dispute in which one of the central allegations (although not ultimately pursued at the hearing) was that the builders fraudulently misrepresented their capability to perform the contract, giving rise to liability in deceit.
- Acted successfully for a high profile Bulgarian individual in a substantial LCIA arbitration relating to claims under an investment/joint venture agreement. The arbitration involved allegations of fraud, breach of fiduciary duty, the taking of secret profits and questions as to proprietary remedies arising out of an agreement to transfer shares.

Shipping and commodities

Michael deals with all aspects of the law relating to shipping and commodities. He has, for many years, been ranked in Chambers & Partners and The Legal 500 as a Band 1 (highest) leading silk in both shipping and commodities. He won Chambers and Partners "Shipping Silk of the Year" in 2019 and The Legal 500 "Shipping, Commodities and Aviation Silk of the Year" in 2023. He has great experience of shipbuilding and ship sale disputes of all types, including offshore supply vessels, cargo ships, passenger ferries, chemical tankers, VLCCs, and mega-yachts. Many of these cases involve very complex structures and highly technical issues. Michael enjoys technical disputes and is very comfortable dealing with cases in which substantial expert evidence is required.

He has excellent knowledge of charterparty disputes of all kinds. He thoroughly enjoys commodities disputes of all types and has vast experience dealing with all sorts of sale of goods cases. Michael is privileged to be one of the authors of *Voyage Charters*, one of the leading shipping law textbooks.

Recent examples of work:

- Acting for Evergreen in relation to disputes arising out of the stranding of the EVER GIVEN in the Suez Canal.
- Acting for MSC in disputes arising out of a catastrophic fire on the container ship MAERSK HONAM.
- Acting for MSC in disputes arising out of the registered owners of two container ships becoming subject to international sanctions.
- Acted for Trafigura in multi-party disputes concerning letters of indemnity and misdelivery of crude oil (*Trafigura Maritime Logistics Pte Ltd v Clearlake Shipping Pte Ltd* [2020] EWHC 726 (Comm), [2022] EWHC 2625 (Comm), [2022] EWHC 2234 (Comm)).
- *Clearlake Shipping Pte Ltd, Gunvor Singapore Pte Ltd v Xiang Da Marine Pte Ltd* [2019] 8 WLUK 195. Acting for Gunvor in successful anti-suit injunction proceedings arising out charterparty and sale contract disputes concerning light cycle oil.
- *Glencore v Navig8 Chemicals Pool Inc* [2018] EWCA Civ 1901 (CA). Acting for Navig8 in relation to a claim under a Letter of Indemnity, successfully rebuffing and appeal based on a contention that the claim was time-barred by reference to a clause in a voyage charterparty.
- *The Zagora* [2017] 1 Lloyd's Rep. 194. Acted for Owners in this successful claim against Oldendorff arising out of the delivery of iron ore in Xiamen, China.
- *The Valle di Cordoba* [2015] 1 Lloyd's Rep. 529, [2014] 1 Lloyd's Rep. 550. Acted for shipowners in a novel case concerning an in-transit loss clause. Charterers contended that the clause imposed strict liability for cargo loss (exceeding US\$5m), even though this was caused by pirates high-jacking the vessel and requiring the master at gunpoint to discharge the premium motor spirit cargo into lighters. Won the case in front of Andrew Smith J and in the Court of Appeal.
- Acted for the buyers of anchor handling tugs in four LCIA arbitration disputes with the builders. The references gave rise to interesting and complicated issues concerning rights of termination due to insolvency, critical delays and the proper approach to listing and dealing with construction defects.
- Acted for the claimants in two arbitrations relating to the proposed sale of a fleet of tankers and barges.
- Acting (or recently acted) in numerous arbitrations in London, Singapore and Hong Kong concerning diverse shipping law issues arising out of charterparties, bills of lading, construction contracts, sale contracts and related agreements. Vast recent experience of shipbuilding disputes and MOA disputes.
- Acted in a substantial ICC arbitration relating to a long-term contract for the supply of gas from Peruvian fields.
- Acting in a substantial LCIA arbitration relating to the sale of iron ore fines. Interesting points arise to whether the product complied with the contract description and in relation to damages, including the extent to which one party's hedging position may increase or reduce the overall loss.
- Acted successfully for German sellers of bio-diesel in a substantial LCIA arbitration with Romanian interests. There were major disputes as to whether the product complied with the contract and as to whether it was fit/suitable for importation into Romania given the provisions of Romanian customs law.

