

## Ali Malek QC

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Year Of Call: **1980**

Year Of Silk: **1996**



Recognised as one of the leading silks at the Commercial Bar, he is one of the 'Stars at the Bar' in Chambers & Partners UK's 2015 Guide, being ranked in seven different practice areas: "A commanding presence in court and a superb advocate," Ali Malek QC is a silk "at the top of his game," sources agree. "Punchy" in cross-examination and when speaking to the Bench, he is identified for his extreme perspicacity and his will to win. His practice is very broad, but he particularly excels in banking and fraud cases. "A stylish advocate with incredible judgement," he is noted for his "very attractive manner in court, which engages the attention of judges." But gilded oratory is not all there is to Malek. He is also "an extremely effective operator" with "a masterful grip of the overall strategy in a case, who knows what will work best. He works incredibly hard," sources say, and "is able to take a strategic view at each stage." A veteran of many high-stakes court appearances.

## Directory Quotes

"A strong punchy advocate with good instincts and good judgement."

Chambers & Partners UK Guide 2015

"He is a very persuasive and charming advocate who can turn his hand to most things." "An exceptional lawyer."

Chambers & Partners UK 2017

## Expertise

### Arbitration

Ali Malek QC is a leading commercial barrister. Recognised for his skills as an advocate in international arbitration, he also sits as an arbitrator in cases governed by ICC, LCIA and SIAC rules. His expertise includes ICSID claims under bilateral investment treaties. He has worked under many institutional rules including ICC, LCIA, SIAC. Frequently advising on enforcement issues and jurisdictional challenges to arbitration awards he has a reputation in the international arbitration world as someone to go to for the "top cases." His clients include state authorities and governments, and his recent matters include disputes in Singapore, Hong Kong and arbitration-related appearances in the Commercial Court.

'As an arbitration advocate he is absolute top tier – a real diamond.' Legal 500 UK 2015

"A strong punchy advocate with good instincts and good judgement." Chambers & Partners UK Guide 2015

"The sort of advocate you seriously fear if he is on the other side of the case" Legal 500 2014

A leading performer at the International Arbitration Bar, who handles commercial and investment treaty disputes with equal aplomb. He is repeatedly sought out for his skills as arbitrator and counsel. "He is a strong and punchy advocate with good instincts and good judgement." Chambers & Partners UK Guide 2014

"A very thoughtful and effective strategist" and "a tremendously powerful advocate" Legal 500 2013

"Tremendous", he is renowned for his "high-end commercial practice" and is considered "pre-eminent in his field". He is experienced both as advocate and arbitrator, and his recent work includes acting for Kazakhstan in a multi-billion-dollar ICSID arbitration brought by KT Asia. Chambers & Partners 2013

"One of the most powerful arbitration advocates available" and has "a great feel for the outcome of a case" Legal 500 2012

An "excellent advocate in arbitration and arbitration-related litigation." "Smart, practical and user-friendly," he is frequently instructed on investment treaty matters. Chambers & Partners UK Guide 2012

**Arbitration cases include:**

*Malicorp v Egypt* [2015] EWHC 361 (Comm) (New York Convention).

*Republic of Kazakhstan v Istil* (No 2) [2008] 1 Lloyd's Rep 382 (anti-arbitration injunction).

*Republic of Kazakhstan v Istil* [2007] 2 Lloyds's Rep 548 (jurisdiction of Court of Appeal and ECHR).

*Republic of Kazakhstan v Istil* [2006] 2 Lloyd's Rep 370 (jurisdiction of arbitrators and issue estoppel).

*Republic of Kazakhstan v Istil* [2006] 2 All ER (Comm) 26 (arbitration and security for costs).

*AIG Capital v Republic of Kazakhstan* [2006] 1 Lloyd's Rep 45 (ICSID arbitration/ enforcement. State Immunity Act 1978).

*Dardana v Yukos* [2002] 2 Lloyd's Rep 326 (New York Convention. Awards against non-signatories and the approach of the court to applications for a stay pending hearings to set aside in the country of origin).

*Dardana v Yukos* [2002] 2 Lloyd's Rep 261 (arbitration and security for costs).

ICC arbitration in The Hague concerning termination of a military supply contracts and related enforcement proceedings in the Dutch courts.

