



Gosling with his Alexander McFaul painting: "If you know both your story and their story before they do, then you have a hell of an advantage"

Photo: Jim Willson



Lucky Jim

James Gosling has been nominated as the UK's top wet-shipping lawyer. His career has included kidnap at gunpoint, hand-to-hand combat between salvors, a carnivorous fish and much death and destruction

James Gosling, a partner with Holman Fenwick & Willan, has just been listed as one of the UK's top 10 shipping lawyers in the Legal 500, an influential directory of lawyers. He has also been informally nominated as the UK's top 'wet' lawyer, which means 'admiralty practice'.

When *Fairplay* breaks the news to him, he is absolutely horrified. "I'm embarrassed quite easily," he groans with a bright-red face.

After some time and much cringing, Gosling eventually forces out the phrase "I'm very flattered" through gritted teeth.

"But it will cost me a lot of jibes internally," he laughs, referring to

an expected onslaught of jokes at his expense from colleagues at law firm Holman Fenwick & Willan (HF&W), where he has been worked for about a quarter-century.

That might sound like a pretty sleepy history, but just listen to the stories.

"I met the vice-president of Liberia," Gosling recalls. He had travelled to the West African country in the early 1980s with a US lawyer to enforce a government security. "And they didn't take particularly kindly to it," he chuckles.

Gosling was sitting in a meeting with the American and the Liberia's justice and finance ministers. Nature called and Gosling nipped out of the room to

spend a penny. He was followed by the justice minister. When the politician caught up with the lawyer, he asked Gosling to come away with him.

The lawyer, reasonably, refused and pointed out that they were in a big, important meeting and could not just get up and leave.

"Then he pulled out a gun and said, 'Come with me'," Gosling recalls.

So the minister whisked the lawyer away to meet the vice-president of Liberia. "I was bloody nervous at that stage," Gosling adds. The VP expressed his extreme displeasure "and, much to my shame, I agreed with him," he says.

He was bundled into a limousine when the meeting concluded, driven to the airport and thrown out of the country.

Meanwhile, the US lawyer was left sitting at a table in Monrovia, wondering what had happened to his English colleague.

To disclose or retain?

Ethical dilemmas have cropped up for Gosling more often than threats. He tells *Fairplay* that there was a spate of fires on container ships caused by carrying calcium hypochlorite, a powerful chemical disinfectant normally used to sterilise swimming pools, which is manufactured in China and the US.

In one case it was clear that a box full of the stuff had ignited when, in theory, it should have been stable. There were even suggestions that the owners had heated it.

"We hired a mad Australian scientist to do tests in the Outback," Gosling recalls. The chemical's critical temperature turned out to be much lower than had previously been realised.

"We had to decide whether to release the information or keep it – we were in danger of destroying our case. It was the insurer's decision and they just said, 'f*** it – release it.'"

"A lot of people had died, and we couldn't live with the idea of someone else dying," he explains. "It's good – it

shows that we're not just in a money-grubbing industry."

Wet lawyers advise on collisions and salvage, so solicitors in admiralty practice must get used to dealing with cases involving death.

Gosling sites one example: "I was involved in the *Limburg* case. What an arrogant, useless waste of life. A Bulgarian fitter died. He was just trying to get some money to keep his family. It's just senseless."

No oxygen in hold

Gosling also recounts a sad case onboard a cargo ship that was carrying scrap metal. "Five people died," he tells *Fairplay*, because the scrap had eaten all the oxygen in the hold, so when one of the crew went below, he collapsed.

"When the crew saw that someone had collapsed, they went to help. And they went down one after the other," he adds.

His worst case was *Scandinavian Star*, a ferry that caught fire and sank in 1990. More than 150 people were killed. Gosling watched the recovery of the bodies. "I saw them bring up the children. They were the same age as my own," he says quietly.

Getting to the scene is a big part of what an admiralty solicitor does. "The shipmaster is traumatised," Gosling explains. "It's probably the first disaster he's been involved in, and he's likely to have hurt or killed someone. Then we arrive – it's the last thing that they want

"The first thing we do is put that guy at ease. And then we always ask them for the truth – as we always find out the truth. But we are the first friendly face that they see. I still get Christmas cards from masters. And you have to act quickly," he adds.

