Special Seminar: Topical Issues in International Arbitration: The role of third parties, interim measures and the new Prague Rules

Chair: Sir David Steel

We are delighted to invite you to join Quadrant Chambers and the DIFC-LCIA Arbitration Centre for a special seminar on topical issues in international arbitration. The Seminar will consider the role of third parties, interim measures and the new Prague Rules.

Monday 25 March 2019

The Monogram Room, Four Seasons Hotel Dubai International Financial Centre

5pm: Registration
5.30pm: Seminar
6.45pm: Reception

Register: https://tinyurl.com/QuadrantLCIADubai

Contact: marketing@quadrantchambers.com

Third Party Litigation Funding in International Arbitration: its nature, expansion and recoverability as costs – Chirag Karia QC

Chirag analyses the nature and expansion in the use of third party litigation funding in international arbitration and the possible impact of the English High Court’s decision in Essar Oilfield Services Ltd v Norscot Rig Management Pvt Ltd [2016] 2 Lloyd’s Rep. 481 that arbitrators have the power to award third party litigation funding costs as “other costs” to the winning party on the attractiveness of international arbitration and the relative bargaining positions of the parties. Chirag was leading counsel for the successful defendant, Norscot Rig Management Pvt Ltd, in the Essar case, both before the Commercial Court and the ICC arbitral tribunal.

Arbitral Jurisdiction over Third Parties – Yash Kulkarni QC

Yash examines the circumstances in which tribunals can be said to have jurisdiction over third parties to the arbitral process. In his brief talk, he will analyse some of the principles and case law behind these instances, and whether English law has gone too far or not far enough in this regard.

Holding the Ring – the right to seek interim measures from national courts in aid of international arbitrations – Chris Smith

Most institutional rules give international arbitral tribunals the power to grant interim measures. Parties however often have a concern as to the effectiveness and enforceability of such measures when ordered by a tribunal, and wish instead to seek like relief from a national court. This talk considers the general permissibility of such a step in the context of disputes which are subject to arbitration agreements, and the limits placed thereon by the various sets of institutional rules. Chris Smith will be appointed QC on 11 March.

The Prague Rules - Ruth Hosking

A look at the new Prague Rules on The Efficient Conduct of Proceedings in International Arbitration with a particular emphasis on the role of the tribunal, restricted disclosure, confidentiality, witnesses and experts.
Sir David Steel
Sir David Steel is an international commercial arbitrator. He acts as party appointed member of tribunals, chairman and sole arbitrator in international commercial disputes of a wide-ranging subject matter, including sale of goods, banking, insurance and reinsurance, joint ventures, carriage of goods, oil and gas and shipbuilding. He has been appointed in over 240 references leading to over 70 awards.

He has been appointed under the auspices of LCIA, ICC, LMAA, HKIAC, SMCA, KLRCA, Bermuda Form, DIAC etc as well as ad hoc including under UNCITRAL rules. Sir David was called to the Bar in 1966 and had a prestigious career, becoming a judge of the Commercial and Admiralty Courts in 1998, he was Judge in charge from 2004-6. He was Chairman of the European Commercial Judges Forum from 2009-2011. Sir David was Deputy Chief Justice of the DIFC between 2011 and 2018.

Chirag Karia QC
Chirag Karia QC has a broad commercial, shipping, oil and gas and international arbitration practice. He appears regularly in the Commercial Court, the Court of Appeal and international arbitrations, as well as sitting as an arbitrator, recently as a DIAC arbitrator on a UAE law dispute. He is also a qualified US attorney who practised in California for 10 years before returning to the Bar in London.

He is listed as a ‘Leading Silk’ by Chambers UK and Global editions, The Legal 500 and Who's Who Legal. He is described as: “Extremely commercial and approachable. He has a fantastic eye for detail.” “He has great insight into the international aspects of dispute resolution, and is known for the quality of his written work as much as his forceful advocacy”. “Excellent on the law and crystal-clear in both oral and written advocacy; a formidable barrister.” “He is very user-friendly, a very good advocate and excellent at cross-examining. He is a pleasure to work with.” “His diligent approach towards difficult and complex cases, combined with his detailed knowledge of the law, produces superb results”.

Yash Kulkarni QC
Consistently recommended as a leading barrister in the legal directories for Commercial Litigation, Commodities, Shipping and Information Technology, Yash Kulkarni has a broad commercial practice covering international trade, banking, information technology, insurance and insolvency. He is described by Chambers UK as: “…a formidable opponent... quick and clever, as well as wonderfully approachable and easy to work with.”

He has appeared extensively in the Commercial Court, QBD, Technology and Construction Court. Yash is regularly instructed in arbitrations under ICC, LCIA, UNCITRAL, SIAC and ad hoc rules. He has particular experience of applications for interim relief including applications to appoint receivers, freezing and search orders and asset preservation orders. He also experienced in applications for anti-suit injunctions. Yash has appeared in over 20 reported cases over the past 5 years alone.

Chris Smith
Chris has a broad practice encompassing all areas of commercial law, with a particular focus on dry shipping, commodities, energy, and insurance disputes. Chris appears regularly in both domestic and international arbitrations, and has undertaken cases before Uncitral, ICC, LCIA and HKIAC tribunals in London, Zurich and Hong Kong. Chris has also appeared extensively in the Commercial Court, representing clients at all stages of proceedings, from urgent pre-action interlocutory applications all the way through to trial.

Chris was nominated for Junior Shipping Barrister of the Year in the Chambers UK Bar Awards in 2015. He is recommended as a ‘Leading Junior’ in the field of Shipping law in both Chambers and Partners and The Legal 500, as well as a ‘Leading Junior’ for Energy in The Legal 500. Chris has also been ranked in Energy and Shipping for The Legal 500 Asia Pacific 2018 and 2019. Comments across ranking have included: "He is outstanding in his legal analysis and presentation of cases before tribunals."; "a star of the future and is a fierce advocate"; “he is thoroughly commercial and has sound judgment as to what points to fight”; "a particularly tenacious and effective advocate; exactly the man you want in tight situations...". On 11 March 2019 Chris will be appointed Queen's Counsel.

Ruth Hosking
Ruth Hosking practises in a range of commercial disputes including general commercial litigation, arbitration, commodities, energy, insurance, international trade, private international law and shipping. Since joining chambers in 2003, she has appeared in the House of Lords, Court of Appeal, High Court and has represented clients in a variety of international and trade arbitrations (including ICC, LCIA, LMAA and GAFTA). She undertakes drafting and advisory work in all areas of her practice and regularly appears in court and in arbitration, both as sole counsel and as a junior.

Ruth also accepts appointments as an arbitrator (both as sole and as part of a panel).

Ruth has a client-friendly approach to litigation and is happy to advise on urgent matters out of hours and at short notice. She adopts a collaborative approach, involving clients, experts and her instructing solicitors in progressing cases to trial or arbitration. She is ranked as a ‘Leading Junior’ in Chambers UK and The Legal 500. She is a meticulous advocate who combines rigorous analysis of detail with a common sense commercial approach. Chambers UK describe her as “…quick, practical and user-friendly. She hits the nail on the head every single time.”...

"She is really diligent and has great attention to detail..."