ICC arbitration in The Hague concerning termination of missile system involving 9 contracts. Dispute governed by non-national rules of law.

ICC arbitrations in Houston and Stockholm involving oil and gas disputes in Turkmenistan.

ICC arbitration concerning a high fashion designer and a consumer products company.

ICC arbitration in Amsterdam concerning a joint venture set up by 2 Hollywood studios. Dispute concerned affiliation agreements and European competition law (article 81).

ICC arbitration about boiler technology in China.

ICC infrastructure dispute relating to urban transit system project.

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ICC agency dispute.

ICSID arbitration: Enrho v Kazakhstan.

ICSID arbitration: telecommunications dispute.

ICSID arbitration: KT Asia v Kazakhstan.

ICSID annulment application.

ICSID derivative contract dispute.

ICSID banking dispute.

ICSID - Energy Charter Treaty dispute relating to oil exploration concession in Caspian Sea: Liman v Kazakhstan.

LCIA arbitration concerning a dispute about a hotel and share warranties.

LCIA dispute about fuel additives.

Uncitral arbitration concerning an alleged settlement agreement.

LCIA arbitration - derivative contracts.

### **Arbitration appointments:**

Arbitrator (ICC): sale of goods dispute.

Arbitrator (ICC): settlement agreement subject to English/Sharia law.

Arbitrator (LCIA): VAT dispute.

Arbitrator (LCIA): reinsurance dispute governed by New York law.

Arbitrator (ad hoc): joint venture dispute.

Arbitrator (ad hoc): reinsurance dispute.

Arbitrator: oil exploration dispute.

Arbitrator (ICC): distribution agreement dispute.

Arbitrator (ICC): oil and gas dispute.

Arbitrator (SIAC): offshore drilling dispute.

### **Aviation**

*Lopes v Howard Kennedy* (2006) (professional negligence claim against a barrister in relation to an aviation dispute).

*Kayo v Blue Wings* (2005) (dispute concerning delivery of three airbus A330-200 aircraft).

*Sabena Technics SA v Singapore Airlines Ltd* [2003] EWHC 1318 (Comm) (misrepresentation as to ETOPs compliance).

Fraud claim relating to non-delivery of an aircraft.

Dispute with UK aircraft manufacturer concerning anti-aircraft missile system.

## Banking & Finance

Ali Malek QC has a wide practice with many of his cases having an international element. He frequently appears in the leading banking cases. He is the co-author of the leading book on Documentary Credits (with David Quest QC) and co-edits the most recent edition of Paget on Banking (published in 2014).

Applauded for his strategic thinking, he has recently demonstrated his skills acting for claimants in cases arising out of the mis-selling of financial derivatives. "A very good advocate, who takes a big-picture view of the case. He's very receptive and has good judgement on how to handle the judge and the witnesses." "An excellent choice for matters requiring a high degree of product knowledge." Chambers & Partners UK Guide 2015

"He has that 'X factor' and a real way with clients" Legal 500 2014

A top choice for big-ticket banking litigation. Sources highlight his strategic approach and impressive level of product knowledge. He has significant experience in international arbitration. "At the top of his game. He's a commanding presence in court and a superb advocate." "A very persuasive advocate, he has a very attractive manner in court and engages the attention of judges." Chambers & Partners UK Guide 2014

Ali Malek is a "confident and forceful advocate" who is "great with clients and able to distill issues clearly and concisely". Legal 500 2013

"A suave advocate, who combines tenacity with charm", is a prominent choice for leading domestic and international banking, regulatory and arbitration matters. He is praised for his ability to "steer a careful course with great skill through the maze of international political and legal difficulties" thrown up by major litigation. He consistently gives clear and pragmatic advice". Chambers & Partners UK Guide 2013

"A superb advocate and statesman, and gives really top-notch and invaluable advice." Legal 500 2012

Has "a lot of flair" and earns particular praise for his "big-picture strategic advice" and his "fabulous commercial approach." "A joy to instruct", he is sought out for his court and arbitration expertise on heavyweight domestic and international matters. Chambers & Partners UK Guide 2012

Cases include:

*Banco Santander Totta v Carris* [2016] EWCH 446 al [2016] EWCA 1267 (derivatives) and [2016] EWCA Civ 449.