Gosling heard about the first *Tricolor* collision at about 0345 in the morning of the accident. By 0600 his firm had a man heading through the Channel Tunnel. *Tricolor's* crew were fully interviewed by late morning, and the crew of the other ship were next.

"If you know both your story and their story before they do, then you have a hell of an advantage," he explains.

Gosling thinks tactically on behalf

NAME: James Gosling

FAMILY: Married to Brenda. Two adult children – Lucy (20) reading geography at Newcastle University and Tom (18) due to read surveying at Northumbria University

EDUCATION: Read French, Spanish and law at St Catherine's College, Cambridge

ARTICLES: Articled at Stoneham, Langton & Passmore

ADMISSION: 1980, then joined Holman Fenwick & Willan

PARTNERSHIP: 1988 at HF&W

INTERESTS:

Rugby – Wasps

Sailing – Yacht master's licence

Opera – *Madam Butterfly*

Motorbike – Yamaha 600 intruder

Art – Alexander McFaul (see photo)

Beer – Abbot Ale from Cambridgeshire

Legal 500's top-rated wet and dry lawyers

- Ben Browne – Shaw & Croft
- Richard Crump – Holman Fenwick & Willan
- Bob Deering – Ince
- Lindsay East – Richards Butler
- Simon Fletcher – Clyde
- Paolo Ghirardani – Stephenson Harwood
- James Gosling – HF&W
- Tim Kelleher – Thomas Cooper & Stibbard
- Hugh Livingstone – HF&W
- David Lucas – Middleton Potts
- Mark Morrison – Clifford Chance
- Brian Nash – Clyde

of owners, too. One key decision that has to be made quickly after a collision is where to arrest the ship. Nigeria, for example, limits claims to \$8,000, and yet the assets involved can be worth millions of dollars.

"You need to work out your [client's] losses and the [other side's losses] on the

back of a fag packet," he explains. "Then you divide liability. Then you work out where to arrest – and you do it quickly."

Gosling tells *Fairplay* that his best memory in shipping involves a trip up the Orinoco River. He was involved in salvage work and was treated to local hospitality and cuisine.

Salvor sleight-of-hand

ADMIRALTY practice has its moments of comedy. James Gosling chuckles when he recounts a tale of slugger salvors and a Spanish-speaking captain.

The vessel was anchored in a Dutch harbour, but the anchor began to drag. Harbour officials advised that a pilot should be hired to repeat the anchoring.

Five minutes later, a tug turns up with a pilot. Five minutes on, and another pilot turns up. The newcomer boards the ship and promptly attacks the first pilot, who retaliates.

The captain separates them, the pilots patch up their differences, shake hands and get on with towing the vessel. Then they present the master with a form that had been folded vertically to show the English words 'no pay'.

The captain, who could read little English, thought he

was getting a free service and happily signed the form. It was a big mistake. It transpires that the two 'pilots' were in fact salvors – and the form actually read 'no cure – no pay'. It was the Lloyd's form on salvage.

So rather than paying a relatively small towage fee, the Captain had, by signing, made the owner liable for a sum based on the value of the ship and the cargo, which was a very large amount.

The vessel was promptly arrested. Gosling was sent to investigate. It turned out that the salvors had been listening to radio communications, had the same idea, fought over it and then closed some sort of private deal.

"I've got a lot of time for salvors – they're very brave people – but this went too far," Gosling laughs.

Man bites fish!

"I was eating piranha soup. I had the curious feeling that I was getting them back," he chuckles.

Gosling clearly enjoys his work. "Ships really get under your skin," he admits. "It's a small world, interesting people, and you can still have a laugh."

And he has found a home at HF&W. "It's not very fashionable, but I've got a lot of friends here and it's just good fun," he says.

"I've been very lucky. I've been involved in a lot of high-profile cases, but I get a buzz whether it is high- or low-profile. I'm a lucky guy who's had a lucky career. I couldn't have planned it better." **F**