

# Professor Sarah Green MCI Arb

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## **POSITIONS HELD**

International Arbitrator, Mediator and Expert Witness	2025-present
Partner and Digitalisation Expert, T3i Network	2024-present
Head of Digital Assets and Trade Finance, D2 Legal Technology	2024-2025
Professor of Private Law, University of Bristol	2017-present
Commissioner for Commercial and Common Law Law Commission of England and Wales	2020 – 2024

## **CAREER OVERVIEW**

Since January 2025, I have started to accept appointments as Independent Arbitrator and Mediator, with a particular interest in tech disputes, given my extensive legal work in that field for over two decades as the Law Commissioner for Commercial and Common Law responsible for the Arbitration Act 2025, which received Royal Assent in February 2025

Also whilst Law Commissioner, I was responsible for ensuring that the commercial law of England and Wales remained fit for purpose, reforming it where necessary. From 2022 to 2024, I led the project that culminated in the Property (Digital Assets etc) Bill that is currently going through the Parliamentary process. I was also the Principal Witness to the Special Public Bill Committee in the House of Lords. That piece of legislation ensures that the law of England and Wales can properly accommodate digital assets, including (but not limited to) cryptocurrencies, NFTs and tokens including those representing Real World Assets. As Law Commissioner, I also produced two major reports to accompany that legislation that stand as advice to government and to the judiciary on how to develop both the common law and policy in relation to digital assets. These have recently been cited in both the US Congress and the US Bankruptcy Court.

Other work at the Law Commission involved making legal changes in order to accommodate emerging and emergent technologies, particularly those based on Distributed Ledger Technology and Web3. I have therefore been responsible in recent years for advising the Government on how to deal with Smart Contracts, and with reviewing the law on Decentralised Autonomous Organisations. Most notably, I led the project that culminated in the passing of the Electronic Documents Act 2023, which allows for the first time electronic versions of trade documents to have the same validity as their paper counterparts. This puts the UK at the head of the G7 on this and has garnered the interest of other jurisdictions to follow suit. This statute has been estimated by the International Chamber of Commerce to be worth around £23 billion to the UK economy and \$10 trillion worldwide. The Law Commission works on the basis of consultation, so each of these projects has meant that I have worked very closely with companies and organisations that use (or want to use) electronic documents, with those who build the platforms, with those who insure them and those who advise them. This means that I am very familiar not only with the legal requirements that the Act now contains, but also with the needs, concerns and objectives of those that they affect.

From speaking in Parliament at All Party Parliamentary Groups and to House of Lords Committees, I have extensive experience of representing organisations in the public domain, with the Law Commission having an especially high public profile. I have given evidence several times as the Principal Witness at a Special Public Bill Committee in the House of Lords, addressed ministers at a Treasury roundtable, and regularly discussed legal reforms with the senior judiciary, from the High Court to the Supreme Court. I have a very significant

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network of relationships across the public and private sector: legal, commercial, governmental, academic and parliamentary. I sit on the UK Jurisdiction Taskforce, the International Jurisdiction Taskforce, the Commonwealth Secretariat's Working Group on Legal Reform and Digitisation, Legal UK, The Digital Commonwealth Council and the International Digital Assets Council. I am also a member of the PRIME Finance Panel of Experts and a trustee of the Society of Computers and the Law. In 2023, I won both the International Chamber of Commerce's Award for the Individual Who Has Made the Greatest Contribution to the Digitalisation of Trade and the Outstanding Achievement Award at the British Legal Technology Awards. In 2022, I was placed on the Women in Fintech Power List and on Bloomberg's "Who to Watch" Crypto List.

As Head of Digital Assets and Trade Finance at D2 Legal Technology, I advise a number of state governments and regulatory agencies on how best to structure their legislation and regulation in relation to digital assets, as well as how to change their national laws in order to accommodate electronic trade documents.

