

SPENSER UNDERHILL NEWMARK

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Christopher Newmark



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Practice Areas

Arbitration and ADR.

Practice Description

Chris is an international arbitrator and mediator. He sits regularly as chairman, panel and sole arbitrator under the rules of the leading arbitral institutions. In December 2012, he was the first emergency arbitrator to be appointed under the 2012 ICC Rules of Arbitration.

Chris has arbitrated a broad range of commercial matters and has particular experience of arbitrating disputes in the following sectors:

IT and telecoms; Power; Oil & Gas; Shareholder/JV; International trade/commodities; M&A; Consultancy/agency agreements; Financial services; Sport

Chris was the Chairman of the ICC Commission on Arbitration and ADR from 2014 to 2017. During his time as Chairman, the ICC Commission introduced task forces working on Emergency Arbitration, the Probative Value of Witness Evidence and on Climate Change disputes, and published reports on Decisions on Costs and on Financial Institutions and Arbitration.

Chris was a member of the Drafting Sub-Committee for the 2012 ICC Rules of Arbitration and chaired the Consultative Task Force responsible for revising the ICC ADR, Expertise and Dispute Board Rules. Chris also acted as co-chair with Yves Derains of the ICC Task Force which produced the ICC publication "Techniques for Controlling Time and Cost in Arbitration".

Prior to forming Spenser Underhill Newmark LLP with Dominic Spenser Underhill in 2007, Chris was a partner in the Dispute Resolution Department of Baker & McKenzie in London where he was the chair of the firm's European Dispute Resolution Practice Group.

From 2007 to 2010, Chris sat on the Board of Directors of the CPR International Institute for Conflict Prevention and Resolution. He is also a member of the LCIA, an arbitrator and mediator panellist for Sport Resolutions UK and a mediator panellist for the Court of Arbitration for Sport (CAS).

Current and Recent Arbitration Appointments and Projects

- Appointed by LCIA as sole arbitrator in dispute relating to exercise of a put-option under a share purchase agreement
- Party nominated arbitrator in LCIA proceedings relating to claims against borrower and sureties for in excess of USD350m under a credit agreement
- Selected by parties as sole arbitrator in ICC expedited proceedings relating to non-payment of invoices due to alleged failure to comply with anti-bribery and anti-corruption policies
- Party nominated arbitrator in three separate LCIA and DIFC-LCIA proceedings relating to termination of a series of contracts for the supply of equipment and services for a telecoms expansion project
- Party nominated arbitrator in DIAC arbitration relating to a dispute under an EPC contract
- Party nominated arbitrator for LCIA arbitration relating to alleged breaches of confidentiality under a research and development agreement in the biotechnology sector
- Appointed by LCIA as sole arbitrator in a dispute under a contract for the provision of apps for a mobile phone
- Appointed by LCIA as presiding arbitrator in dispute in the telecoms sector involving a disputed settlement payment and related foreign court proceedings
- Party nominated arbitrator for LCIA arbitration involving a shareholder dispute
- Selected by co-arbitrators as chairman for an LCIA arbitration concerning fees due for services provided to a mobile and internet telecommunications company
- Selected by parties from list provided by the LCIA as sole arbitrator for an UNCITRAL arbitration concerning a dispute between a state owned utility and a commercial customer
- Appointed by LCIA as chairman of arbitration involving a commodity dispute
- Selected by co-arbitrators as chairman for LCIA arbitration concerning a dispute under a series of financing agreements
- Appointed a sole arbitrator in ICC arbitration between a state and a supplier of commercial services
- Party appointed arbitrator in LCIA arbitration concerning a dispute under a services agreement in the automotive sector
- Party appointed arbitrator in LCIA arbitration relating to a dispute concerning the broadcasting of a TV channel
- Selected by co-arbitrators as chairman for LCIA arbitration concerning the supply of equipment in the oil and gas sector
- Appointed by ICC as emergency arbitrator in the first such proceeding under the new ICC Emergency Arbitrator Rules
- Appointed by LCIA as one of three arbitrators in case concerning a dispute relating to an M&A transaction in the telecom sector
- Party appointed arbitrator in LCIA arbitration between private and state entities relating to a dispute arising out of the privatisation of a significant business
- Appointed by an ICC arbitral tribunal as an expert to give an opinion on English law and procedure relating to the implementation of an ethical barrier
- Jointly selected by parties as sole arbitrator in LCIA arbitration relating to a dispute following termination of an international agency agreement
- Selected by co-arbitrators as chairman of LCIA arbitration concerning a dispute relating to financial services
- Party appointed arbitrator in LCIA arbitration relating to dispute under long term commodity sale agreement
- Appointed by ICC Court as sole arbitrator in a dispute between a multi-national bank and a corporate client
- Party appointed arbitrator in ICC arbitration relating to a middle eastern property development dispute
- Appointed by LCIA as chairman in international trade dispute

