

CURRICULUM VITAE

Ian Kawaley

Arbitrator and Mediator

Date of Birth: 20 August 1955

Place of Birth: Bermuda

Nationality: British Overseas Territories Citizen/British **Email:** irckawaley@gmail.com

Languages: English, basic French

Areas of expertise:

- **Insolvency law**
- **Commercial and company law**
- **Trust law**
- **Constitutional and administrative law**
- **Public international law**

Admissions

- Called to the Bar of England and Wales: 1978
- Called to the Bermuda Bar: 1980
- Called to the Seychelles Bar: 1983

Current judicial appointments

- Judge of the Cayman Islands Grand Court: 2017-to present
- Justice of Appeal, Court of Appeal for Bermuda: 2023-to present

Professional affiliations

- Associate Member, South Square Chambers, London
- Member, INSOL International ADR Colloquium
- Member, LCIA Users' Council
- Member INSOL International
- Member International Insolvency Institute
- Honorary Benchers, Middle Temple

Previous judicial appointments

- Supreme Court of Bermuda: 2003-2018 (Chief Justice 2012-2018)
- Assistant Justice, Supreme Court of Bermuda: 2019-2023 (part-time)
- Acting Justice of Appeal, Eastern Caribbean Court of Appeal (BVI): 2010, 2014

Overview of legal experience

- Government litigation/advisory: Crown Counsel Bermuda (1980-1983), Senior State Counsel Seychelles (1983-1985)
- Criminal litigation: Bermuda (1986-1989), London (1986-1989)
- Commercial litigation/insolvency: Bermuda (1989-2003)
- Civil and commercial trial judge: Bermuda (2003-2023), Cayman Islands (2017- 2025)

Selected decisions

- *Re First Virginia Reinsurance Ltd* [2003] Bda LR 47; (2006) 66 WIR 133
- *Netbank v. Commercial Money Center* [2004] Bda LR 46
- *Masri-v-Consolidated Contractors International* [2009] Bda LR 12
- *Yukos CIS Investments Limited-v-Yukos Hydrocarbons Investments Limited*, HCVAP2010/028 (BVI), Eastern Caribbean Court of Appeal Judgment dated 26 September 2011 (unreported)
- *Lancashire Insurance Company Ltd (Appellant) v MS Frontier Reinsurance Ltd* [2012] Bda LR 68
- *Singularis Holdings Limited (Appellant) -v-PricewaterhouseCoopers* [2013] Bda LR 28
- *FamilyMart China Holding Co Ltd-v- China CVS 2019 1 CILR 266*
- *Wong-v-Grand View Private Trust Company* [2019] SC (Bda) 37 Com
- *Re Latam Finance 2020 (2) CILR 787*
- *Arcelormittal USA LLC-v- Essar Global Limited 2021 (2) CILR 673*
- *Polarcus Ltd. (in Official Liquidation)2022 CILR 2 49*
- *Al Haidar-v-Rao 2023 1 CILR 170*

Offices held

Formerly member of Bermuda Bar Council (1992-1999), Vice-Chair of Justice Review Committee (Bermuda, 2004), Chairman of Law Reform Committee (Bermuda, 2004-2009) and *ex officio* member of Judicial and Legal Services Committee (Bermuda, 2014-2018)

Selected publications

2024: '*A Hitchhiker's Guide to Offshore Trust Law*', paper presented at Oxford Handbook of Comparative Trust Laws Conference, Peter A. Allard School of Law, University of British Columbia, Vancouver, BC, Canada, 7 April 2024

2018: Editor-'*Offshore Commercial Law in Bermuda*', 2nd edition (Wildy Simmonds & Hill: London)

2016: Co-editor (with Robin Mayor and Andrew Bolton)-'*Cross-Border Judicial Cooperation in Offshore Litigation: the British Offshore World*', 2nd edition (Wildy Simmonds & Hill: London)

2001: Co-editor (with Gabriel Moss QC, Howard Seife and Nigel Montgomery)-'*Cross-Frontier Insolvency of Insurance Companies*' (Sweet & Maxwell: London)

2000: (with Kulandra Ratneser)-'*The Treatment of Foreign Insurance Creditors Under Bermudian and Australian Law: the Case of New Cap Reinsurance Company (Bermuda) Limited*' (Paper presented at International Association of Insurance Receivers Roundtable, Dallas, Texas, September 9, 2000)

1999: '*Winding-up procedures in Bermuda or: Collecting from Alien Reinsurers in the Bermuda Triangle*' (1999) 7. The Insurance Receiver

1997: '*Schemes of Arrangement under Bermuda Law*', International Association of Insurance Receivers Newsletter, Vol.6 No.1 (Spring 1997)

1993: (with Rod S. Attride-Stirling and John Milligan-Whyte), '*Creative Techniques in Reinsurance Arbitration, Collections and Insolvency Procedures*' (1993) International Corporate Law Litigation Yearbook, pp. 12-16

1992: '*When is a Disputed Debt not a Disputed Debt under Bermuda Insolvency Law?*', (1992) Caribbean Law & Business Vol. 4, No. 1

ACADEMIC & VOCATIONAL

1977: LLB, Liverpool University

1978: Bar Finals Course, Inns of Court School of Law, London

1979: LLM, London University (LSE)

1999: PhD in Law, London University (External)

2022: IPOS Mediation Accredited Civil and Commercial Mediator