



serle court

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Rupert Reed KC - Arbitrator

Year of Silk: 2014 Year of Call: 1996

"Extremely bright, hardworking and a team player. A true specialist in the Middle East and a speaker of Arabic. There are few like him..."

"Rupert is, for good reason, widely renowned as one of the foremost advocates in the Middle East, not only because of his Arabic ...skills but also because of his profound expertise in common and civil law principle and practice..."

"Rupert Reed is amazing. He's super smart, has very high emotional intelligence and is an excellent oral advocate."

Legal 500 UK Bar & Chambers and Partners UK Bar
2024

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Practice Overview

A significant part of Rupert's property and commercial practices, both in England and the Middle East, is in arbitration, both as lead counsel and as arbitrator, in particular under the LCIA, ICC, DIFC-LCIA, DIAC and LMAA Rules and seated in London, Paris and the Middle East. He is a member of both the DIAC Rules Task Force and the DIFC Court's Arbitration Working Group and in 2023 was appointed as a member of the Court of DIAC.

Chambers Global 2023 puts Rupert in its Band 1 for Dispute Resolution: The English Bar in the United Arab Emirates, noting in particular that '*London-based barrister Rupert Reed KC acts on a variety of commercial disputes in the DIFC Courts and remains very active as arbitrator in various arbitration centres...*'.

Chambers Global 2021 included Rupert in its 'Spotlight Table' of members of the UK Bar active in dispute resolution in the UAE, noting that he "*acts on a variety of commercial disputes in the DIFC Courts and remains very active as arbitrator in DIAC and DIFC-LCIA arbitration centres*". Much of his work as an advocate before the DIFC and English Courts is in obtaining interim relief, including freezing and related injunctive relief in support of arbitral proceedings.

Early in his career he assisted in the long-running arbitral claims in *Bankers Trust v City of Moscow*, arising from the Respondent's failure to repay loans of some 200m Swiss francs.

More recently, he acted in the long-running DIAC arbitration between the Meydan Group and the Dubai branch of WCT Berhad in respect of contractor claims arising from the construction of the Meydan race-course and leisure complex in Nad al Sheba in Dubai, and in proceedings in the DIFC Court in resiting recognition and enforcement of the award in the DIFC. He further acted as lead advocate at the evidentiary hearing of a major DIFC-LCIA arbitration in Dubai of debt and guarantee claims pursued by a Chinese group against a major Saudi conglomerate.

Rupert has a working knowledge of the Civil Codes of the Middle East derived from the Egyptian Civil Code of Professor Al Sanhoury. He has significant experience of working on the underlying texts and in particular the *French Code Civil* and *Al Waseet fi Sharh al Qanoun al Madani al Jadid*, often with the assistance of experts from the UAE and other Arab jurisdictions.

He has advocated on issues of UAE law both in international arbitrations and, following the adoption by the DIFC Courts of the international approach of presenting issues of foreign law, in advancing submissions on UAE law, both in writing and orally, as for example in *WCT Berhad (Dubai Branch) v Meydan Group LLP* [2016] DIFC, ARB 003.

Rupert has also acted in relation to the conduit jurisdiction of the DIFC Courts used by successful claimants to enforce their awards and judgments first in the DIFC and then, pursuant to the reciprocal enforcement mechanisms between the DIFC and Dubai Courts, against property and assets in Dubai, as for example in *Bocimar International NV v Emirates Trading Agency LLC* (31 January 2016) CFI 008/2015 [2016].

More recently, he acted in obtaining a worldwide freezing order in the DIFC Courts in support of an award rendered in an LCIA India arbitration even before his client, the award creditor, had been able to apply for the recognition and enforcement in the DIFC of the award.

He regularly advises lawyers and clients in London as to the relative merits of their enforcement options in a number of jurisdictions in particular in the Gulf and wider Middle East.

Rupert was part of a working group that assisted the Chief Justice of the DIFC Courts in drafting a practice direction, Practice Direction No. 2 of 2015, which provides a model arbitration clause to allow parties to refer to DIFC-LCIA arbitration any issues arising on the enforcement of judgments by the DIFC Courts. This development has been the subject of widespread discussion among both academics and practitioners in the field of international arbitration.

He has been appointed and acted as sole arbitrator, co-arbitrator and Chairperson in a number of LCIA, DIFC- LCIA,

DIAC, and ad hoc arbitrations in hearing financial, commercial and property disputes, often in the Middle East and involving issues of English, DIFC, UAE, Dubai and Saudi law.

Over the course of 2018 to 2021 he has served on the Tribunal in some 10 arbitrations (3 DIFC-LCIA, 4 DIAC, 3 LCIA and one 'ad hoc'). The value of many of the claims he has arbitrated significantly exceeds USD 100 million.

Recent cases as an arbitrator include:

LCIA arbitration – Chair in dispute arising out of agreement for chemical distributorship (seat London, Saudi law)

LCIA arbitration – Co-arbitrator in consolidated claims on guarantees under facility agreement (seat London, English law)

DIAC arbitration – Co-arbitrator in dispute arising out of the financing of a shipping vessel (seat DIFC, law not indicated)

DIFC-LCIA arbitration – Co-arbitrator in dispute between shareholders in UAE company (seat Dubai, UAE law).

DIAC arbitrations – Co-arbitrator of cross-claims by developer and purchaser of plots (seat Dubai, UAE law).

DIFC-LCIA arbitration – Co-arbitrator of claim against investor for alleged bad faith (seat DIFC, UAE law).

DIFC-LCIA arbitration – Sole arbitrator of claim for sums under a management agreement (seat DIFC, English law).

