

SPENSER UNDERHILL NEWMARK

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Dominic Spenser Underhill

Dominic has practised international dispute resolution and arbitration since 1989. He has sat regularly as an arbitrator since 2002. He has wide experience across the usual business sectors. He has particular expertise in international banking, project finance and financial services.

Key points

- English Solicitor (admitted 1989).
- Durham and Oxford Universities.
- Fellow of the Chartered Institute of Arbitrators.
- Honorary Professor, School of Law, Queen Mary, University of London.
- Specialist panel arbitrator - Financial Services Disputes Panel HKIAC
- Former head of International Arbitration at Mayer Brown Rowe & Maw LLP (now Mayer Brown) (London & Paris).
- Former Visiting Professor, Faculty of Law, University of Turin, Italy.
- Former member of the ICC Commission on Arbitration & ADR (1999-2022)
- English native speaker.
- Familiar with French and Italian. Conversational speaking. Intermediate reading and listening.

Some recent professional endorsements

Chambers and Partners 2024

'He is incredibly analytical, very bright and very able. He is very efficient in producing awards.'

'He is very impressive, really sensible and listens to what the tribunal members say. He is very efficient. He is very respectful and really thinks about all the issues carefully.'

'He thinks about things deeply.'

Recommended – Who's Who Legal 2024

'...a very clever and well-prepared arbitrator.'

'...tremendous procedural instincts...'

'...decisive and capable of getting to an outcome.'

Recommended – Who's Who Legal 2023

'...a very diligent and effective arbitrator'

'I would appoint him again if given the opportunity.'

Arbitral experience

Here are some completed appointments as arbitrator:

- Syndicated lending dispute (> £70 m) – LCIA – Party appointed
- Telecomms infrastructure financing dispute (>\$250m) – Iraqi and UAE parties – ICC – Presiding arbitrator
- Project financing dispute (chemical manufacturing) (>\$180m) Shari'ah law issues – UAE and Korean parties – LCIA – Presiding Arbitrator
- Dispute arising from ISDA Master Agreement – Asian parties – ICC - Sole
- SWAPS / Derivatives dispute ISDA/Asia – ICC – Sole
- Emergency arbitrator – injunctive relief regarding enforcement of performance bonds in UAE – LCIA
- Guarantee and fraud claims (>\$70m) under multiple banking facilities relating to project financing in Asia – Mongolian, British and South African parties - LCIA – Panel

- Dispute over bank bailout agreement \$1billion non-African and African parties – ICC - Panel
- Oil supply dispute between Russian and Kazakh parties – LCIA – Party appointed
- Oil pipeline manufacturing dispute between Dutch parties – LCIA Rules – Sole
- Warranty dispute arising from the sale of an oil company – English and African parties – LCIA – Panel.
- Industrial product supply dispute between US and Saudi parties - ICC - Sole
- Pharmaceutical manufacturing dispute (>GBP 50m) – Danish and Chinese parties – LCIA – Presiding Arbitrator
- Military vehicle supply dispute in Middle East – UAE – LCIA - Presiding Arbitrator
- Agrochemical manufacturing, distribution and supply dispute – Australian and Irish parties – Ad hoc – Sole arbitrator
- Pharmaceutical manufacturing, distribution and supply dispute – Russian and British Parties – Ad hoc - Co-arbitrator
- Claim over territorial invasion in a global distributorship agreement (heavy machinery) – Brazilian and Chinese parties - UNCITRAL – Panel
- Claim over distributorship of medical products in Nigeria – British and Nigerian parties – Panel
- Solar panel manufacturing and supply dispute – Chinese and Italian parties – ICC - Panel
- Heavy plant manufacturing dispute between Ukrainian and German parties (manufacturer and buyer) – LCIA – Sole
- Partnership dispute – English and US parties – LCIA – Panel
- Dispute arising from large engineering & property development project in Dubai–Singaporean and Middle Eastern parties – LCIA Rules – Panel
- Dispute concerning oil and gas trading software licences – Emirati and Dutch parties – LCIA Panel
- Short-load cargo dispute between Pakistani and Indian parties – LCIA Rules - Panel
- Hotel property development in Spain/joint venture – ICC – Panel
- Shopping centre development in Europe/joint venture – UNCITRAL - Panel
- Dispute over failed distribution agreement of agrochemicals –LCIA - Sole
- Hotel property development in Bulgaria/joint venture – ICC - Panel
- Agency fee dispute – English parties UNCITRAL - Sole
- Metal trading dispute between Swiss and Indian parties – LCIA - Sole
- Telecommunications dispute regarding provision of telephony services – US and Greek parties – UNCITRAL - Sole
- Commercial lending dispute between Maltese and Italian parties – LCIA – Chair
- Civil defence dispute involving military vehicles – ICC – Panel

- Defaulting settlement agreement regarding the sale of scrap metal – English parties. LCIA – Sole.
- Financial consultancy dispute – Serbian and Greek parties – LCIA Rules - Sole
- Cargo claim – Swiss and Hong Kong Parties – LCIA Rules – Presiding Arbitrator
- Claim for alleged breaches of representations and warranties in a sale of a business – German and British parties – ICC – Sole
- Claim for breaches of multiple contracts in property development joint venture in Southern Europe – Greek and Luxembourg parties – UNCITRAL – Panel (three conjoined cases)
- Claim for breach of an international supply and distribution agreement – Irish and French parties LCIA Rules – Sole
- Dispute about breach of contract in the banking sector – US and African parties – ICC – Sole
- Dispute about the design and build of a super yacht - Italian and British parties – LMAA – Panel
- Dispute about ownership of a Mediterranean fishing fleet – Tunisian and Turkish parties – ICC – Panel
- Claims under joint venture agreement for development of IT – Dutch and Middle Eastern parties – LCIA – Panel