- Party appointed arbitrator in Stockholm Chamber arbitration involving the drilling industry
- Appointed by LCIA as sole arbitrator in dispute relating to calls under an on demand guarantee
- Jointly appointed as sole arbitrator of ad hoc arbitration concerning performance of an IT contract.
- Appointed by ICC Court as chairman of Swiss arbitration concerning dispute arising out of consultancy agreements in the telecom sector.
- Appointed by LCIA as chairman of a London arbitration concerning an international trade dispute
- Appointed by the English Football Association as arbitrator in two unrelated cases involving agents' fees
- Appointed by LCIA as arbitrator in five commodities arbitrations totalling approximately USD 100 million in value
- Appointed by LCIA as arbitrator in commodities arbitration between English and Indian parties
- Appointed by LCIA as arbitrator in arbitration concerning the telecoms sector in eastern Europe
- Party appointed arbitrator by claimant in LCIA arbitration relating to a USD 22 million dispute over the completion of an M&A transaction
- Party appointed arbitrator by claimant in ICC arbitration relating to a central European property development
- Acting for global power company in LCIA arbitration concerning a dispute arising out of the sale of an eastern European subsidiary
- Appointed sole arbitrator under UNCITRAL rules of dispute relating to the licensing of retail premises
- Appointed sole arbitrator by LCIA Court in London arbitration of dispute concerning termination of IT outsourcing contract.
- Appointed by ICC Court to arbitral tribunal for telecoms dispute between eastern European and English companies
- Appointed sole arbitrator under UNCITRAL rules of dispute concerning the supply of agricultural products
- Advised North African company in ICC arbitration against multi-national company concerning a dispute over rights under a franchise agreement
- LCIA arbitration for global power company against grid operating company and Ministry of Energy of sovereign state

Directories

Chris is regularly recommended as a leading arbitration lawyer in the directories. Most recently, Chris has been listed in Chambers UK 2019, 2018 and 2017 in Band 1 as a leading arbitrator (and mediator), as well as in Who's Who Legal Arbitration (and Mediation). In earlier editions:

"Christopher Newmark of Spenser Underhill Newmark LLP enjoys a fine reputation in the field" Chambers UK 2013. He *"is an experienced and "very responsive" commercial arbitrator, and is also praised for his work as counsel in international disputes"*. Chambers UK 2012

"very well known in the arbitration field and a quality act." Chambers UK 2011

"Chris Newmark is praised for his "amazing foresight, strategic thinking and logical, persuasive arguments. Chambers UK 2010

ADR Experience

A CEDR accredited mediator since 1995, Chris is now a member of CEDR Chambers and regularly receives mediator appointments. Chris is a member of CEDR's mediator training faculty. Chris is also on the LCIA and Court of Arbitration for Sport (CAS) panels of mediators and is a panel mediator and arbitrator for Sports Resolutions UK Limited. Chris was a rapporteur to the CEDR Commission on Settlement in International Arbitration which published its report and rules in 2009.

Teaching

In 2006, Chris was appointed a Senior Visiting Lecturer at the School of International Arbitration, Centre for Commercial Law Studies at Queen Mary's University, London.

Publications

Books

- 2008 and 2014 The Leading Arbitrators Guide to International Arbitration (Second and Third Editions) published by Juris Publishing – Chapters on controlling time and costs in international arbitration.
- 2006 - *Butterworths Mediators on Mediation: Leading Mediator Perspectives on the Practice of Commercial Mediation* - co-edited with Anthony Monaghan.
- 2004 - International Arbitration Checklists - Chapter entitled "*Expert Evidence*" in book published by Juris Publishing.
- 2001 International Commercial Arbitration: Practical Perspectives, a book published by The Centre of Construction Law and Management - author of chapter entitled "*ADR and International Arbitration: an evolving relationship*".

