



## Jonathan Lux

International and Commercial Mediator  
LLB Hons , University Exhibition

Award Winning Mediator, Arbitrator and Barrister

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### 10 Reasons to Choose Jonathan

1. Rated as a 'Leading Mediator' by Legal 500 (2017) and by Who's Who Legal: Mediation (2018).
2. Extensive experience of negotiating complex issues means Jonathan has a strong 'feel' for negotiation and is able to use this to help guide the parties towards settlement.
3. Expertise in shipping and international trade means Jonathan is used to dealing with complex, multi-party cases, supply chain complexities and jurisdictional issues due to being able to grasp key issues quickly.
4. Committed to resolving all disputes, whether large or small.
5. Understands that any dispute has the capacity to pollute a relationship and the importance of maintaining ongoing relationships following Mediation.
6. Excellent lateral and creative thinker – able to help the parties see issues, consequences or solutions they may not have considered.
7. Highly practical with a firm but fair approach – ensuring you get a result in the allocated time.
8. Holds International Mediation Institute (IMI) cross-cultural competence accreditation and understands how cultural and behavioural issues can create barriers to settlement and so need to be addressed as part of any Mediation process.
9. Fluent in French and German, therefore well placed to conduct international Mediations.
10. Realistic approach to fees and flexible on fees for smaller cases.



## About Jonathan

Jonathan has over 40 years of dispute resolution experience as a Mediator, Arbitrator, Solicitor and Barrister, specialising in international and commercial law. Jonathan's considerable, diverse experience as a Mediator has brought him great success in settling disputes, both in the UK and internationally.

His vast experience and the range of Mediation and arbitration cases that he has been involved with, have given him the tact and robustness that leads to a satisfactory conclusion, enabling all parties to cost-effectively put the case behind them and get on with their business. He has particular expertise in International commercial law, including settling cases in; shipping, maritime, energy, insurance, international trade and commerce across a range of jurisdictions.

Jonathan is one of the founder members of the Centre for Effective Dispute Resolution (CEDR) and is well known for the use of the Alternate Dispute Resolution (ADR) principle in resolving cases. His wise guidance, flexible approach and excellent communication skills as a team player make him the right choice for both complex and more straightforward Mediation cases.

Jonathan is also fully accredited by and a member of the International Mediation Institute and a Fellow of the Chartered Institute of Arbitrators. He has lectured worldwide and written numerous articles on the subject of Mediation. He is a co-author of a number of publications relating to ADR and Commercial Disputes. Jonathan has also taken part in the widely recognised Harvard Advanced Mediation Residential Workshop: Mediating Complex Disputes.

Jonathan was awarded Global Shipping & Maritime Lawyer of the Year for both 2010 and 2011 by Who's Who Legal. In December 2011 he featured in Lloyd's List of Top Ten Legal Personalities and was a finalist for the Lloyd's List Global Shipping & Maritime Lawyer of the Year award in 2012.

He is a fluent French and German speaker making him much in demand also for international Mediations.

## Professional Background:

Formally a practising solicitor, he was the Joint Head of the Arbitration and Mediation Group with the international commercial and shipping law firm Ince & Co. After an extremely successful career culminating as a Senior Partner, Jonathan made the decision to specialise independently in Mediation and was subsequently called to the Bar and joined Chambers in 2013. Most of Jonathan's working career, in the UK and overseas, has been involved with Mediation and arbitration in some form or another. Aside from his expertise in international, commercial law, including shipping and commercial trade he has handled Mediation cases across a broad spectrum including; construction, professional negligence, personal injury, land and property, insurance, banking to maritime and shipping, to name just a few.