*Starbev v Interbrew Central European Holdings* [2014] EWHC 1311 (Comm) (private equity).

*Forsta AP v Bank of New York SA* [2013] EWHC 3127 (Comm) (securities lending).

*Abbar v Saudi Economic & Development* [2013] EWHC 1414 (Ch) (property finance).

*Royal Bank of Scotland v Hicks* [2012] EWHC 2699 (Ch) (lending).

*Standard Chartered Bank v Ceylon Petroleum Company* [2011] EWHC 1785 (Com) and [2012] EWCA Civ 1049 (derivatives).

*Office of Fair Trading v Abbey and others* [2009] UKSC 6 (bank charges).

*Sea Emerald v Prominvestbank* [2008] EWHC 1979 (Comm) (refund guarantee).

*AWB (Geneva) v North American Steamships* [2007] 2 Lloyds Rep 315 (ISDA Agreement) (see also Insolvency).

*AIG Capital v Kazakhstan* (2005) (see Arbitration): status of central bank accounts.

*Niru Battery v Milestone* [2004] 1 Lloyd's Rep 344 (see Fraud below).

*Financial Institutions Services Ltd v Negril Negril Holdings Ltd and another* (Privy Council) [2004] UKPC 40 (appeal from Jamaica concerning charging of compound interest).

*Lloyds TSB Bank v Hayward* [2002] EWCA Civ 1813 (guarantees).

*Montrod v Grundkotter* [2002] 1 WLR 1975 (see Fraud below).

*Portman v Dusangh* [2000] Lloyds Rep Bank 197 (unconscionable bargains).

*Alliance & Leicester v Slayford* [2000] All ER (D) 1376 (mortgages).

*Turner v Royal Bank of Scotland* [1999] Lloyds Rep Bank 231: bank's duties on giving a reference.

*Yorkshire Bank v Lloyds Bank* [1999] Lloyds Rep Bank 191: collecting bank's duties.

*Yorkshire Bank v Halls* [1999] 1 All ER 879 (bank's duties to customers).

*Box, Brown and Jacobs v Barclays Bank* [1998] Lloyds Rep Bank 185 (see Fraud below).

*Bank of Credit and Commerce International (Overseas) Ltd v Price Waterhouse (No 2)* [1998] Ch 84 (Bank of England's powers under the Banking Act).

*Barclays Bank v Thomson* [1997] 4 All ER 816 (undue influence).

*Guinness Mahon v LEIL* 4 Banking LR 185 (guarantees).

*National Provincial Building Society v Lloyd* [1996] 1 All ER 630 (court's power to suspend orders).

*Glencore International AG v Bank of China* [1996] 1 Lloyds Rep 135 (ICC 500). (cross-border banking dispute with the USA/England).

## Civil Fraud

Ali Malek QC has a wide practice involving civil fraud cases with many cases having an international element. He is well known for his trial work as an effective cross-examiner. He has done a number of high profile fraud cases including *Broughton v Kop Football (Cayman)* (2012); *Berezovsky v Abramovich and others* (2012); *Parabola v Browalla* (2010); *Sibir Energy v Tchigirinski* (2009) and *Langbar International v Rybak* (2008).

Handles large-scale fraud disputes as part of his hugely impressive commercial litigation practice. "First-class and a fine choice for the more substantial cases." *Chambers & Partners UK Guide 2015*

"Commercial and easy to deal with" *Legal 500 2014*

Has an outstanding reputation for handling large-scale fraud litigation. "He is a rare breed of silk who understands complex financial matters. He is a powerful cross-examiner and has great court presence." *Chambers & Partners 2014*

One of the most respected silks practising in civil fraud. "One of the leading names at the Commercial Bar", he is "smooth and

measured", "extremely good with clients" and "loves being in court" according to solicitors. His recent highlights include appearing in the Court of Appeal in the dispute between Linsen International and Humpuss Sea Transport. Chambers & Partners 2013

One of the most noted silks in this field. "A charming and gentlemanly advocate, he is quick to pick up facts and has an impressively measured delivery." Sources note that he is particularly good on jurisdictional issues and is a master of the more technical issues in a case. Chambers & Partners UK Guide 2012

Cases include:

*Broughton v Kop Football (Cayman)* [2012] EWHC 2699 (Ch) (directors duties).

