

Name : Lord Clarke of Stone-cum-Ebony

Date of Birth : 13 May 1943

Nationality : British

Country of United Kingdom

Residence:

Language(s) : Spoken English and French

Language(s) : Written English and French

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Profession : Arbitrator

Academic & Professional Qualification(s) :

See below

Professional Membership(s):

See below

Career & Professional Experience:

Lord Clarke, who was one of the first Supreme Court Justices, retired from the Supreme Court in September 2017 and has chosen to join 'Arbitrators at 10 Fleet Street'. He is now accepting appointments as arbitrator in commercial disputes.

Judicial Career

Lord Clarke was appointed a High Court Judge in January 1993, assigned to the Queen's Bench Division. He was Admiralty Judge and a judge in the Commercial Court from 1993 until April 1998 hearing commercial and maritime cases, including appeals from arbitrators' decisions.

He also tried serious criminal cases in the High Court and was a judge in the Court of Appeal Criminal Division ("CACD").

In 1998 he became a member of the Court of Appeal, where he presided in the CACD. He was also a party to many civil and commercial cases in the Civil division.

As Lord Justice Clarke he conducted an inquiry into the collision on the river Thames between the *Marchioness* and the *Bow Belle* and its aftermath, which was a tragic affair but at least led to the RNLI putting lifeboats on the Thames.

In 2005 Lord Clarke became Master of the Rolls and was also head of Civil Justice. This involved presiding in a large number of significant civil cases, including commercial disputes (including arbitration) and a wide range of public law cases and procedural disputes. He was chairman of the Civil Justice Council and the Rules Committee.

Lord Clarke promoted the Review of Civil Cost carried out by Lord Justice Jackson in 2009 which was subsequently in large part brought into force.

He was made a peer in June 2009 and was one of the first justices appointed to the new Supreme Court (as final court of appeal in the United Kingdom when it was instituted in October 2009). He remained in the Supreme Court until retiring at the end of September 2017. In the same period he regularly sat in the Judicial Committee of the Privy Council, which remains the final court of appeal for a number of Commonwealth countries.

The Supreme Court (and indeed the Privy Council) only hear cases which the court concludes involve questions of general public importance. These include, not only criminal and public law cases, but commercial cases, including maritime and general commercial and cases involving insolvency, arbitration and private and public international law. It follows that he has taken part in many decisions of real significance, both between 2005 and 2009 when he was Master of the Rolls and between 2009 and 2017 when he was a Justice of the Supreme Court.

Lord Clarke was appointed a member of the panel of non-permanent overseas judges who sit in the Court of Final Appeal ("CFA") in Hong Kong and sat on a number of occasions while he was on the Supreme Court here. He is still a member of that panel.

Career at the Bar:

Having read economics and law at King's College Cambridge he was called to the Bar in 1965 and practised at what was then 2 Essex Court, first as a junior until he took silk and became a QC in 1979 and thereafter until he became judge in 1993. He was head of chambers for a number of years in the 1980s. His practice was commercial and maritime and included both advocacy and, as time progressed, arbitration work as both counsel and arbitrator. He did a number of cases in Hong Kong and Singapore as a silk. Shipping inquiries were not uncommon in those years and he played a part in a good number, including the *Herald of Free Enterprise*, in which he was counsel for the owners. He also became a Recorder in 1985 and a Bencher of the Middle Temple in 1987.

Legal Knowledge relating to Shipping, Arbitration Practice and Procedure:

Detailed knowledge by reason of the experience summarised above. A list of reported cases in which he has been involved could be produced, but would take some time to produce.

Publications: Various published judgments as above and the occasional paper or article.

The future: Lord Clarke hopes to be able to take part in arbitrations in the future and to that end is in the course of applying to (or considering applying to) a number of institutions as follows:

- CIArb (Chartered Institute of Arbitrators)
- LCIA (London Court of International Arbitration)
- LMAA (London Maritime Arbitrators Association)
- SCMA (Singapore Chamber of Maritime Arbitration)
- KLRCA (Kuala Lumpur Regional Centre for Arbitration)
- HKIAC (Hong Kong International Arbitration Centre).

There may well be others.

Lord Clarke is also considering doing a mediation course because mediation strikes him as a sensible way of settling disputes. However he appreciates that some form of mediation training would be worthwhile.