## Recent Mediations:

### Shipping, International Trade and Off-Shore Energy:

- Shipbuilding: defects appearing during the guarantee period repaired by a different shipyard and those repairs in turn giving rise to claims which were Mediated between the original shipbuilders, repairers and buyers.
- Shipping/charterparty: vessel warranted "approved" by specified number of oil majors. Issues as to whether vessel was so approved and whether substantial delays/cancellation of charters running to US dollars many millions were attributable to non-approval or other reasons.
- Shipping/charterparty: vessel hijacked by pirates off the coast of E. Africa and ransom paid to secure vessel's release. Were the vessel's Charterers liable to pay hire during the period of detention and were the vessel's insurers liable to indemnify Owners for the ransom paid?
- Shipping/charterparty: vessel under charter performing voyages between gulf of Aden and India/Japan pursuant to Charterers' orders. Were Owners entitled to recover the cost of putting armed guards on board the vessel to minimise the risk of attack by pirates?
- Shipping/cargo claim: damage to cargo resulted in a substantial cargo claim and issues surrounding the vessel's seaworthiness.
- Shipping/charterparty: the vessel was trading between W.Coast America and Japan and the Master elected to take the more Southerly/longer route rather than the more Northerly/shorter route – whereby each voyage took longer to perform.
- Were Charterers entitled to claim for the loss of time and extra expenses?
- Off-shore energy/support vessels: multi-million dollar disputes relating to suitability of chartered-in support vessels for off-shore oil operation. Was downtime attributable to defective state of vessels or other reasons?
- Shipping/professional negligence: ship sold by one-ship company. Buyers' Solicitors failed to check whether there were pending in-rem proceedings in certain key jurisdictions. Following sale, vessel arrested due to pre-sale in-rem proceedings against former Owners (Sellers). Were the Buyers' Solicitors professionally negligent and was this the cause of the losses?
- Vessel suffered class problems and was sub-chartered. Claims by the owner arose in respect of waiting time and by the charterer in respect of extra expense and loss. Amount of claim exceeded US\$250,000.
- Solar Energy: multi-national parties in a claim for over £250m relating to solar energy.

### Commercial Contract and Tort Disputes:

- Dispute over whether registration enquiries for the Get Off product had been properly made and registration obtained with a view to lawful sale in international jurisdictions.
- Claim related to alleged breaches of restrictive covenants by the defendant, and was for monetary damages only.
- Further dispute over a counterclaim by the defendant.
- Dispute over whether digging, surfacing and tarmacking work was carried out with reasonable care and skill and whether materials were of a satisfactory quality.
- Claimant sought to recover in excess of £100,000 for non-payment of invoices in the matter.



- Disputes over property, partnership and employment between a company operating GP surgeries under contracts from NHS Primary Care Trusts and former partners in another medical practice.

- Where there was a lease agreement for a number of photocopiers and a service agreement the claimant claimed misrepresentation as to the first agreement breach of duty to obtain client's authority to sell photocopiers to two different companies.
- Breach of an Agency Agreement led to the innocent party terminating the agreement and claiming substantial damages.
- Claim by accountants for substantial unpaid fees and a counterclaim by their clients for an even larger sum.
- A radio company claimed in respect of unpaid airtime.
- Defendants claimed that the Claimant jumped the gun in allotting airtime to others and so counterclaimed for the loss suffered by being kicked off air.

#### **Banking:**

- Dispute over the non-repayment of a loan.

#### **Construction and Engineering:**

- Dispute arose in relation to the construction of affordable housing that a partnership was building for its client.
- Issues in the case involved the expert opinion of a structural engineer.
- Large claim by sub-contractor against a contractor.
- Defendants counterclaimed because the invoices in question were allegedly disputed by HMRC.

#### **Shareholder Disputes:**

- Dispute over shares in a family property and hotel business where the claimant was claiming entitlement to 40% of the valuation of the properties owned by the family company.
- Dispute over the shares of a deceased in respect of commercial property.
- Multimillion pound breach of warranty dispute regarding sales of shares in a PLC.
- Claimant claimed they were wrongly excluded from acquiring shares in the Defendant. Multiple issues including valuation of the shares.
- Claimant claimed as minority shareholder that the Defendant company should buy his shares. Claimant also claimed for unfair dismissal.

#### **Land and Property:**

- An acrimonious dispute between neighbours, where the sums in issue were small but tempers were high over a variety of issues including the use of a driveway.
- Main issues in the matter included agreeing who was to have control over arranging works to the electric gate
- and whether the claimant should be granted unrestricted and unobstructed use of the right of way over the passageway at all times.
- Family dispute arose as to the nature and status of the claimants right of way.
- Parties sought socially viable solutions to preserve family relationships.



- Dispute over whether a break clause had been validly exercised in accordance with the lease. Defendant sought a declaration that the lease had not been terminated and claimed rent and interest under the same.