*Berezovsky v Abramovich and others* [2012] EWHC 2463 (Comm)

*Linsen v Humpuss Sea* [2011] EWCA Civ 1042 (fraud/injunction).

*Parabola v Browalla* [2010] EWCA Civ 486 (damages in deceit).

*Sibir Energy v Tchigirinski* (2009) (fraud on AIM listed company).

*Langbar International v Rybak* [2008]. Acted for Claimant in the largest fraud on the Alternative Investment Market. The trial lasted 57 days before it settled.

*Akai Holding v RSM Robson Rhodes* [2007] EWHC 1641 (merger conflicts).

*Jafari-Fini v Skillglass* [2007] EWCA Civ 261 (bribery).

*Niru Battery v Milestone* [2004] 1 Lloyd's Rep 344 (fraud and letters of credit).

Ali appeared as counsel for the Aall Foundation in the international trust litigation taking place in the Cayman Islands involving Anders Jahre. The case commenced in late 2003 (with a time estimate of three months) but settled.

*Montrod v Grundkötter* [2002] 1 WLR 1975 (the scope of the fraud exception in letters of credit).

*Dubai Aluminium Company Ltd v Salaam and Others* [2002] UKHL 48; [2003] 2 AC 366 (House of Lords) (partnership; constructive trust and contribution).

*Halewood v Addleshaw Booth & Co.* [2000] Lloyds Rep PN 298 ("Chinese Wall" case concerning solicitors).

*Bolkiah v KPMG* [1999] AC 222 (the duties of accountants and whether they can act against former clients relying on information barriers/Chinese Walls).

*Young and others v Robson Rhodes* [1999] 3 All ER 524 (accountancy merger conflicts).

*Box, Brown and Jacobs v Barclays Bank* [1998] Lloyds Rep Bank 185 (constructive trusts and knowing receipt).

## Commercial Dispute Resolution

Ali Malek QC is regularly instructed in the most important cases being heard in London.

A highly sought-after and impressive silk who handles both litigation and international arbitration. He is instructed on high-profile and high-value commercial disputes, and has particular experience in cases originating in Russia and the CIS. "A fantastic barrister who is easy to work with, commercially astute and tactically very sound." "Very effective in cross-examination."

## Chambers & Partners UK Guide 2015

He is considered one of the nation's leading advocates for complex commercial disputes, including those with an international dimension. Has notable experience in a range of industry sectors, including financial services, aviation, international trade and energy. "A very stylish advocate with incredible judgement." "An extremely effective operator. He has a masterful grip of the overall strategy and what would work best in the case. He works incredibly hard, juggles a lot of work and is able to take a strategic view at each stage. Really impressive and at the top of his game." Chambers & Partners UK Guide 2014

An "extremely experienced" leader with a "very diverse practice". Described as "a silk at the top of his game", he is "a superb advocate" who "gets the judge's ear". Sources say they benefit from his "remarkable overview of a case" as much as his "street fighting qualities". They also comment on the extent to which Malek's work involves multi-jurisdictional matters, saying that "like a good wine, he travels well". Chambers & Partners 2013

"As rounded an individual as you will find at the Bar" and a "top choice to fight a difficult commercial case." Solicitors favour him due to his "unflappable and approachable" demeanour, asserting that "when you hire him you get his undivided attention." Chambers & Partners UK Guide 2012

"Very effective in cross-examination, and a superb strategist" Legal 500 2014

A highly experienced commercial silk who has established a strong practice in financial services. Particularly recognised for his expertise in international regulatory matters. "Undoubtedly top-class, he's the bee's knees on this. He's a very clever man." Chambers & Partners UK Guide 2014

"A confident and forceful advocate" who is praised for his "ability to suggest innovative takes on legal issues". Legal 500 2013

"Excels at guiding clients through difficult regulatory problems, especially where there is a twin-track civil claim". He recently advised on a dispute concerning application of money laundering in Guernsey. Malek is recommended... Chambers & Partners 2013

"Extremely experienced", "cuts straight to the issue" and provides "very wise counsel". Legal 500 2012

'A big name in the financial legal market, who has an impressively broad practice, which takes in banking and financial litigation, insurance matters and questions of international financing and the regulation which applies in various jurisdictions.' Chambers & Partners UK Guide 2012

## Energy

*Rosserlane Consultants v Credit Suisse* [2017] EWCA Civ 91 (dispute concerning a joint venture in Azerbaijan).