Energy and natural resources

Michael has great experience of issues relating to the sale and transportation of various types of energy products. He has worked frequently on upstream cases involving concessions and joint venture agreements in this context. He led a team including four other counsel in a very large arbitration relating to contracts to supply semi-submersible oil rigs for ultra-deep water drilling in Brazil. He has recently finished a substantial LCIA arbitration concerning gas supply contracts. He has very good knowledge of drilling, mining and other natural resource exploration/exploitation contracts. He is acting or has acted as arbitrator in massive disputes concerning wind farms, power plants and very long-term gas supply agreements. He advised Repsol in relation to US\$1.3 billion CAR insurance claims pursued in the Commercial Court regarding the YME Project. He has advised contractors in relation to a decommissioning project on the UK Continental Shelf on LOGIC terms. He has recently completed a five-week arbitration relating to resale contracts for drillships.

He is recognised as a leading silk in these areas (The Legal 500, 2024 "Incredibly bright, cool, calm and collected under pressure, Michael is a very polished and persuasive advocate"; Chambers and Partners 2024, "a knowledgeable silk highlighted for his courtroom advocacy").

Recent examples of work:

- Acting in numerous cases relating to the sale and transportation of crude oil and petroleum products.
- Acting in several major arbitrations relating to sale and transportation of LNG, including disputes arising under very long-term (20 years) projects.

- Acting for BP in successful restitutionary claims arising out of failures to deliver under oil and gas contracts (*BP Oil International Ltd v Vega Petroleum Ltd* [2021] EWHC 1364 (Comm)).
- Leading a team of counsel in a multi-billion dollar dispute relating to Zambian copper mines, concerning joint venture and shareholder agreements.
- Acting (as arbitrator) in a major insurance dispute arising out of a catastrophic turbine blade failure at a powerplant.
- Acting (as arbitrator) in a multi-billion dollar dispute concerning a long term gas supply contract between Egyptian and Israeli interests.
- Advising contractors in relation to a decommissioning project on the UK Continental Shelf on LOGIC terms.
- Advising Repsol during 2017-2019 in relation to US\$1.3bn CAR insurance claims relating to the YME MOPUSTOR Project, requiring consideration of both the insurance contracts and the relevant JOA.
- Acting in a \$100 million+ dispute arising under very long-term gas supply contracts, involving allegations of force majeure.
- Successfully led a team including four other counsel (including a junior silk) in a three days preliminary issue hearing and then five weeks substantive hearing, involving over 20 factual and expert witnesses, concerning a \$500 million+ dispute arising out of the construction and delivery of semi-submersible drilling rigs from Chinese to Brazilian interests. Difficult questions arose as to whether, and if so on what basis, the buyers could claim massive losses allegedly suffered under drilling contracts by reason of late delivery.
- Acted for the buyers in a substantial ICC arbitration relating to a long-term contract for the supply of gas from Peruvian fields.
- Acting in a very substantial, accelerated, \$500 million+ arbitration dispute concerning the cancellation of oil rig drilling and construction contracts.
- Acting in a \$100m ICC dispute relating to the construction of a windfarm off the English Coast.

Construction

Michael has extensive experience of construction disputes, particularly concerning construction of ships and offshore structures related to the energy markets. He has acted in dozens of arbitrations dealing with disputes of this nature, encountering both routine issues (e.g. delay and disruption), but also the unusual (e.g. alleged breach of intellectual property rights and alleged fraudulent misrepresentation as to capability).

He is recognised as a leading silk in this area (The Legal 500 2024, "Michael remains as grounded and user-friendly now as he was when he was a junior, which is a great attribute when combined with his considerable intellectual power. He gets to the crux of a problem very quickly and offers sound, practical and very well-considered advice.")