LCIA arbitration – Co-arbitrator of claim for alleged unpaid loan principal and interest (seat London, English law).

Ad hoc arbitration – Chair of Tribunal in dispute between employer and contractor (seat Dubai, DIFC law).

LCIA arbitration – Co-arbitrator in partnership dispute (seat London, English law).

DIAC arbitration – Co-arbitrator in dispute between property developer and purchaser (seat Dubai, UAE law).

DIAC arbitration – Co-arbitrator in dispute between developer and contractor (seat Dubai, UAE law).

LCIA arbitration – Sole arbitrator in dispute between investor and investment adviser (seat London, DIFC law).

Recent cases as counsel include:

Acting with DAC Beachcroft for a BVI company in a DIFC-LCIA arbitration in Dubai on claims for over USD 100 million in a dispute arising from the termination of a joint venture in the UAE aerospace sector [2021].

Acting with DWF in obtaining an order for the recognition of an assigned foreign ICC arbitration award and worldwide freezing order against the holding company of a major UAE conglomerate on the basis of evidence of its gifting substantial real estate to its shareholders: [2020] DIFC ARB 017 (22 July 2020).

Acting with Kennedys in obtaining an order for the recognition and enforcement of a London-seated award, and worldwide freezing order and notification order made by the DIFC Court against a UAE resident entrepreneur on the basis of his attempts to use an opaque corporate structure to frustrate enforcement of the award and dishonest statements made in the course of foreign enforcement proceedings: [2020] DIFC ARB 014 (17 June 2020).

Acting with Brown Rudnick for a major Saudi bank against a European bank on claims for breach of an agreement under which certain technical and advisory services were provided to the Saudi bank [2020].

Acting with Dentons in a DIFC-LCIA arbitration in defending claims by a Chinese supply chain management group

against a Saudi entity on an alleged parent-company guarantee of the liabilities of a European fashion chain [2018].

Acting with Clyde & Co for a developer in seeking the stay of DIFC Court proceedings brought in breach of a provision for Singaporean arbitration and an anti-suit injunction of the Singaporean High Court: *Grand Valley General Trading LLC v. GGICO Sunteck Ltd & Anor* [2018] DIFC CFI 044.

Acting with Freshfields in the DIFC Court in successfully resisting an anti-suit injunction against US proceedings in support of a DIFC-LCIA arbitration and against Saudi arbitral proceedings: *Federal Express International Inc v. Abdul Latif Jameel Transportation Co Ltd* [2018] DIFC CFI 038 (15 July 2018).

Acting with Dentons on a LMAA arbitration in dealing with issues as to the functionality and performance of a crane and vessel chartered on BIMCO terms [2018].

Advising a major UK clothing retailer on arbitral claims advanced by franchisees in various East European and Middle Eastern jurisdictions in respect of the pricing of the retailer's goods on sale to the franchisees [2016].

Acting for a Belgian ship owner in obtaining the enforcement in the Commercial Court and then the DIFC Court of LMAA arbitral awards for over USD \$114 million; *Bocimar International NV v Emirates Trading Agency LLC*, Claims No. 2014 Folio 826 and 827 (London); [2015] DIFC CFI 008 (26 January 2016); and obtaining a Worldwide Freezing Order and related injunctions to be enforced in Dubai: [2015] DIFC CFI 008 (31 January 2016).

Acting for the Meydan Group in resisting the enforcement in the DIFC Court of a DIAC arbitral award for AED 1.1 billion in arguing that the Court should not accept jurisdiction in view of significant defects in the award on issues of UAE law going to the underlying jurisdiction of the tribunal: *WCT Berhad (Dubai Branch) v Meydan Group LLP*, [2015] DIFC ARB 003 [2016].

Acting with King & Wood Mallesons in a DIAC arbitration for a major infrastructure developer in defending contractor claims for AED 1.1 billion by a former member of a joint venture in circumstances where the joint venture and its claims were severed by agreement and order of the tribunal [2015].

Acting with Clyde & Co in the DIFC Courts in obtaining interim relief in support of a DIFC-LCIA arbitral claim by a funder against its client to recover its investment and return [2014].

Advising a major litigation funder on claims for USD 118m arising from breaches of a chain of crude oil processing agreements being pursued in an arbitration under the UNCITRAL Rules in the Cairo Regional Centre for ICA [2014].

Acting with CMS Cameron McKenna in obtaining declarations in a LCIA domestic arbitration as to the construction of contracts for the effective sale and lease-back of a national property portfolio [2013].

Acting in an ICC arbitration against French and Saudi employer entities on claims for SAR 135m arising from the termination of a contract for the construction of four gas treatment centres in Saudi Arabia [2013].

Advising on a DIFC-LCIA arbitration for the main contractor in the construction of an Abu Dhabi hospital in defending claims for US\$10m by a sub-contractor and on related DIFC Court proceedings for a freezing injunction in support of those arbitral claims [2012].

Acting with Ince & Co for a substantial British P&I Club in pursuing LMAA arbitral proceedings for contributions from former ship-owning members of the club [2011].

Areas of Expertise

Arbitration

Education & Qualifications

BA Hons (First Class with Distinction) History and Modern Languages (French), Oxford

MA Hons (Double First) Law, Cambridge

LLM Harvard

Scholar of Lincoln College, Oxford, and Downing College, Cambridge

Kennedy Scholar at Ha

Appointments

1999: Called (ad hoc) to the Bar of the Cayman Islands

2000-2005: Attorney General's C Panel of Treasury Counsel

2009: Registered as Advocate before the DIFC Courts

Memberships

Chancery Bar Association

Commercial Bar Association
