

Ali Malek QC

Email Address: am@3vb.com

Year Of Call: **1980**

Year Of Silk: **1996**



Ali Malek QC is recognised as one of the leading silks at the Commercial Bar, recently singled out as a 'Star at the Bar' by Chambers & Partners in their UK Bar 2021 Guide. He is ranked in seven different practice areas in both Chambers & Partners and The Legal 500.

Instructing solicitors hail Ali as *"One of the most prestigious and experienced QCs in the country"* and, *"accessible, quick, pragmatic and has excellent judgement....a phenomenal advocate"*. *"Punchy"* in cross-examination and when speaking to the Bench, he is recognised for his precise insight and his will to win. His practice is extensive and he has proven excellence 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."*

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."* Ali is a veteran of many high-stakes court appearances.

Directory Quotes

"Extremely bright and thinks outside the box."

Chambers and Partners UK 2018

"One of the strongest commercial advocates at the Bar"

Legal 500 UK 2017

Expertise

Arbitration

Ali Malek QC is a leading commercial barrister. Widely recognised for his skills as an advocate in international arbitration, he has appeared as counsel in cases governed by ICC, LCIA and SIAC

rules, amongst others. His expertise also includes ICSID claims under bilateral investment treaties. He has also been appointed as arbitrator in disputes under many institutional rules including ICC, LCIA, SIAC and the HKIAC.

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.

"An impressive, very thoughtful barrister who gives terrific strategic advice and really thinks through the issues in a deep way." Chambers & Partners UK 2021

"A charming advocate and one of the leading names." Chambers & Partners UK 2021

"Took a very constructive and facilitative approach as arbitrator, making sensible interventions and working hard to try to steer the parties to a suitable outcome." Legal 500 UK 2021

"He is a devastatingly good advocate." Legal 500 UK 2021

"An arbitration star - an experienced internationalist very much in demand." Legal 500 Asia Pacific 2019

"Very versatile and an impressive advocate." Legal 500 2019

"Famous for being a sophisticated, debonair advocate." Chambers & Partners UK 2019

"He has great judgement and is highly intelligent." "Very commercial and highly regarded for arbitration work." Chambers & Partners UK 2019

"His oversight, years of experience and gravitas are his main strengths. He's an excellent strategist." "A very smooth and persuasive advocate." Chambers & Partners Global 2018

"The go-to man for the most complex cross-border work." Legal 500 UK 2017

Arbitration cases include:

Union Fenosa Gas SA v Arab Republic of Egypt [2020] EWHC 1723 (Comm) (Service of an ICSID award)

The Republic of Korea -v- Dayyani ([2019] EWHC 3580 (Comm): Successful opposition of an application under s 67 of the Arbitration Act 1996 by the Republic of Korea to set aside a US\$60 million Treaty arbitral award.

Stati & Ors v The Republic of Kazakhstan [2017] 2 Lloyd's Rep. 201 (New York Convention).

Malicorp v Egypt [2015] EWHC 361 (Comm) [2015] 1 Lloyd's Rep. 423 (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 hearing 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.

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.

HKIAC arbitration: joint venture dispute

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.

Arbitrator (ICSID): President.

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

Chambers & Partners Banking Silk of the Year (2021)

"A very impressive leading advocate in banking and finance disputes." Chambers & Partners UK 2021

"He is smooth, calm under pressure and always commands the respect of judges. He always knows the right way to present something complex." Chambers & Partners UK 2021

"A force of nature. He has tremendous instincts developed from years of experience. His insights on not just strategy but the individuals involved are invaluable." Legal 500 UK 2021

"He is the man. He has such a broad and vast experience pool in banking and finance - he is all over it. The oracle." "A very calm individual who isn't fazed by anything even when handling the largest and most complex matters." Chambers & Partners UK 2019

"Deservingly a star at the bar and a gentleman with it." Legal 500 2019

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 2018

A silk with a great depth of experience; *"One of the outstanding practitioners in the banking area." "He is very good at dealing with the big points in a case and extremely skilled when it comes to case strategy."* Chambers & Partners UK Guide 2017

"An authoritative figure who can be relied on for perceptive and no-nonsense advice." Legal 500 UK 2017

"He is very good on strategy and has a very commanding presence in court." Chambers & Partners UK 2017

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 2014

"A suave advocate, who combines tenacity with charm", Ali 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 2013

He 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 2012

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

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

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

Cases include:

Banco San Juan International v Petroleos De Venezuela SA [2020] EWHC 2937 (Comm): credit agreements and sanctions

National Bank of Kazakhstan v Bank of New York Mellon SA/NV [2020] EWHC 916 (Comm): (attachment orders)

National Bank of Kazakhstan v The Bank of New York Mellon SA/NV [2017] EWHC 3512 (Comm) [2018] EWHC Civ 1390 (attachment orders; status of branches and central bank immunity).

Rosserlane Consultants Ltd v Credit Suisse International [2017] EWCA Civ 91 (implied terms).

Banco Santander Totta v Carris [2016] EWHC 1267; [2016] 4 WLR 49 (derivatives) and [2016] EWCA Civ 449. [2017] 3 All ER 838.