I also co-chaired (with Lord Justice Fraser) the Industry Working Group on Electronic Execution of Documents; a Ministry of Justice body tasked with increasing the use of electronic documentary execution in both the private and the public sphere. Our Final Report was published in 2023.

## **PREVIOUS POSITIONS HELD**

Professor of Private Law, University of Bristol	2017-2020
Professor of Obligations, University of Oxford	2010-2017
Articles Editor, Oxford Journal of Legal Studies	2014-2020
Lecturer, University of Birmingham	2001-2010
IT Consultant, Accenture	1999-2001. Accelerated promotion, 2000

## **EDUCATION**

MSc Industrial Relations	Saïd Business School, University of Oxford	1999-2000
MA Jurisprudence First Class Honours	Balliol College, Oxford	1995-1998

## **AWARDS, HONOURS AND DISTINCTIONS**

- International Chamber of Commerce Award for the Individual Who Has Made the Greatest Contribution to the Digitalisation of Trade (2023)
- Outstanding Individual Achievement Award, British Legal Technology Awards (2023)
- Women in Fintech Power List (2022)
- "Who to Watch" Crypto List, Bloomberg (2022)

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## LAW REFORM

Smart Contracts	Produced Advice to Government
Electronic Trade Documents	Produced Electronic Trade Documents Act 2023 - principal witness to the Special Public Bill Committee
Digital Assets	Produced Final Report and Advice: Draft Bill February 2024
Intermediated Securities	Produced Scoping Paper for Government
Conflict of Law Rules for Digital Assets	Produced Call for Evidence, Scoping Paper February 2024
Review of Arbitration Act 1996	Produced Final Report, Draft Bill. Introduced into the House of Lords, February 2024 – I was principal witness to the Special Public Bill Committee
Decentralised Autonomous Organisations	Scoping Paper, June 2024

## CURRENT MEMBERSHIP OF BOARDS/COMMITTEES

- UK Jurisdiction Taskforce
- International Jurisdiction Taskforce
- HMG Industry Expert Taskforce on Trade Digitalisation
- Commonwealth Secretariat's Working Group on Legal Reform and Digitisation
- The Digital Commonwealth
- International Digital Assets Council -
- PRIME Foundation Expert
- Global Advisory Panel, Trade Treasury and Payments
- Chartered Institute of Arbitrators (MCI Arb)
- International Chamber of Commerce International Court of Arbitration (ICC)
- London Court of International Arbitration (LCIA)
- London Maritime Arbitrators Association (LMAA)

## SELECTION OF RECENT LECTURES AND APPEARANCES

- *Time for a Tertium Quid?* Current Legal Problems, UCL
- *Law and Sausages: Confessions of a Law Commissioner* Halsbury Law Society Annual Lecture, Merton College, Oxford,
- *In Conversation with the Law Commissioner on Digital Assets* Official Monetary and Financial Institutions Forum,

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- *How Common Law Systems Supports the Development of Digital Assets* International Swaps and Derivatives Association Annual Forum Keynote
- Electronic Trade Documents Bill Special Public Bill Committee Principal Witness, House of Lords
- Arbitration Act 1996 Amendment Bill Special Public Bill Committee Principal Witness, House of Lords
- *Why We Need the Electronic Trade Documents Act* Trade Finance Distribution Initiative
- *Opening up the International Dispute Resolution Toolbox: are Existing Methods Fit for Purpose?* London International Disputes Week
- *The Law and Digitised Assets* Keynote, Manchester Law and Technology Conference
- *The Law Commission's Proposals on Digital Assets* Keynote, Annual Crypto in Disputes Conference

## BOOKS (AUTHORED)

- *Causation in Negligence* (Hart, 2014) (Shortlisted for Birks Prize for Outstanding Legal Scholarship) **Cited with approval by Lord Toulson in *Williams v Bermuda Hospitals Board* [2016] AC 888 at [31], and by Lord Dyson MR in *Carder v University of Exeter* [2016] EWCA Civ 790 at [41]**
- *The Tort of Conversion* with John Randall QC (Hart, 2009) (Shortlisted for the Inner Temple Book Prize 2011) **Cited with approval by Moore-Bick LJ in *Your Response Ltd v Datateam Business Media* [2014] EWCA Civ 281 at [27].**
- *Tort Law* (Hart, 1<sup>st</sup> edition 2021) with Jodi Gardner
- *Tort Law* (Hart, 2<sup>nd</sup> edition 2024) with Jodi Gardner
- *Tort Law, Cases and Materials* (Hart, 2024) with Jodi Gardner.

