



Ian James Johnston

Partner, Bangkok

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Experience

Ian is a Partner at Clyde & Co. Ian is an international arbitration specialist with extensive experience in all forms of dispute resolution. He provides commercial dispute advice to various sectors including insurance/reinsurance, hospitality, construction, energy and finance.

Ian's recent highlights include:

- Currently representing hotel owners in THB550 million dispute with world's largest hotel management company. Complex issues include breach of contract, fiduciary duties, implied terms, secret profits and discovery rights over foreign affiliates with relevant documents. SIAC arbitration subject to English law.
- Currently representing majority owners of global restaurant chain in dispute with minority shareholder over right to purchase shares after event of default under shareholders agreement. Issues include accountancy procedures, definition of auditors and company law as relates to substance over form. Shares valued at US\$16million. LCIA arbitration subject to English law, with seat in Singapore.
- Currently engaged in arbitration regarding insurance cover for directors accused of fraud in foreign proceedings. Issues include retroactive date cover, aggregation in event definitions and dishonesty exclusions. The sums in dispute are approximately THB125 million. It is an OIC arbitration subject to Thai law.
- Represented owners/developers in TAI construction dispute, subject to Thai law. Project was mixed use commercial construction, including shopping centre, offices and hotel - overlooking Chao Praya River. Issues included delay, liquidated damages and design defects. Claim settled before hearing. TAI arbitration subject to Thai law.
- Represented insurers in claim for coverage under a fidelity policy involving rogue traders making losses of over US\$60million on metals exchange. Involved complex issues relating to 'write-backs', intent of traders, evidence in other proceedings and policy intent. HKIAC arbitration subject to Hong Kong law, with seat in Hong Kong.
- Lead advocate on hospitality dispute relating to breach of contract and tort claim for large losses. Complex issues related to New York Convention, conflict of laws and forum non conveniens. SIAC arbitration subject to English law.

- Lead on subrogated recovery relating to claim against turbine manufacturer for supply of defective goods, breach of contract and tort. Complex issues included applicability of conflicting exclusions and limits in the supply contract, responsibility for supplier errors and quantum. ICC arbitration subject to Thai law, with seat in Bangkok.
- Represented insurers on US\$12 million claim relating to damage to LNG tank insured under Construction All Risks policy. Issues included aggregation of events, liability and quantum. ICC arbitration subject to Thai law, with seat in Bangkok.

Awards and Recognition

Legal 500:

- Listed in South-East Asia Arbitration Power List
- Next Generation Partner, Insurance. Clients say:

“Ian Johnston is a clever English litigator, who is strategic, technically strong and very responsive to client needs and demands.”

“Ian Johnston has always been and continues to be approachable, knowledgeable, realistic and will offer honest advice. With his background in the Asia region, he is well connected with the knowledge of various industry sectors.”

Who's Who Legal

- Ranked as Global Expert 2022 for South-East Asia Insurance and as National Expert/Recommended for Thailand

Chambers:

- Band 1 Insurance. Client's state:

“He never lacks for technical knowledge, providing appropriate advice and he grasps things very well.”

“An outstanding individual.”

Asia Legal Business

- Ranked in Thailand's Top 100 Lawyers (based on views of competitors)

Other representative experience

- Represented insurers in US\$125million claim for earthquake damage and lightning outage on power plant in Laos. Successfully reduced claim to US\$25million.
- Represented insurers on coverage and subrogation in double instance of blade liberation in turbine leading to business interruption losses in excess of US\$45million. Managed negotiation for US\$20million recovery.
- Representing insurers in multiple turbine claims with large losses from business interruption, including matters in Thailand, Philippines and Middle East.
- Representing insurers on CAR claim in Indonesia for US\$30million.
- India, Oil Refinery: advising on liability for explosion/fire causing US\$120million loss and action against engineering contractor, sub-contractors and O&M contractor.
- Singapore, Chemical Plant: advising on explosion on chemical farm, including issues of property damage and death of workers - involving worker's compensation and potential third party liability claims.
- Philippines, Industrial All Risks Insurance: advising reinsurers of mine on coverage for property loss and business interruption claim of circa US\$50 million.
- Thailand, Gas Turbine: Investigating series of breakdowns and arbitration against OEM for fleet issue.
- Indonesia, Construction Site: advising on issues relating to landslide leading to abandonment of site, negligence claims, design issues and claims for US\$65million.
- Korea, Factory Fire: advising on reinstatement issues at manufacturing plant for household and automotive products.
- Singapore, Insurance: contracts review for construction and engineering divisions of major insurer, to be rolled out Asia-wide.
- Indonesia, Power Plant Fire: advising on issues arising from Power Purchase Agreement (containing exclusions of liability) in relation to action for transformer fire.
- Singapore, Tech Plant: advising on liability for contamination of electronic wafers causing substantial property losses and interruption of production leading to loss of profit.
- Hong Kong, Commodities Fraud: acting on arbitration relating to US\$60 million losses on London Metal Exchange, involving complex fraud issues and review of 250,000 documents.
- Singapore: advising international marine and power provider on dispute relating to claim for damage to ship engine.
- Asia: conducting FCPA and UK Bribery Act seminars for internal training at global insurance companies.
- Malaysia, Construction Division Losses: advising on claim relating to allegations of corruption, breach of fiduciary duties and negligence against a division of an MNC that recorded losses in excess of RM2 billion.
- Indonesia, power station: advising on issues relating to turbine damage resulting in reduced power output.
- China, WELCAR – advising on loss relating to fire on Self Elevating Production Storage Platform.
- Singapore: providing regular updates by way of market presentations on issues such as corruption, fraud, legal privilege and property loss.