Starbev v Interbrew Central European Holdings [2016] EWCA Civ 449 (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).

Chancery

Ali Malek regularly appears in the Chancery Division, generally in relation to high profile commercial and banking disputes.

"A very, very strong silk - he's an exceptional advocate." Chambers & Partners UK 2021

"A very practical barrister." Chambers & Partners UK 2021

"A superb leader who is hard to beat in terms of his ability to read the bench and present cases appropriately in order to maximise prospects. He has an impressive depth of experience in large Russia/Ukraine litigation, and is also very accommodating and a pleasure to work with." "Ali is very smooth and polished in court." Chambers & Partners UK 2019

Although renowned in the Commercial Court, Malek also has an excellent reputation for his work in the Chancery Division. "He is a very persuasive and charming advocate who can turn his hand to

most things." *"An exceptional lawyer."* Chambers & Partners UK 2018

Examples of this include significant actions such as *Patarkatsishvili v Anisimov* (2014), *Shulman v Kolomoisky and Bogolyubov* and *Privatbank v Kolomosiky and Bogolyubov*.

Ali Malek was also involved in the litigation arising from the disputed sale of Liverpool FC, and the arising allegations regarding breach of directors duties (*Broughton v Kop Football (Cayman)* [2012] EWHC 2699).

Civil Fraud

Ali Malek QC has a significant 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 appeared in a number of high profile fraud cases including *Tatneft v Bogolyubov & Ors* (2016/17); *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).

"A forceful, eloquent advocate who delves deep into the issues and is always thoroughly prepared." Chambers & Partners UK 2021

"He has a really good sense of what points are going to work when you have a complicated fraud dispute." Chambers & Partners UK 2021

"He has a nice manner and the ear of the court." Chambers & Partners UK 2021

"Has a strong grasp of the detail and issues; a calm and measured advocacy style." Legal 500 2019

"Very well respected in his field." "A very commercially astute QC." Chambers & Partners UK 2019

"One of the strongest commercial advocates at the Bar." Legal 500 UK 2017

He is renowned for the effectiveness of his cross-examination. *"He is very well respected in his field, good at the big points and extremely skilled at informing case strategy."* *"He is a smooth operator."* Chambers & Partners UK 2017

He 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 2015

"Commercial and easy to deal with." Legal 500 UK 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 UK 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 UK 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 2012

Cases include:

HPOR Services v Dry Ships Inc [2018] EWHC 3451 (Comm) (bribery and remedies).

PJSC Commercial Bank Privatbank v Kolomoisky [2018] EWHC 3308 (Ch) (jurisdiction and injunctions).

Tatneft v Bogolyubov & Ors [2016] EWHC 2816 ; [2017] EWCA Civ 1581.

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 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).

Commercial Dispute Resolution

Ali Malek QC is regularly instructed in the most important commercial dispute cases being heard in London and globally. 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.

"So experienced, he is terrific with clients, great on his feet and superb in cross-examination." Chambers & Partners UK 2021

"Quick-thinking and pragmatic, he has excellent judgement and is a phenomenal advocate. You run out of superlatives to describe him." Chambers & Partners UK 2021

"A tremendous advocate - clear and compelling with the ear of the court. He is quick on his feet and has a total mastery of the case." Legal 500 UK 2021

"His advocacy style makes the way he presents a case especially credible." "He is very reassuring, easy to deal with, and has a sense of authority." Chambers & Partners Global 2019

"Really wonderful advocate, who has a gorgeous manner with the court and talks to the judge in a human way that's really quite unusual." "He's very confident and gives insight into a case that's invaluable. When clients go to him, they're going to a really accurate predictor of the judicial response." Chambers & Partners Global 2019

"Very versatile and an impressive advocate." "A superb leader, unrivalled in his ability to read the bench and present cases appropriately. He maximises the client's prospects." Chambers & Partners UK 2019

"On his feet, an advocate of the highest order." Legal 500 2019

A silk with a great depth of experience. *"One of the outstanding practitioners in the banking area." "He is very good at dealing with the big points in a case and extremely skilled when it comes to case strategy."* Chambers & Partners UK 2018

"He appears in heavyweight commercial disputes worldwide." Legal 500 Asia/Pacific 2017

"A top quality silk." Legal 500 UK 2017

"A fantastic barrister who is easy to work with, commercially astute and tactically very sound." "Very effective in cross-examination." Chambers & Partners UK 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 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 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 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

Ali Malek regularly advises and appears in relation to cases involving disputes arising out of the energy sector, both in litigation and in arbitration, instructed by states, energy companies and other market stakeholders.

"An advocate that has the ear of the courts. He has amazing strategic vision." Chambers & Partners UK 2021

"He is extremely good with clients." Chambers & Partners UK 2021

"He is a class act, extremely experienced, and he gets straight to the key point in a case." Legal 500

UK 2021

"A superb leader, who is unrivalled in his ability to read the bench and present cases appropriately to maximise prospects. He has an impressive depth of experience in large Russia/Ukraine litigation and is also very accommodating and a pleasure to work with." "He's a formidable and extremely charming opponent." Chambers & Partners UK 2019

"Extremely good with clients and a very credible advocate." Chambers and Partners UK 2018

Stati & Ors v The Republic of Kazakhstan [2017] EWHC 1348 (Comm) (acting for Kazakhstan in ancillary Commercial Court proceedings involving an BIT arbitration claim in relation to a liquid petroleum gas plant).