Oil and gas dispute in relation to Turkmenistan (see Arbitration above).

Disputes relating to joint ventures and Kazakhstan (see Arbitration above).

Dispute concerning Chinese power plant (see Arbitration above).

Dispute concerning an oil concession (see Arbitration above).

## Financial Services

Ali Malek QC is frequently asked to advise on issues relating to financial services whether in respect of regulatory issues or claims made in litigation. A widely respected silk, Ali successfully combines expertise in commercial law with strong regulatory knowledge. Often called upon to advise on international regulatory frameworks and cross-border disputes, his international

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standing is recognised by the fact that he is a member of the Dubai Financial Markets Tribunal.

"He is excellent at guiding a client through a difficult regulatory problem, especially where there is a twin-track civil claim." "Ali is a fierce cross-examiner, but he doesn't do that as a bar-room brawler. Instead, he's elegant in the way he deconstructs his opponents." "He's an intellectual trailblazer." Chambers & Partners UK Guide 2015

Ali's experience includes:

Dubai Financial Services Authority, member of the Financial Markets Tribunal (from 2005).

Advising on money-laundering issues in the UK, Cayman Island and Jersey.

*Eurolife Assurance Co. Ltd v FSA* (26 July 2002) (Decisions nos. 1 and 2 Financial Services and Markets Tribunal) (issue of whether hearings should be in private or open court).

Advising on a judicial review application concerning powers of the FSA to transmit information to the United States Securities and Exchange Commission.

Several appearances before the FSA's Regulatory and Disciplinary Committee (RDC).

## **Insurance & Reinsurance**

*Dornoch Ltd v Mauritius Union Assurance Co Ltd* [2006] EWCA Civ 389, [2006] 2 All ER (Comm) 385 (jurisdiction agreement and proper law of insurance and reinsurance contracts).

*Mann v Coutts* [2004] 1 All ER (Comm) 1 (insurance/banking related dispute).

*Casson v Ostley PJ Ltd* [2001] EWCA Civ 1013; [2003] BLR 147 (obligation to obtain insurance/exclusion clauses).

LCIA arbitration concerning Bermuda form reinsurance policy (see Arbitration above).

## **Professional Negligence**

A leading commercial silk, Ali Malek QC is well known as a specialist in the area of professional negligence. Many of his cases involve allegations of professional negligence against bankers and financial advisers. He has also appeared in cases involving allegations of negligence against other professionals including barristers and solicitors.

"A formidable advocate and cross-examiner, a real heavyweight in terms of his impact in the court and with clients" Legal 500 2014

Cases include:

*Audit negligence*. Appeared for BCCI in its claims against its former auditors.

Acted for the BMIF in claims against barristers (a wasted costs order and a trial relating aviation matters).

*Niru Battery v Milestone* (see Fraud). One of the issues related to the duties owed by inspection agencies in issuing certificates.

Film financing claim against a firm of solicitors.

*Turner v Royal Bank of Scotland* (see Banking). The central allegation was that the bank had negligently given a reference.



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*Mann v Coutts*. The alleged duties of a bank in negligence were considered.

*Valse v Merrill Lynch* Management of an investment portfolio.

Acted for the directors of a Bahamian mutual fund (MJ Select Global Ltd) in a trial that took place in The Bahamas in relation to their duties.

## **Sports Law**

Appeared for Red Bull before the International Court of Appeal (2014)

Appeared for Renault F1 before the FIA International Court of Arbitration in 2006 and 2009. Also appeared for Renault F1 before the World Motor Sports Council in 'crashgate' (2009).

Acted in the litigation concerning corporate governance issues in Formula 1 (2005).

*Sepoong v Formula One Administration* [2000] Lloyds Law Rep 602 (dispute concerning a grand prix venue).

Appeared before the Boxing Board of Control.

