

OUR PEOPLE

Murray Rosen KC

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Murray Rosen KC brings unique experience and expertise to dispute solutions.

Having established a formidable reputation as a tenacious advocate and tactician over nearly 40 years, he returned to independent practice in 2015 as a strategic adviser, expert in English law and – primarily – as a “neutral” who resolves disputes rather than still fighting them.

He has acted in many significant international commercial disputes, as well as serving as head of leading commercial Chancery chambers and first head of the pioneering advocacy unit at Herbert Smith Freehills. His many practice areas over the years have included culture, media and sports law, and offshore fraud and asset tracing, with an emphasis on cross-border jurisdiction and remedies.

He was appointed a QC (now KC) in 1993 and a Recorder in 2000, a Deemster in the Isle of Man in 2011 and a Deputy High Court Judge, Chancery Division in 2013. In the meantime he qualified as a Fellow of the Chartered Institute of Arbitrators and was trained and accredited as a mediator by ADR Group and then CEDR.

His long career as a leading advocate taught him much about persuasion and negotiation, and led to a strong commitment to a variety of settlement strategies. His adversarial role was summed up by one of the directories as “tactically flawless...with a weighty reputation”. To dispute solutions, he offers all the skills and knowledge of a senior lawyer who has represented governments, agencies and businesses around the world, as well as participating fully as a partner at a leading international law firm. This is a rare and possibly unique combination in his area of international disputes practice.

He brings to his practice as arbitrator and mediator an accessibility to disputants and their advisers; a thorough knowledge of the law, of cross-border problems and procedures, and of litigation and industry practices; and a familiarity with both sides of the English legal profession and with kindred professions in Europe, Asia and North America, all coupled with boldly creative solution-making. He is keenly aware of how different each dispute can be as well as the different approaches involved in privately imposing a resolution through arbitration, and reaching out consensually through mediation, and the range of techniques which work, and do not work, to achieve resolution in any particular case.

His work as judge, arbitrator, early neutral evaluator, mediator, adviser and expert covers both international commercial disputes – the mainstay of his eminent career for clients – and culture, media and sports, in which he has an exceptional background. This includes the chairmanship of various professional associations and disciplinary tribunals in sport disputes, including the first Chair of the new Premier League Judicial Panel, and his art curator work and postgraduate degrees in History of Art from the Courtauld Institute in London. Among other things, he is an arbitrator internationally for the Court of Arbitration for Sport in Lausanne, and

is on the first panel of the Court of Arbitration for Art in The Hague.

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Expertise

International Arbitration

Murray Rosen acted as counsel in innumerable commercial arbitrations, both ad hoc and under ICC, LCIA, Singaporean, Hong Kong, American, Swiss, Swedish and other rules, for clients across the world. He has a particular familiarity with Russian- and Indian-related disputes. His client practice also included offshore jurisdictions in the Caribbean and elsewhere, where corporate, investment, infrastructure, fraud and joint venture disputes became increasingly common. He is a recognised expert particularly in cross-border issues as to both jurisdiction and remedies.

Having acted as arbitrator or mediator as well as judge when required over many years, he is now devoting himself to full-time practice in these roles, using his experience and expertise to determine or assist as a neutral in reaching the appropriate solutions. His former involvement in client case management as team leader, whether as barrister or as solicitor, lends particular force to his procedural understanding, hearings and directions, and he is attuned to cost and time considerations to an unusual degree. He works well, and promptly, with other tribunal members.

Sports Law

Murray Rosen QC has been a full-time arbitrator and mediator, specialising in sports disputes since 2016. He is an arbitrator at the Court of Arbitration for Sport in Lausanne (CAS) where he has sat on more than 20 cases. He is the first Chair of the new Premier League Judicial Panel, and was formerly chair of the Table Tennis England Board of Appeal. He has sat in many ad hoc and disciplinary tribunals, usually as chairman, for the Football Association, Football League and International Tennis Federation and other associations. He has also mediated in disputes between players and clubs, associations and media bodies. Sports involved have also included rugby, tennis, pentathlon, Formula 1 and rallying, swimming, boxing and snooker.

He has also been on the Sport Resolutions panel since its outset (as the Sport Disputes Resolution Panel) and helped to draft the first revision to its rules. As counsel for over 30 years he appeared in relation to a wide variety of sports, including motor sport, boxing, snooker and athletics. was the founding chairman of the Bar Sports Law Group and a chairman and director of the British Association for Sport and Law.

He is a strong believer in fairness and in the power and benefits of sport and has a keen appreciation of its social, political and financial aspects. He has participated in sport all his life, is a member of the MCC and Arsenal FC, and still regularly plays real tennis and ping pong. His knowledge of the sports scene and the issues which arise, both commercial and regulatory, in relation to the governance of sport, and its competitions and events, makes him a sympathetic hands-on tribunal chairman and a successful mediator. He has recently initiated an ad hoc working party consulting and reporting on the Impact of Covid-19 on sport disputes resolution procedures, supported and published by LawinSport.

Mediation

Murray Rosen now concentrates on dispute solutions and uses his unique experience as both a foremost advocate and a partner

in an international law firm to found his practice as a mediator and achieve peaceful settlement for all parties. Mediation is the primary method for assisting in the effective search for a consensual resolution, bringing a trusted neutral into the fray to explore and guide each side, confidentially, to the most promising route to ending their warfare. This requires a creative and flexible approach for which he is highly equipped. He listens well and quickly earns the confidence of all sides, as well as their lawyers and other stakeholders.

Culture and Media

Murray Rosen QC holds a Masters degree (with distinction) in History of Art from the Courtauld Institute, London and is one of the first panel members of arbitrators and mediators at the new Court of Arbitration for Art in The Hague (CAfA). He has acted in many art, antiquities, music, theatre, publishing, film, TV and digital media disputes, using his expertise in (among other things) contract, intellectual property, defamation, fraud and asset-tracing, company, financial and insolvency law. He has a special affinity with culture and media and the people who work within those fields, along with a deep understanding of the issues they face. He is a strong proponent and promoter of arbitration and mediation to help solve their disputes, without the risks, delays and costs of litigation.

His practice in art and antiquities disputes include authenticity, title, provenance, heritage and restitution claims concerning subjects such as Clive's Gold (RSA v Spinks), the Bentley racing car "Old No 1" (Hubbard v Middlebridge), an Egon Schiele painting (Stockler v Sothebys), forged Commonwealth stamps (AG for Tuvalu v PDC) and a gallery partnership dissolution (Phillips v Symes). In passing off and trade mark cases, he appeared on appeal in Irvine v Talksport and Scandecor Marketing v Scandecor. In music, films and TV, he acted for such stars as Robbie Williams, Paul McCartney, Lynsey de Paul, The Who and Duran Duran, publishers such as The Times and W H Allen, and entertainment companies such as EMI, Universal, Time-Warner, Really Useful and Hanway Films.

He writes extensively and curates exhibitions, in particular in 20th century art and modern British sculpture. He is also an avid photographer and collector with interests ranging from Surrealism and Mexican art, to street photography, and Japanese netsuke.

Qualifications

MA Philosophy & Law (Trinity College, Cambridge)

Diploma in EU & Civil Law (Brussels Free University)

MA (distinction) in History of Art (Courtauld Institute London)

Memberships:

Member of the Court of Arbitration for Sport, Lausanne; Sport Resolutions

Deputy High Court Judge (Chancery); Recorder

Acting Deemster, Isle of Man

Bencher, Lincoln's Inn

Chair, Premier League Judicial Panel

Former chair, British Association for Sport & Law; Bar Sports Law Group