## BOOKS (EDITED)

- *Illegality after Patel v Mirza* (Bloomsbury, 2018) with Alan Bogg.
- *Private Law Implications of Cyber-Currencies* (OUP, 2018) with David Fox. **Cited by Senator Cynthia M. Lummis in US Congress, 2022)**

## ARTICLES AND CHAPTERS

- “Distributed Ledger Technology and Intermediated Securities” (with F Snagg) in L Gullifer and J Payne (eds) *Intermediation and Beyond*, Oxford University Press (2019)
- “The Meaning of Money” in S Green and D Fox (eds) *Private and Public Law Implications of Cryptocurrencies*, Oxford University Press (2019)
- “The Treatment of Digitised Material in Sales Law” in D Saidov (ed) *Handbook on the International Law of Sales*, Edward Elgar Publishing (2019)
- “The Legal Concept of Wage Theft” in A Bogg, *Criminality at Work*, Oxford University Press (2019)
- “Smart Contracts, Interpretation and Rectification” (2018) *Lloyds Maritime and Commercial Law Quarterly* 24
- “Illegality and Zero-Sum Torts” in S Green and A Bogg (eds) *Illegality After Patel v Mirza*, Hart Publishing, Oxford (2018)
- “Loss of Chance as a Commercial Remedy” in G Virgo and S Worthington (eds) *Commercial Remedies: Resolving Controversies* (CUP, 2016)
- “‘Pure Economic Loss’ and Defective Buildings” (with PS Davies) in A Robertson and M Tilbury (eds), *Convergence and Divergence in the Common Law* (Hart, 2015)

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- “Rights are not just for the virtuous: what *Hounga* means for the illegality defence in the discrimination torts.” (with A Bogg) (2015) 44 (1) *Industrial Law Journal* 101
- “Theft and Conversion” (2012) 128 *Law Quarterly Review* 564
- “Understanding the Wrongful Interference Actions” (2010) 74 *Conveyancer and Property Lawyer* 15
- “The Subject Matter of Conversion” (2010) *Journal of Business Law* 218
- “To Have and to Hold? Conversion and Intangible Property” (2008) 71(1) *Modern Law Review* 114
- “Digitized Products as Goods under the Sale of Goods Act 1979 and the UN Convention on International Sale of Goods”, (D Saidov) (2007) *Journal of Business Law* 161
- “Can Digitized Goods be the Subject of Conversion?” (2006) *Lloyd’s Maritime and Commercial Law Quarterly* 568
- “A Game of Doctors and Purses” (2006) 14 *Medical Law Review* 1
- “Fairchild and the Single Agent Criterion” (2017) 133 *Law Quarterly Review* 25
- “Whose Loss is it Anyway? Title to Sue in Securitisation” (2016) *Conveyancer* 227
- “Between a Rock of Uncertainty and a Hard Case” (2016) 132 *Law Quarterly Review* 25
- “Contributing to the Risk of Confusion? Causation in the Court of Appeal” (2009) 125 *Law Quarterly Review* 44 **Cited by Foskett J in *A v Ministry of Defence* [2009] EWHC 1225 (QB) at [235]**
- “Risk Exposure and Negligence” (2006) 122 *Law Quarterly Review* 386-391 – **Cited by Lord Hope in *Rothwell v Chemical & Insulating Co Ltd* [2007] UKHL 39 at [55]**

### FOR ALL ENQUIRIES REQUIRING REFERENCES

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Lord Justice Fraser,  
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