

# Dominic Pellew

## Partner



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## Overview

Dominic is an arbitration specialist with particular experience of acting in disputes involving Russian and CIS parties, in London and other European seats.

Dominic is English-qualified but has lived and worked in Paris and Moscow, and is a fluent French and Russian speaker. He acts both as counsel and arbitrator. His work normally focuses on high value disputes under English law-governed contracts, such as shareholder agreements, construction contracts, loans and other financing documentation. These disputes have a strong international element and often require consideration of different systems of law and conflicts of laws.

Dominic is an experienced advocate and cross-examiner and has conducted more than twenty hearings as first chair. His clients come from a variety of industry sectors, including banking and finance, construction, oil and gas, and telecommunications. He has experience in particular of LCIA, ICC and SCC arbitrations, as well as of ad hoc arbitration under UNCITRAL rules. Although his primary focus is on commercial arbitration he has also acted in investment treaty disputes, both as counsel and arbitrator.

## Experience

- Counsel to a lender in LCIA proceedings for the recovery of a debt against a Ukrainian borrower and guarantors.
- Party-appointed sole arbitrator in a dispute under SCC Expedited Rules relating to a loan agreement.
- Counsel to syndicated lenders in LCIA proceedings for the recovery of debts against borrowers and guarantors in a Russian industrial group, including defending claims in the English court for the setting aside of partial awards on jurisdiction.
- LCIA-appointed co-arbitrator in a claim for the invalidation of an assignment agreement for reasons of fraud.
- Counsel to a project manager in LCIA proceedings against the owner of a major construction project in Moscow City, including ancillary court proceedings in Cyprus and the US.
- LCIA-appointed sole arbitrator in a claim for damages for non-payment under an international supply

contract.

- Party-appointed arbitrator in a MKAS dispute between a European contractor and a Russian mining company.
- LCIA-appointed co-arbitrator in a claim for damages under an agreement for the sale of shares in a Russian bank.
- Counsel to a Chinese contractor in an SCC arbitration relating to the construction of a steel rolling mill in Russia.
- Party-appointed arbitrator in an ICC claim relating to the construction of a power plant in Russia
- Chair of an SCC tribunal hearing a claim under a contract for the supply of goods from the US to Russia
- Counsel to a Russian private equity fund in an LCIA arbitration against the seller of shares in a Russian logistics business, involving claims for misrepresentation and for breach of warranty.
- Party-appointed arbitrator in an SCC arbitration relating to a construction project in Kazakhstan
- Chair of an ICC tribunal hearing a dispute between a CIS purchaser and a Brazilian supplier of agricultural goods.
- Counsel to a Russian real estate developer in an SCC arbitration against its joint venture partner to enforce a put option agreement.
- Counsel to a Russian real estate developer in an LCIA arbitration against its joint venture partner.
- Counsel to a Russian state-owned energy company in a SCC arbitration against foreign investors.
- LCIA-appointed sole arbitrator in a claim under a joint venture agreement between two CIS Parties.
- Counsel to a Russian oil field services company in relation to a potential LCIA arbitration claim arising out of an M&A transaction and in relation to a potential SCC claim arising under a equipment leasing agreement.
- Chairman of an ad hoc UNCITRAL tribunal hearing a claim by an investor from one CIS country against another CIS country under the Energy Charter Treaty and a bilateral investment treaty.
- Counsel to a Russian real estate developer in a potential LCIA claim against a co-investor under a shareholders agreement.
- LCIA-appointed co-arbitrator in a construction-related dispute between a Russian owner and a European contractor.
- Counsel to a Russian mining company in a potential dispute under Swiss Rules against a foreign contractor.
- Counsel to a Russian financial institution in two sets of LCIA proceedings against its former clients relating to trading losses.
- LCIA-appointed arbitrator in a claim for a debt under a loan agreement against a CIS company.
- Counsel to a Russian bank in an LCIA claim for recovery of a debt due under a loan agreement.
- Counsel to a US engineering company in three MKAS arbitrations brought by Russian purchasers of equipment.
- Counsel to a Russian financial institution in an LCIA arbitration claim against a Russian company for the recovery of a debt, and in a related LCIA claim relating to a set-off of the same debt, involving satellite proceedings in the Cyprus and English courts.
- Counsel to a Russian trustee of assets owned beneficially by two Russian businessmen, in a potential LCIA dispute with one of the beneficiaries.