Rosserlane Consultants v Credit Suisse [2017] EWCA Civ 91 (dispute concerning a joint venture in relation to oilfields 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's advice is frequently sought 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 standing is exemplified by the fact that he is a member of the Dubai Financial Markets Tribunal.

"A strong opponent. When he's in a case you know you've got a fight on your hands." Chambers & Partners UK 2021

"He is good for high-value, complex cases. A smooth operator." Chambers & Partners UK 2021

"He is calm, practical and applies a common-sense/commercial head to difficult problems." Legal 500 UK 2021

"He has a big presence in this field." "A very appealing and understated advocate." Chambers & Partners UK 2019

"Very good with clients and brings insight into the likely approach of the judiciary." Legal 500 2019

"Very good for financial services work." Legal 500 UK 2017

"A very, very class act. Very refined and very, very bright." Chambers & Partners UK 2017

"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).

Offshore

Ali Malek regularly advises and appears in actions arising in offshore jurisdictions, such as the British Virgin Islands and the Cayman Islands, as well as taking key roles in matters litigated in the Channel Islands. Recent examples include:

Renova v Emmerson; A series of hearing in the BVI courts regarding a dispute involving a claim in the region of USD \$1 billion arising out of a joint venture relating to Russian energy assets).

Super-Max v Malhotra; Acting for the majority shareholder in the Super-Max Group, (the second largest manufacturer of razor blades in the world) in hearing before the Cayman courts in a dispute against the Group's minority private equity investor.

Carlyle Capital Corp; Acting in an advisory capacity for liquidators in the \$1 billion liquidation of CCC involving claims against directors and investment managers for breaches of contract negligence, and breaches of fiduciary duty. The case went to trial for 6 months in 2016.

"A class act, he gets straight to the point in a case." Legal 500 UK 2021

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.

"*Great advocate.*" Legal 500 2019

"*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.

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

CAS appeal (doping) (2020)

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

Union Fenosa Gas SA v Arab Republic of Egypt [2020] EWHC 1723 (Comm) (Service of an ICSID award)

The Republic of Korea -v- Dayyani ([2019] EWHC 3580 (Comm) (section 67/ Treaty award)

Stati & Ors v The Republic of Kazakhstan [2017] 2 Lloyd's Rep. 201 (New York Convention).

Malicorp v Egypt [2015] EWHC 361 (Comm); [2015] 1 Lloyd's Rep. 423) (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).

Banking & Finance

Banco San Juan International v Petroleos De Venezuela SA [2020] EWHC 2937 (Comm): credit agreements and sanctions

National Bank of Kazakhstan v Bank of New York Mellon SA/NV [2020] EWHC 916 (Comm):
(attachment orders)

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 .

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 (letters of credit/ fraud exception).

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

HPOR Services v Dry Ships Inc [2018] EWHC 3451 (Comm) (bribery and remedies).

PJSC Commercial Bank Privatbank v Kolomoisky [2018] EWHC 3308 (Ch) (jurisdiction and injunctions).

PJSC Tatneft v Bogolyubov [2017] EWCA Civ 1581 (freezing injunction).

Gerald Metals SA v Timis [2017] EWHC 1375 (Comm) (freezing injunction).

Stati & Ors v The Republic of Kazakhstan [2017] 2 Lloyd's Rep. 201 (arbitration award/ fraud).

Otkritie Capital v Threadneedle [2015] EWHC 2329 (Comm) and [2017] EWCA Civ 274 (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; [2011] Q.B. 477 (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 3 months) but settled.

Montrod v Grundkottter [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

Union Fenosa Gas SA v Arab Republic of Egypt [2020] EWHC 1723 (Comm) (Service of an ICSID award)

PJSC Commercial Bank Privatbank v Kolomoisky [2018] EWHC 3308 (Ch) (jurisdiction and injunctions).

Shulman v Kolomoisky and Bogolyubov [2018] EWHC 160 (Ch): (domicile and Swiss law)

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

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

Ferrexpo AG v Gilson Investments Limited and ors [2012] EWHC 721 (Comm) [2012] 1 Lloyd's Rep. 588 (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; [2009] 2 C.L.C. 408 (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).

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 Hilberly Award

Queen's Counsel April 1996

Assistant Recorder 1998; Recorder 2000 - .

Bencher of Gray's Inn (2003 -) Vice-Treasurer (2020) - Treasurer (2021)

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

Chairman of the Commercial Bar Association (2007-2009)

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 -)

Judge of the Qatar International Court (2019 -)

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).

Public and Private International Law

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

"International Dimensions" (UK Supreme Court Yearbook, Vol. 8 (2016-2017) with Cameron Miles.

Languages

English and French (working knowledge)