- Macau: Advising on derivative action and petition relating to a joint venture casino project in Macau.
- Macau: Assisting global energy company in bribery investigation and responding to Independent Commission Against Corruption.
- Hong Kong/China: Advising clients on investigation of property division - including regulatory issues, licensing matters, criminal reporting, FCPA issues and civil claims.
- Asia: Drafting various suspicious transaction reports on suspected money laundering for submission to the Joint Financial Intelligence Unit.
- Japan/Global: Advising client on Formula One contracts and commercial issues.
- Switzerland/Hong Kong: Assisting company in freezing account and recovering monies paid to a fraudster.
- Hong Kong: Advising financial intermediary on set-up, including licensing requirements of the SFC/SFO and setting up compliance framework.
- Hong Kong: Advising private banking clients on issues relating to complaints of miss-selling and unauthorised trading.
- Hong Kong/Singapore: Advising client on allegations of negligent management of assets and drafting settlement agreements.
- Hong Kong: Assisting client with insider dealing investigation and consequent drafting of reports to regulatory bodies.
- Macau: Advising on US\$100 million dispute relating to provision of steel for construction project in Macau.
- Hong Kong: Acting for shipping broker on defence relating to declined coverage after claimant lost ship and coverage was declined.
- India: Acting for listed telecommunications company on dispute relating to provision of tax indemnity in share sale agreement to joint venture vehicle.
- Asia: Claims administration for Lloyd's Syndicate using bespoke claims management system.
- Hong Kong: Advising insurer on coverage advice relating to ship collision.
- Hong Kong: Acting for listed media company on matter relating to allegations of market misconduct and false accounting of subsidiary company executives.
- Hong Kong: Acting for investment advice company in relation to claim by client of liability for investment fraud/theft by former employee, with consequential dealings with Securities & Futures Commission and Commercial Crime Bureau.
- Hong Kong: Acting for client on matter relating to allegations of unauthorised trading.
- Hong Kong: Acting on audit negligence claim by directors against accountant, resulting from de-listing of company.
- Hong Kong: Advising on various Directors and Officers claims relating to Market Misconduct Tribunal proceedings.
- Acting for insurer of power station on case relating to alleged negligent design, construction and management of acid storage system.
- Acting for insurer of MNC to recover liquidated and ascertained damages after refurbishment of its headquarters.
- Advising insurance company on business interruption claims relating to policy coverage issues after the 2005 Tsunami.
- Advising insurer on cross-jurisdiction claim for employer's liability aimed at circumventing national legislation on limitation of damages.

- Acting for insurer of major accountancy firm in mediation relating to failed tax scheme of recently acquired subsidiary.
- Advising insurer of utilities provider client on matter relating to damage to foundations of houses, including attending mediation.
- Reporting on actions of solicitors in professional negligence matter alleging negligent practices by 600 solicitors firms.
- Acting for major insurer on matter involving accidental death, leading to revision of British Standards.
- Drafting architect contracts for various projects around London.
- Advising insurer on matter where tax advisor had improperly advised clients before being wound up.
- Completing company incorporation documents to assist clients in new venture start ups.
- Assisting defence on large number of personal injury cases for supermarket chain, including travelling across south east England to take witness statements and source relevant documents.
- Assisting US client disputing the validity of a patent for laying oil pipelines in deep sea waters. Team won award at Lawyer Awards 2004.
- Assisting major pharmaceuticals company on protection of patent from attack by producers of generic alternatives.
- Assisting client asserting the validity of a patent relating oil diamond drill bits.

Other Experience

Mar '02 **Abacus Project Consultants, Hong Kong (Surveyor and Senior Claims Assistant)**
October '02

Experience: Acting as independent Tender Assessment Evaluation surveyor on construction of Eastrail for JV company.

- Assisting compilation of project works packages.
- Assessing completed tender assessment packages.
- Interviewing and corresponding with potential contractors.
- Reporting to JV recommending contractors for award of contracts and sub-contract packages.

Nov '99 **Cyril Sweett Project Consultants – seconded to Airport Authority, Hong Kong**
Dec '01

Experience: Acting as consultant on airport construction contracts, assisting claims analysis and managing preparation of contract documents for potential arbitration.

- Reporting to airport on claims evaluation.
- Managing a team of assistants compiling project documentation for analysis by claims consultants and lawyers.
- Presenting to airport consultants on steps necessary to prepare for potential arbitration.
- Managing preparation of core audit bundles post-settlement of claims.

Additional information

- Admitted as a Solicitor of Hong Kong on 31 May 2008
- Qualified as a solicitor of England & Wales on 1 March 2006