Recent examples of work:

- Acting in arbitration disputes relating to construction and resale of two drillships where purchasers cancelled the contracts for delays in delivery.
- Acting for Navios in a case relating to the construction of a port facility in Uruguay.
- Acting in a very substantial, accelerated, \$500 million+ arbitration dispute concerning the cancellation of oil rig drilling and construction contracts.
- Acting in a \$100 million ICC dispute relating to the construction of a windfarm off the English Coast.
- Successfully led a team including four other counsel (including a junior silk) in a three days preliminary issue hearing and then five weeks substantive hearing, involving over 20 factual and expert witnesses, concerning a \$500 million+ dispute arising out of the construction and delivery of semi-submersible drilling rigs from Chinese to Brazilian interests. Difficult questions arose as to whether, and if so on what basis, the buyers could claim massive losses allegedly suffered under drilling contracts by reason of late delivery.

Insurance

Michael has significant experience in relation to marine and cargo insurance, war and political risks insurance, contractors' all risks insurance, liability insurance and defence costs insurance. He has acted in many high profile constructive total loss cases, including in the Commercial Court, Court of Appeal and Supreme Court, and won an important case concerning "follow clauses", which is of significance to the insurance markets generally.

He acted for brokers in two complex multiparty litigation cases arising out of cargo insurance policies, giving rise to

numerous coverage issues, allegations of non-disclosure and aspects of French insurance law. He has acted in several insurance claims arising out of the loss of superyachts. He recently advised Repsol in relation to \$1.3 billion claims in the commercial court under CAR policies relating to the YME MOPUstor project on the Norwegian Continental Shelf. He acted (as arbitrator) in a very large insurance dispute relating to the failure of a turbine generator at a power plant. He is presently acting in a significant dispute relating to insurance claims in respect of fines and defence costs incurred by reason of alleged Jones Act violations in the USA.

He is ranked as a leading silk in this area (The Legal 500 2024, "Very competent insurance lawyer who is hugely in demand").

Recent examples of work:

- MS Amlin Marine NV / Kloosterboer International & Alaska Reefer Management – acting for insurers in relation to large claims under liability policies for fines and for defence costs relating to alleged Jones Act infringements in the USA.
- *PT Adidaya Energy Mandiri v MS First Capital Insurance Ltd* [2022] SGHC(I) 14 – working with Rajah & Tann Singapore LLP to successfully defend constructive total loss claims relating to an unmanned single point mooring at in the Yetagun gas field.
- Acting in a very large contractors' all risks insurance dispute relating to the failure of a turbine generator at a power plant in Bangladesh.
- *Libyan Navigator Co Ltd v Libya Insurance Company* – leading David Walsh and Katherine Radcliffe in major war risks insurance dispute, resulting in favourable settlement.
- "The Renos" [2019] UKSC 29, [2018] EWCA Civ 230, [2016] EWHC 1580 (Comm). Acting for various insurers in a substantial marine insurance case (\$17m claim) arising out of the alleged constructive total loss of a ship. The case gave rise to fundamentally important questions relating to the proper meaning and effect of various provisions of the Marine Insurance Act, which are of general application in relation to any marine insurance dispute, including as to whether costs incurred prior to service of a notice of abandonment and/or SCOPIC salvage costs can rank towards a CTL.
- Advising in 2019-2020 in relation to a \$100 million+ insurance claim arising out of the Cable Layer Star Centurion being T-Boned by a tanker off Singapore.
- Advising Repsol during 2017-2019 in relation to a \$1.3 billion CAR insurance claim relating to the YME MOPUstor project.
- Acting in a very large insurance dispute relating to the failure of a turbine generator at a power plant
- "The St Efrem" [2014] 2 Lloyd's Rep. 265. Acted successfully for the assured in a case concerning the proper interpretation of a "follow clause" in an insurance policy. The decision of Teare J is of wide importance and will apply in relation to any insurance contracts (not only marine insurance contracts) that contain a "follow the settlements" or "follow the leader clause".
- *The Alexandros T* [2014] 1 Lloyd's Rep. 223, [2013] 1 Lloyd's Rep. 217. Acted with Iain Milligan QC and Luke Pearce in this heavy, multi-party, insurance dispute before the Court of Appeal and the Supreme Court. The case involved points of fundamental importance concerning the lis pendens provisions of the Judgment Regulation, which apply in all civil and commercial matters that involve a European element. The case is the leading authority on the proper interpretation of Arts 27 and 28 of the Judgments Regulation. It also involved important questions as to the scope of jurisdiction clauses in the underlying insurance contracts and the proper interpretation and true effect of the settlement agreement that was concluded between some, but not all, of the parties involved.
- *Quadra Commodities v Various Insurers & Filhet-Allard Maritime*. Acted for Filhet-Allard Maritime (French insurance brokers) in two substantial (\$10m+ each) multi-party disputes arising out of cargo insurance policies relating to soybeans that suffered damage or were misappropriated in Indonesia. The claims against my clients were for professional negligence and/or breach of mandate. The cases involved complex issues of English and French insurance law. Both cases proceeded very close to trial, but were eventually settled on very favourable terms for my clients following a substantial mediation.
- *Garnat Shipping & Trading Ltd v Baominh Insurance Corporation* [2011] 2 Lloyd's Rep. 492 (Court of Appeal) [2011] 1 Lloyd's Rep. 589 (Clarke J). Acted successfully for the assured in this substantial dispute relating to the total loss of a floating dock due to an encounter with a tropical storm while under towage to Vietnam. The dispute concerned numerous allegations of breach of warranty and alleged non-disclosure of material facts, all of which were rebutted.
- Michael has been involved in several confidential arbitrations relating to various different types of insurance/reinsurance, including marine (hull and cargo) liability, property, financial and political risks.