## **Telecommunications**

Dispute concerning cable affiliation agreements in The Netherlands (see Arbitration above).

ICSID dispute concerning telecommunications in Kazakhstan (see Arbitration above).

Dispute concerning a Polish telecommunications company.

## **Reported Cases**

### **Arbitration:**

*Malicorp v Egypt* [2015] EWHC 361 (Comm) (New York Convention).

*Republic of Kazakhstan v Istil* (No 2) [2008] 1 Lloyd's Rep 382 (anti-arbitration injunction).

*Republic of Kazakhstan v Istil* [2007] 2 Lloyds's Rep 548 (jurisdiction of Court of Appeal and ECHR).

*Republic of Kazakhstan v Istil* [2006] 2 Lloyd's Rep 370 (jurisdiction of arbitrators and issue estoppel).

*Republic of Kazakhstan v Istil* [2006] 2 All ER (Comm) 26 (arbitration and security for costs).

*AIG Capital v Republic of Kazakhstan* [2006] 1 Lloyd's Rep 45 (ICSID arbitration/ enforcement. State Immunity Act 1978).

*Dardana v Yukos* [2002] 2 Lloyd's Rep 326 (New York Convention. Awards against non-signatories and the approach of the court to applications for a stay pending hearings to set aside in the country of origin).

*Dardana v Yukos* [2002] 2 Lloyd's Rep 261 (arbitration and security for costs).

### **Aviation:**

*Sabena Technics SA v Singapore Airlines Ltd* [2003] EWHC 1318 (Comm) (misrepresentation as to ETOPs compliance).

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## Banking & Finance

*Banco Santander Totta v Carris* [2016] EWCH 465 (Comm) [2016] EWCA 1267 (derivatives)

*Starbev v Interbrew Central European Holdings* [2014] EWHC 1311 (Comm) and [2016] EWCA Civ 449 (private equity).

*Forsta AP v Bank of New York SA* [2013] EWHC 3127 (Comm) (securities lending).

*Abbar v Saudi Economic & Development* [2013] EWHC 1414 (Ch) (property finance).

*Royal Bank of Scotland v Hicks* [2012] EWHC 2699 (Ch) (lending).

*Standard Chartered Bank v Ceylon Petroleum Company* [2011] EWHC 1785 (Com) and [2012] EWCA Civ 1049 (derivatives).

*Office of Fair Trading v Abbey and others* [2009] UKSC 6 (bank charges).

*Sea Emerald v Prominvestbank* [2008] EWHC 1979 (Comm) (refund guarantee).

*AWB (Geneva) v North American Steamships* [2007] 2 Lloyds Rep 315 (ISDA Agreement) (see also Insolvency).

*AIG Capital v Kazakhstan* (2005) (see Arbitration): status of central bank accounts.

*Niru Battery v Milestone* [2004] 1 Lloyd's Rep 344 (see Fraud below).

*Financial Institutions Services Ltd v Negril Negril Holdings Ltd and another* (Privy Council) [2004] UKPC 40 (appeal from Jamaica concerning charging of compound interest).

*Lloyds TSB Bank v Hayward* [2002] EWCA Civ 1813 (guarantees).

*Montrod v Grundkotter* [2002] 1 WLR 1975 (see Fraud below).

*Portman v Dusangh* [2000] Lloyds Rep Bank 197 (unconscionable bargains).

*Alliance & Leicester v Slayford* [2000] All ER (D) 1376 (mortgages).

*Turner v Royal Bank of Scotland* [1999] Lloyds Rep Bank 231: bank's duties on giving a reference.

*Yorkshire Bank v Lloyds Bank* [1999] Lloyds Rep Bank 191: collecting bank's duties.

*Yorkshire Bank v Halls* [1999] 1 All ER 879 (bank's duties to customers).

*Box, Brown and Jacobs v Barclays Bank* [1998] Lloyds Rep Bank 185 (see Fraud below).

*Bank of Credit and Commerce International (Overseas) Ltd v Price Waterhouse (No 2)* [1998] Ch 84 (Bank of England's powers under the Banking Act).

*Barclays Bank v Thomson* [1997] 4 All ER 816 (undue influence).

*Guinness Mahon v LEIL* 4 Banking LR 185 (guarantees).