- Counsel to a the Russian majority shareholder of a telecommunications company in an ad hoc arbitration claim against its European co-majority shareholder under a shareholders agreement.
- Counsel to a Russian retailer in an LCIA claim against the sellers under a share purchase agreement, involving satellite litigation in the Netherlands.
- Counsel to the Russian shareholders of an oil company against their European co-shareholders in a potential SCC arbitration and related English litigation.
- Counsel to a Russian real estate developer in various disputes relating to the collapse of a construction site in Moscow, including a potential LCIA arbitration.
- Counsel to a European reinsurance company in a dispute relating to breakdown of machinery owned by a Russian power company.
- Counsel to a European leaser of equipment in two sets of MKAS arbitration proceedings against Russian lessees of the equipment.
- Counsel to the Russian developer of a hotel in Moscow in LCIA proceedings and satellite proceedings in Cyprus.
- Counsel to a European bank in Russian litigation for the recovery of a debt.
- Counsel to a European engineering company in potential ICC proceedings for recovery of a debt against a Middle-Eastern buyer, including satellite litigation in Germany.
- Counsel to the Russian subsidiary of a European manufacturer in relation to claims for the invalidation of contracts concluded by a former general director, and in relation to corporate governance issues in Russia.
- Expert witness on English law issues in MKAS arbitration proceedings and in subsequent related Russian litigation.
- Counsel to a US oil company in a dispute with an West African country, involving mediation under ICC Rules.
- Counsel to a European energy company in an ICC arbitration against a Middle-Eastern contractor relating to the construction of offshore gas platforms.
- Counsel to a European contractor in three separate ad hoc arbitrations against a Middle-Eastern State-owned entity relating to delay and disruption in the construction of a petrochemical complex.
- Counsel to a oil company in a dispute with a West African Government relating to a production sharing agreement.
- Counsel to a Central European state agency in two connected ad hoc arbitrations against a European bank relating to representations and warranties given in a share sale agreement.
- Counsel to a European cement manufacturer defending an ICC claim brought by a quarry operator.
- Counsel to an English rail company in an ad hoc arbitration against a foreign joint venture partner relating to revenue sharing arrangements.
- Counsel to a French construction company in an arbitration against a Central European state agency relating to the construction of motorway tunnels.
- Counsel to a French manufacturer in an ICC claim against a European licensee of technology.

## Recognition

- *Best Lawyers*, 2010-2021: Leading lawyer in arbitration & mediation, international arbitration and litigation.
- *Pravo.ru-300*, 2019: Leading lawyer in international arbitration in Russia.

- *Chambers Global* and *Chambers Europe*, 2009-2021: Recommended lawyer in dispute resolution in Russia (experts based abroad).
- *Best Lawyers*, 2016: Moscow International Arbitration "Lawyer of the Year".

## Insights

### Publications

- Dec 2015: "The Effect of the EU Russia-related Sanctions on Arbitrators and Arbitral Institutions", *Les Cahiers de l'Arbitrage* 2015 No.3
- Nov 2012: "Pismennaya stadiya razbiratel'stva v mezhdunarodnom arbitrazhe – nekotorye osobennosti protsedury angliiskovo tipa" ("The written phase of proceedings in international arbitration – some peculiarities of English-style procedure"), essays in honour of the 80th anniversary of MKAS, Statut, Moscow
- Sep 2011: "The arbitrability of statutory shareholder claims under English law following the decision of the Court of Appeal in Fulham Football Club: a step forward or backwards for arbitration?", paper given at ABA Conference on Resolution of CIS-Related Business Disputes, Moscow
- Nov 2008: "Enforcement of International Arbitral Awards in Russia – Still a Mixed Picture" (co-written with Boris Karabelnikov) *ICC Bulletin* Vol 19 No.1 2008
- Oct 2007: "Section 17 of the English Arbitration Act – Too Favourable for Claimants?" (co-written with Fredrik Sjovall) *DIAC Journal* Vol 2
- Jan 2006: Commentary on a decision by the French Cour de cassation allowing enforcement of an award in France – *Mezhdunarodny kommercheskiy arbitrazh (International Commercial Arbitration)*, 2006:1
- Dec 2005: Commentary on a decision of the Russian Higher Arbitrazh Court allowing enforcement of an award in Russia – *Stockholm International Arbitration Review* 2005:1
- Feb 2005: "Enforcement of the NOGA arbitral awards in France" – *International Arbitration Law Review* 2005:1
- 2003: Commentary on a decision of the Russian Higher Arbitrazh Court refusing enforcement of an award in Russia, *Stockholm International Arbitration Review*, 2003:2
- Jul 2002: "La caution judicatum solvi dans l'arbitrage international" ("Security for Costs in International Arbitration"), *Le Juriste*.