Recommendations

Michael is able to provide really good real-time advice to clients. He is a well-rounded silk, comfortable in insurance and shipping environments. [Chambers UK Bar 2025](#)

Michael is a leading advocate and a brilliant mind. He is also clear, personable and accommodating. He is an excellent silk. [Chambers UK Bar 2025](#)

Michael Ashcroft is a top shipping KC. He is extremely bright, very engaging and creative in his thinking. [Chambers UK Bar 2025](#)

Michael is excellent in finding key issues and the key factual matters, subsequently come up with very strong legal case. His writing is also very logical and persuasive. He has excellent advocacy skills before the tribunal and court panel. [The Legal 500 UK Bar 2025](#)

Michael is a truly exceptional lawyer. He is capable of analysing the most complex of disputes in a way that means they are presented clearly and succinctly before a judge, and his oral and written advocacy is most impressive. [The Legal 500 UK Bar 2025](#)

Acute legal mind, good judgement, sensitivity to the court's approach to a case, excellent cross-examination, and works well with solicitors and juniors. [The Legal 500 UK Bar 2025](#)

A hugely intelligent practitioner with impressive credentials across a range of markets. [Chambers UK Bar 2024](#)

A superb operator who knows the law inside out. Judges feel comfortable following his propositions – he is the voice of reason. [The Legal 500 UK Bar 2024](#)

He is one of the best silks at the Bar, very user-friendly, thoughtful and considered. [Chambers UK Bar 2024](#)

Incredibly clever, focused, hard-working, absolutely first rate. [The Legal 500 UK Bar 2024](#)

He is outstandingly good. He is such a good advocate and naturally persuasive. [Chambers UK Bar 2024](#)

Incredibly bright, cool, calm and collected under pressure, Michael is a very polished and persuasive advocate. [The Legal 500 UK Bar 2024](#)

Michael is an extraordinary intellect. He immediately grasps the most technical legal issues, without losing sight of the overarching commercial goal of the client. [Chambers UK Bar 2024](#)

Michael remains as grounded and user-friendly now as he was when he was a junior, which is a great attribute when combined with his considerable intellectual power. He gets to the crux of a problem very quickly and offers sound, practical and very well-considered advice. [The Legal 500 UK Bar 2024](#)

Encyclopedically brilliant, Michael is very quick to pick up the issues and identify the key point, and exhibits strong and persuasive advocacy. [The Legal 500 UK Bar 2024](#)

A knowledgeable silk highlighted for his courtroom advocacy. [Chambers UK Bar 2024](#)

Very competent insurance lawyer who is hugely in demand. [The Legal 500 UK Bar 2024](#)

A superb strategist and a specialist on letter of indemnity cases. [The Legal 500 UK Bar 2024](#)

He is incredibly bright. [Chambers UK Bar 2024](#)

He's very experienced and knowledgeable. [Chambers UK Bar 2024](#)

He is a very calm and persuasive advocate who has a very good style in hearings. [Chambers UK Bar 2024](#)

Michael is very good, very experienced and user-friendly. [Chambers UK Bar 2024](#)