*National Provincial Building Society v Lloyd* [1996] 1 All ER 630 (court's power to suspend orders).

*Glencore International AG v Bank of China* [1996] 1 Lloyds Rep 135 (ICC 500). (cross-border banking dispute with the USA/England).

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## Civil Fraud:

*Otkritie Capital v Threadneedle* [2015] EWHC 2329 (Comm) (Warrants Fraud)

*Broughton v Kop Football (Cayman)* [2012] EWHC 2699 (Ch) (directors duties).

*Berezovsky v Abramovich and others* [2012] EWHC 2463 (Comm)

*Linsen v Humpuss Sea* [2011] EWCA Civ 1042 (fraud/injunction).

*Parabola v Browalla* [2010] EWCA Civ 486 (damages in deceit).

*Sibir Energy v Tchigirinski* (2009) (fraud on AIM listed company).

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*Jafari-Fini v Skillglass* [2007] EWCA Civ 261 (bribery).

*Niru Battery v Milestone* [2004] 1 Lloyd's Rep 344 (fraud and letters of credit).

Ali appeared as counsel for the Aall Foundation in the international trust litigation taking place in the Cayman Islands involving Anders Jahre. The case commenced in late 2003 (with a time estimate of 3 months) but settled.

*Montrod v Grundkotter* [2002] 1 WLR 1975 (the scope of the fraud exception in letters of credit).

*Dubai Aluminium Company Ltd v Salaam and Others* [2002] UKHL 48; [2003] 2 AC 366 (House of Lords) (partnership; constructive trust and contribution).

*Halewood v Addleshaw Booth & Co.* [2000] Lloyds Rep PN 298 ("Chinese Wall" case concerning solicitors).

*Bolkiah v KPMG* [1999] AC 222 (the duties of accountants and whether they can act against former clients relying on information barriers/Chinese Walls).

*Young and others v Robson Rhodes* [1999] 3 All ER 524 (accountancy merger conflicts).

*Box, Brown and Jacobs v Barclays Bank* [1998] Lloyds Rep Bank 185 (constructive trusts and knowing receipt).

## Competition & Consumer Credit:

*OFT v Lloyds TSB Bank plc and others* [2005] 1 All ER 843 (whether s75 Consumer Credit Act 1974 applies to overseas transactions).

*Paragon Finance plc v. Pender* [2005] 1 WLR 3412 (test case on the effects of mortgage securitisation, discretionary interest rates and extortionate credit bargains).

*Nash and others v Paragon Finance* [2002] 1 WLR 685 (meaning of extortionate credit bargains and discretionary interest rates).

## Conflict of Laws:

*Cyprus Popular Bank v Vgenopoulos* [2016] EWCH 1442 (QB) and [2016] EWHC 1695 (Worldwide freezing order)

*Banco Santander Totta v Carris* [2016] EWCH 465 (Comm) and [2016] EWCA 1267 (Rome convention)

*Ferrexpo AG v Gilson Investments Limited and ors* [2012] EWHC 721 (Comm) Brussels Regulation)

*Pacific International Sports Clubs Ltd v Soccer Marketing International Ltd* [2009] EWHC 1839 (Ch)(forum non conveniens) and [2010] EWCA Civ 753 (Court of Appeal).

*Cherney v Deripaska* [2009] EWCA Civ 849 (forum non conveniens).

*Elektrim SA v Vivendi Holdings* [2008] EWHC Civ 1178 (anti-suit injunction).

*AWB (Geneva) v North American Steamships* [2007] 2 Lloyds Rep 315 (ISDA Agreement) (see also Insolvency).

*Walanpatrias v Lehman Brothers* [2006] EWHC 3034 (forum non conveniens).

*Dornoch Ltd v Mauritius Union Assurance Co Ltd* [2006] EWCA Civ 389, [2006] 2 All ER (Comm) 385(jurisdiction agreement and proper law of insurance and reinsurance contracts).

*JP Morgan Europe Ltd v Primacom AG* [2005] EWHC 508 (Comm); [2005] 2 Lloyd's Rep 665 (conflict of laws/Brussels Regulation).

*Royal Bank of Canada v Rabobank* [2004] 1 Lloyd's Rep 471 (anti-suit injunctions).