- Failure to complete the purchase of a multimillion pound commercial property led to claims arising for specific performance of a contract.
- Claimant claimed for possession of land on the basis that he had a substantial level of security of tenure under the Mobile Homes Act 1983.
- A large sum in dispute where a father had transferred property to his son without informing the council and thereby avoiding charges for accommodation and services.
- Dispute in connection with extension to the claimants property where work was not completed but had been paid for on account.
- Non-payment of invoices for building work. Dispute arose because of incomplete snagging work.
- Dispute regarding allegations as to the extent and quality of work carried out by the Claimant and so Defendants were resisting payment.

## Jonathans Mediation Style

- Jonathans Mediation style has been described as robustly facilitative - testing parties' thinking and stretching their imagination so as to arrive at mutually acceptable solutions.
- Prepared to be evaluative only when the Mediation has reached a complete impasse and both parties request an evaluation.
- He has studied transformative Mediation but does not presently employ transformative methods in the Mediations he conducts.

## Qualifications

- 1973: LLB Law Degree, Nottingham University - Honours + Exhibition
- 1974: DES (French Masters), University of Aix-Marseilles
- 1977: Solicitor, England & Wales
- 1986: Solicitor, Hong Kong
- Fellowship of Chartered Institute of Arbitrators
- Accredited as Mediator by International Mediation Institute, Singapore International Mediation Institute, CEDR, ADR Net & Academy of Experts. CMC Registered
- 2013: Called to Bar, Gray's Inn



## Areas of Expertise

- Aviation
- Banking
- Commercial
- Construction
- Contract
- Commercial Contracts & Tort Disputes
- Carriage of Goods and Passengers by Air, Sea & Land
- Engineering
- Energy Renewables & Off-Shore
- Insurance
- Land and Property
- Motorsport
- Personal Injury
- Professional Negligence
- Sale of Goods and International Trade
- Shareholder Dispute
- Maritime
- Shipping

## General Endorsements

Jonathan has been recognised by the Legal 500 2017, and by Who's Who Legal 2018 as a Legal Mediator.

*"Jonathan was aware of the key issues from the start but balanced this with great commercial awareness. Jonathan was great with the client and knew how to achieve a result"*

*"Dear Mr Lux, Just a line to express my (and my client's) thanks and appreciation for the manner in which you conducted the Mediation. Your patience and understanding, qualities which only come with experience, were much in evidence. Given a suitable opportunity, I shall not hesitate to recommend you as a Mediator in the future." - Harold Berwin, Darlington Hardcastles*

*"The consistently positive feedback we received from our sources across the globe reflect Jonathans exceptional talent and pre-eminence in the field."; - Who's Who Legal*

*"Jonathan Lux leads the voting worldwide, with unanimous praise coming from all corners of the globe. Head of the firm's (Ince & Co) logistics team, he is recognised for his alternative dispute resolution capabilities. His skills and integrity mark him out as one of the best I've ever come across." - Who's Who Legal*



## Testimonials

**9/2015** - " He was able to grasp the issues quickly and set out clearly the respective parties positions in a coherent manner which allowed the parties to concentrate on the main issues quickly. He brought a good knowledge of the litigation process and the risks involved to the partners. He was calm and thoughtful and guided the parties where necessary."

**12/2015** - " Helped both parties see weaknesses of case and set expectations."

**01/2016** - " Clearly a very experienced litigator which was a huge help! His appreciation of the practical aspects of the litigation was especially helpful i.e. the benefits of settlement.

The ex-solicitor barrister is a very useful combination in Mediation. Practical experience with knowledge of law."

**01/2016** - " Well prepared and good firm guide for parties."

**02/2016** - "Excellent, balanced approach to a difficult case. Patience with both parties – ability to explain process. Very pleased!"

**03/2016** - "Tough, realistic – and gentle with it. Client comment: very helpful, without being over forceful."

**04/2016** "Patience. Litigation experience.Gravitas. Identification of each party's drivers for settlement."

**08/2016** -" Mr Lux was very calm in his approach."

**12/2016** -"Jonathan was good at pointing out the risks and realities of litigation to the parties in a non-confrontational way. He was very patient and calm with the parties when they were getting angry and frustrated and he helped the parties to see the benefit of settling matters as opposed to fighting on."