Selected Articles

- 2004 - International Arbitration Law Review, Issue 3 - *The appointment of arbitrators in international arbitration.*
- 2005 January - *Schieds VZ - Siemens v. Argentina: most favoured nation clause (re)visited.*
- 2005 February, Mealeys - *Most favoured nation clause: is the Siemens v Argentina decision the high-water mark?*
- 2005 August, Mealeys - *Striking a Balance for Court Intervention in Arbitration Disputes: The Decision in Cetelem SA v. Roust Holdings Ltd*
- 2006 November - *International ADR - A Flourishing Field*
- 2010 – International Arbitration Law Review, Vol.13, Issue 5 – "*Efficient, Economical and Fair – the Mantra of the New IBA Rules*"
- 2015 – Issue 2 ICC Dispute Resolution Bulletin Bulletin – "*Practical guidance on ICC model dispute resolution clauses*".

Seminars/Conferences

Chris frequently speaks at conferences on Arbitration and ADR, for example:

- 2004 - Moderated Panel of European Judges at the International Court of Justice in The Hague on The Role of Public Courts in Private Dispute Resolution.
- 2006 - Speaker at JAMS Conference in New York on International Mediation
- 2007 – Chair, ICC Conference on Reducing Time and Cost in Complex Arbitration
- 2008 – Speaker, ICC Symposium on Settlement in International Arbitration
- 2009 – Speaker, ICC Conference on Construction Disputes, Istanbul, Turkey
- 2009 – Speaker, Juris Leading Arbitrators' Symposium, Vienna, Austria
- 2010 – Speaker, VIAC/UNCITRAL Conference on case management, Vienna, Austria

- 2011 – Panel Chairman, ICC new arbitration rules Launch Conference, Paris, France
- 2011 – Panel Chairman, ICC UK conference: “Is international arbitration meeting the needs of its users?”
- 2011 – Panellist, IBA Conference, Dubai, Session on Med-Arb
- 2012 – Speaker, Fordham University Conference on International Arbitration and Mediation, 2013 – Speaker, CDR conference on the ICC Commission on Arbitration and ADR
- 2013 – Speaker, ICC/AAA/ICSID triple colloquium, Paris, on emergency arbitrators and the grant of interim and conservatory measures in international arbitration
- 2014 – Speaker, CIArb conference, London on mediation
- 2014 – Speaker, ICC UK Annual Arbitrators’ Forum, on managing the arbitrators
- 2015 – Speaker, Vienna Arbitration Days, on efficiency of arbitral tribunals
- 2015 – Speaker, Croatian Arbitration Days on communication within arbitral proceedings
- 2016 – Speaker, IBA Conference, Washington DC, on advocacy in arbitration and mediation
- 2016 – Speaker, CIA Arbitration Masterclass, London on med-arb
- 2017 – Speaker, ACC (Europe)/CCIA 3rd International Conference for Corporate Counsel, London on Emergency Arbitration
- 2017 – Speaker, ICC Conference, Reykjavik, Iceland on procedural efficiency in arbitration
- 2018 – Speaker, GAR Conference, Prague, Czech Republic on witness evidence on the occasion of the launch of the Prague Rules

Professional Affiliations

- Chairman, ICC Commission on Arbitration and ADR 1 January 2014 – 31 December 2017
- Vice-Chairman, ICC Commission on Arbitration 2008 – 2013; 2018 -
- Board Director, CPR International Institute for Conflict Prevention and Resolution 2007-2010
- Member of the LCIA
- CEDR Chambers mediator
- Mediator panellist for LCIA, CAS and Sports Resolutions UK Limited

Career

- 1987 - Graduated from the University of Birmingham with an LLB (Law and French) (1985/6 - University of Limoges, France - Diplome d’Études Juridiques Françaises).
- 1990 - Admitted as a solicitor, Baker & McKenzie, London
- 1993/4 - Baker & McKenzie, Chicago (studied dispute resolution at the University of De Paul)
- 1997 - Elected a Baker & McKenzie Partner
- 2007 - Formed Spenser Underhill Newmark LLP

Pro Bono and Community Involvement

Mentor, Waterloo Legal Advice Service

Language

French - working.