*Bank Melli v Ispahani* [1998] Lloyds Rep Bank 133 (illegality/conflict of laws).

#### **Fraud/Fiduciary Duties:**

*Broughton v Kop Football (Cayman)* [2012] EWHC 2699 (Ch) (directors duties).

*Berezovsky v Abramovich and others* [2012] EWHC 2463 (Comm)

*Linsen v Humpuss Sea* [2011] EWCA Civ 1042 (fraud/injunction).

*Parabola v Browalla* [2010] EWCA Civ 486 (damages in deceit).

*Sibir Energy v Tchigirinski* (2009) (fraud on AIM listed company).

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*Dubai Aluminium Company Ltd v Salaam and Others* [2002] UKHL 48; [2003] 2 AC 366 (House of Lords) (partnership;

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constructive trust and contribution).

*Halewood v Addleshaw Booth & Co.* [2000] Lloyds Rep PN 298 ("Chinese Wall" case concerning solicitors).

*Bolkiah v KPMG* [1999] AC 222 (the duties of accountants and whether they can act against former clients relying on information barriers/Chinese Walls).

*Young and others v Robson Rhodes* [1999] 3 All ER 524 (accountancy merger conflicts).

*Box, Brown and Jacobs v Barclays Bank* [1998] Lloyds Rep Bank 185 (constructive trusts and knowing receipt).

#### **Insolvency:**

*AWB (Geneva) SA v North American Steamships* [2007] 2 Lloyds Rep 315 (insolvency proceedings and anti-suit injunctions).

*Attorney General of the Cayman Islands v James Cleaver and Co (as liquidators of Liberty Capital Ltd and Sun Holding Ltd) and another* (Privy Council) [2006] UKPC 28, [2006] 1 WLR 2245 (power of Grand Court of the Cayman Islands to set guidelines and procedures for fixing of liquidators' remuneration).

*Turner v Royal Bank of Scotland* [2000] BPIR 683 (application to set aside a statutory demand).

#### **Insurance & Reinsurance:**

*Dornoch v Mauritius Union* (see Conflict of Laws above).

*Mann v Coutts* [2004] 1 All ER (Comm) 1 (insurance/banking related dispute).

*Casson v Ostley PJ Ltd* [2001] EWCA Civ 1013; [2003] BLR 147 obligation to obtain insurance/exclusion clauses).

LCIA arbitration concerning Bermuda form reinsurance policy (see Arbitration above).

## **Education & Appointments**

Keble College, Oxford. MA(1978) BCL(OXON) (first class)

Gray's Inn Awards: Cynthia Terry Entrance Award and The Malcolm Hilberry Award

Specialising in all aspects of commercial law

Queen's Counsel April 1996

Assistant Recorder 1998; Recorder 2000 - .

Bencher of Gray's Inn (2003 - )

Member of the General Council of the Bar (2005-2009)

Chairman of the Commercial Bar Association (2007-2009)

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Deputy High Court Judge (2008). Authorised to sit as a Deputy Judge at the Commercial Court.

Head of Chambers at 3VB (2009 - 2016)

Joint Head of Chambers at 3VB (2016)

Chambers' Chairman (2017 - )

Member, Panel of Advisors to the Attorney-General of Singapore (2017 - )

Registered foreign lawyer, Singapore International Commercial Court (2017 - )

## **Publications**

### **Arbitration:**

"Partiality of Barrister Arbitrators". Mealey's International Arbitration Report (Vol 15, January 2000).

"A Pilgrimage to Paris: Dallah v Pakistan", co-authored with Christopher Harris, International Journal of Arab Arbitration, Vol 2, Issue No 4 (2010).

### **Banking & Finance:**

Practitioners' Books

Co-editor of "Paget's Law of Banking" 14th Ed (2014).

Co-author of "Jack, Documentary Credits" (2008) (Ed, Tottel Publishing).

Joint paper presented at the Creaton Conference on "Banks, Fraud and Crime" entitled "Cross-Border Fraudulent Activity" (published by Lloyds of London Press in 1994; 2nd Ed. 2000).

### **Conflict of Laws:**

Joint paper on worldwide injunctions in [1990] LMCLQ 88.

## **Languages**

English and French (working knowledge)