**12/2016** - "Personable and engaged. Very satisfied."

**01/2017** - " sensible approach to dispute resolution."

**02/2017** - " This was a complex three party commercial dispute that required a robust and skilled Mediator. Jonathan had clearly prepared for the Mediation and understood all of the key issues from the outset. He also quickly built a good rapport with the parties and was able to progress the negotiations. He is a very skilled Mediator and his ability to build a rapport with the parties was very beneficial."

**04/2017**- " Good listener and able to understand the picture before detailing the potential avenues."

**06/2017** -" Jonathan guided the process excellently and assisted greatly in resolving a difficult dispute."

**09/2017** "He clearly has a wealth of experience to bring to the Mediation and a firm but impartial approach in dealing with any issues, both legal and otherwise."

**11/2017** - " You were excellent and very patient with the parties generally, so I would definitely recommend you to others."

**12/2017** - " Thank you so much for your innovative and pragmatic approach."

**03/2018** - "But for him would have left Mediation a lot earlier. Very good at his job. Made it as painless as possible."

**03/2018** -" Jonathan made the settlement possible by guiding the parties to a cash neutral commercial resolution."

**04/2018** - " Jonathan was aware of the key issues from the start but balanced this with great commercial awareness. Jonathan was great with the client and knew how to achieve a result."

**09/2018** -" Jonathan worked with the parties and suggested ways to try and get the parties to think sensibly about the claim. Very satisfied."





## Memberships

- Accredited with the Academy of Experts, ADR Net and CEDR
- Fellow: Chartered Institute of Arbitrators
- Member: British Academy of Experts
- Member: City UK Dispute Resolution Group
- Liveryman: Worshipful Company of Solicitors
- Awards judge: Lloyd's List Global Shipping Awards
- Freeman of City of London
- Honorary Consul to Cape Verde in London
- Chair of International Bar Association's Transport Law Committee in the 1990s
- Director of the London Shipping Law Centre
- Nominated as a Judge for the National Mediation Awards 2018

## Panel of Arbitrators and Mediators

- China Maritime Arbitration Commission (CMAC)
- China International Economic and Trade Arbitration Commission (CIETAC)
- German Maritime Arbitration Association (GMAA)
- Hong Kong International Arbitration Centre (HKIAC)
- Hungarian Chamber of Commerce and Industry
- Malaysia - Member of Panel of Kuala Lumpur Regional Centre for Arbitration
- Shanghai Arbitration Commission
- Shanghai International Shipping Arbitration Court
- Singapore International Arbitration Centre
- Singapore Chamber of Maritime Arbitration
- Singapore Mediation Centre
- Vietnam Mediation Centre
- Member: LMAA/Baltic Exchange Panel of Mediators
- UK National Mediation Awards Judge 2018
- UK Part Time Lecturer, Nottingham University: LLM Course on International Commercial Arbitration

## Publications

- **Co-Author**
  - ADR and Commercial Disputes (Sweet & Maxwell, 2003)
  - Maritime Law Handbook
  - The Law and Practice of Marine Insurance and Average
  - The Law of Tug, Tow and Pilotage
  - Bunkers: An Analysis of the Practical, Technical and Legal Issues
  - Classification Societies
  - Getting the Deal Through – Shipping
  - Corporate Social Responsibility





- Expropriation of Oil and Gas Investments: Historical, Legal and Economic Perspectives in a New Age of Resource Nationalism (Association of International Petroleum Negotiators (AIPN), 2008)

## • Contributor To

- Getting the Deal Through – Mediation 2018
- World Arbitration Reporter (Second Edition, 2010)
- Mediation Techniques (International Bar Association E-Book, 2010)
- The Role of Arbitration in Shipping Law (Oxford University Press, 2016)
- Responsible Business: How to Manage a CSR Strategy Successfully (Wylie, 2010)
- Corporate Social Responsibility (International Bar Association Series, 2011)

## Personal Interests

Jonathan is married with three grown-up children. Although his family is his main priority, he has plenty to keep him busy in his spare time. One of Jonathan's main passions is Motor Sport. He races Classic Formula Ford cars and has taken part in several endurance rallies; he has also participated in the 1997 Beijing to Paris Classic car rally. At a slower pace, he loves hill walking, especially in Scotland.

## Videos and Articles

- YouTube - Meet the Mediator
- YouTube - Top Tips on Mediation - How to achieve your goals in Mediation
- Article - Mediator Spotlight