A superb strategist and a very clever, clear advocate who is good on his feet and knows how to argue a case. [The Legal 500 UK Bar 2023](#)

He is incredibly meticulous, calm and organised, and remains polite and yet immovable in his advocacy, unaffected by any opposing barristers' antics. [The Legal 500 UK Bar 2023](#)

Michael has fantastic advocacy skills and has a rare manner about him – he is a joy to watch. [The Legal 500 UK Bar 2023](#)

He picks up the detail on complex points in no time at all. Michael's client care is excellent, and he is commercial and a fantastic advocate. [Chambers UK Bar 2023](#)

He is completely unflappable and is always wonderful to work with. [The Legal 500 UK Bar 2023](#)

He is able to understand complex factual issues in a short space of time and present them in the most favourable way for the client. [The Legal 500 UK Bar 2023](#)

He is also very user-friendly and skilled at communicating with non-native English speaking clients who may be unfamiliar

with the English adversarial system. [The Legal 500 UK Bar 2023](#)

Very well-regarded by clients and opponents alike for his incisive analysis and appealing court manner. [The Legal 500 UK Bar 2023](#)

Industrious in his legal research, Michael thinks every point through – often further than his opposition. [The Legal 500 UK Bar 2023](#)

He dominates the courts and is on top of his subject matter. [Chambers UK Bar 2022](#)

He is very careful, thoughtful, leaves no stone unturned and his measured, detailed and well-structured approach secures good results. [The Legal 500 UK Bar 2022](#)

He is incredibly meticulous with an excellently structured approach to his work and advocacy. [The Legal 500 Asia Pacific 2022: The English Bar](#)

A very senior silk and second to none in commodities, he demands his opponents' A game. [The Legal 500 UK Bar 2022](#)

He always produces work that is nothing short of brilliant. He is clear and formidably intelligent. [Chambers UK Bar 2022](#)

A pleasure to work with - a real team player, but also incredibly thoughtful and a master tactician and strategist. [The Legal 500 UK Bar 2022](#)

He really doesn't shy away from the fight and he gets stuck in with the detail. He has a can-do attitude and an excellent commercial mind. [Chambers UK Bar 2022](#)

Lightning fast, utterly reliable and makes you feel perfectly relaxed as you go through the case. [Chambers UK Bar 2021](#)

A leading shipping silk who also excels in commodities matters, especially highly technical cases. [The Legal 500 UK Bar 2021](#)

He is good at getting to the heart of a case and quickly identifying the key issues. He is also excellent at turning around top-quality work under tight deadlines. [Chambers UK Bar 2021](#)

A leading shipping silk with a strong intellect that he applies to conventional and renewable energy matters. [The Legal 500 UK Bar 2021](#)

A hugely intelligent practitioner... Thoughtful, diligent and very good on his feet. [Chambers UK Bar 2019](#)

An always impressive silk for arbitration matters. [The Legal 500 UK Bar 2021](#)

Michael Ashcroft QC is unflinching even in times of adversity. [Chambers UK Bar 2020](#)

Extremely easy to deal with and intellectually at the top of the tree. [The Legal 500 UK Bar 2020](#)

Very bright indeed – a good strategist who provides excellent submissions and skeletons. [The Legal 500 UK Bar 2020](#)

He's a clever, sensible and straightforward guy who knows his stuff, gets on with it and presents his points well. [Chambers UK Bar 2020](#)

A “go-to” silk in the shipping and commodities sector. [The Legal 500 UK Bar 2020](#)

He is an exceptionally gifted barrister. [The Legal 500 UK Bar 2020](#)

Amazingly hard-working and responsive. He is very clever and has a fantastic advocacy style. [Chambers UK Bar 2019](#)

Clearly highly experienced in international arbitration and inspires confidence in his solicitor team and the client. [The Legal 500 UK Bar 2020](#)

Tough, gritty and very experienced in international trade and commodities work. [The Legal 500 UK Bar 2019](#)

He is very calm and collected and very impressive in court. [Chambers UK Bar 2020](#)

Michael is extremely user-friendly as well as a very intellectual and detail-driven individual. He is excellent on tricky chartering questions in particular. [Chambers UK Bar 2020](#)

Extremely intelligent and inspires complete confidence. [The Legal 500 UK Bar 2019](#)