### Speaking appearances

- Feb 2015: "The Effect of the Current EU Sanctions on Russia-related Contracts", C5 conference on international dispute resolution involving Russian/CIS parties, London
- Nov 2014: "Anti-Suit Injunctions", SCC seminar on International Dispute Resolution, Stockholm
- May 2014: "Some Observations on the Current Proposed Reforms to Russian Arbitration Law", Russian Arbitration Day, Moscow
- April 2014: "Arbitration under LCIA Rules", Forum on International Dispute Resolution, Almaty
- Feb 2014: "Should English arbitrators apply Russian mandatory rules?", C5 conference on dispute resolution involving Russian/CIS parties, London
- Feb 2013: "Interim Remedies in the English Courts – a Reason for Choosing a London Seat?", C5 conference on dispute resolution involving Russian/CIS parties, London;

- Dec 2012: "Managing Investment Disputes", AIPN conference, London
- Nov 2011: "Remedies in International Arbitration", SCC conference, Ekaterinburg
- Nov 2011: "How Enforceable are Foreign (European) Awards in Russia?", Kiev
- May 2011: "Conflicts of Interest in Investment Arbitration" ILO conference, Moscow
- Apr 2010: "Treatment of Foreign Investors in Russia, Kazakhstan and Azerbaijan" – University of Kiel conference series, Kiel
- Nov 2009: "ICSID – Pros and Cons for the State and Investors", Russian Academy of Sciences, Moscow
- Jun 2009: "Vidimye polnomochiya v angliyskom prave" ("Ostensible Authority in English Law") – ILC, Moscow Chamber of Commerce and CI Arb conference in Moscow
- Sep 2009: "The Role of Factual and Expert Witnesses in International Arbitration: Does the System Work?" – presentation to the Moscow Young Arbitrators' Group
- Mar 2009: "Asset Protection through Interim Measures" – British Embassy, Moscow
- Mar 2009: "Managing Joint Ventures with Local Entities – How to Minimise Risks" – ACI Summit on Anti-Corruption, Moscow
- 2006-2007: Course on English commercial law taught to business school students at INSEEC, Paris
- 2005-2007: Class on International Arbitration procedure taught at the Ecole de Formation du Barreau (EFB), Paris

## Activities and Affiliations

### Prior and Present Employment

- Partner – Dentons (2014)
- Partner – Baker Botts, London (2011-2013)
- Partner – Lovells, Moscow (2007-2010)
- Associate – Herbert Smith (London, Moscow, Paris) (1995-2006)
- Trainee – Herbert Smith, London (1993-1995).

## Areas of focus

### Practices

- Arbitration
- International Commercial Arbitration
- Investment Treaty Arbitration
- Construction and Engineering Disputes
- Energy Litigation

### Industry sectors

- Construction
- Energy
- Financial Institutions

## Education

- College of Law, Guildford, 1993, Law Society Finals
- Oxford Polytechnic, 1992, Dip LP
- Merton College, University of Oxford, 1991, BA Russian and French

## Admissions and qualifications

- Solicitor, Senior Courts of England and Wales, 1995
- Examen d'Aptitude, Paris, 2005

## Languages

- English
- French
- Russian