

ESSEX COURT CHAMBERS

BARRISTERS

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PROFESSIONAL PRACTICE

Roderick Cordara has been a barrister in private practice since 1975, and acts as adviser and advocate in connection with worldwide commercial litigation and arbitration. He can appear in the Courts of the United Kingdom, the European Court of Justice, the Singapore International Commercial Court, and the State and Federal Courts of Australia. He has taken part as arbitrator or as counsel in arbitration cases in Europe, Asia, and Africa. He is a senior counsel ('Silk') in both the UK and Australia.

ADMISSIONS

- 1975 Bar England & Wales
- 1994 Queen's Counsel UK
- 1999 Bar Australia
- 2002 Senior Counsel Australia
- 2015 Singapore International Commercial Court

BACKGROUND & EDUCATION

Roderick Cordara was born in 1953, and grew up in Central London (next to Grays Inn). He went to the City of London School, (which is next to the Middle & Inner Temples). From there, in 1970, he won a history scholarship to Trinity Hall, Cambridge, where he read law. In 1974, he graduated from Cambridge with a 'double first' degree in law (BA, then MA). He then studied at Bar School in London, winning the Lloyd-Jacob scholarship at the Middle Temple. He was called to the English Bar in 1975.

He speaks English (mother tongue) and conversational Italian & French

AREAS OF EXPERTISE

- Arbitration & related court applications Banking & financial services;
- Civil fraud & asset tracing Energy & natural resources European law & competition Tax & customs duties Insurance & reinsurance;
- International commercial arbitration Investment treaty disputes;
- Offshore litigation;
- Public & administrative law;
- Ship sale & ship construction disputes Unjust enrichment & restitution claims.

PROFESSIONAL CAREER

Roderick Cordara practiced in Lamb Buildings, Temple, London (from 1976-1980).

He joined Essex Court Chambers (then '4 Essex Court') in 1980.

He took silk in the UK in 1994 and in Australia in 2002.

Before joining Essex Court Chambers, Roderick Cordara practiced for nearly 5 years as a general common lawyer, beginning to specialise in two areas: tax and East Asian litigation/arbitration. From that early stage, he became engaged with family trust litigation in Singapore, as well as shipping disputes, and tax litigation. He joined what is now Essex Court Chambers in 1980, and developed his litigation and arbitration practice in the context of national and international commercial disputes.

He began his tax practice in Australia in 1999, when he was called to the Bar of New South Wales, becoming a member of 7 Wentworth Chambers, Sydney (later renamed New Chambers). He was made Senior Counsel in Australia in 2002 by Chief Justice Spiegelman, and is now a member of New Chambers, Sydney – a leading commercial chambers doing similar work to Essex Court Chambers.

He has been standing counsel to the UK Government for Export Credit Guarantee insurance matters, and has sat on the Australian Government Rulings Panel for Goods & Services Tax.

He is 'of Counsel' to Studio Legale Lauro, international law firm, Naples, Italy.

He is a member of the recently formed IGAD (Intergovernmental authority on Development) task force to assist the 7 States in the Horn of Africa with the creation of a unified arbitration law and arbitral centre and institution.

He is also a member of the Somali Government's working party on the law of arbitration.

His memberships include:

- the Arbitration Club;
- EMAC (Emirates Maritime Arbitration Centre);

- IAI (International Arbitration Institute, Paris);
- ICCA (International Council for Commercial Arbitration);
- ICMA (International Congress of Maritime Arbitrators);
- IPBA (Inter Pacific Bar Association);
- LCIA (London Court of International Arbitration);
- LMAA (London Maritime Arbitrators Association);
- SCMA (Singapore Chamber of Maritime Arbitration);
- Bar European Group;
- New South Wales Bar Association;
- Revenue Bar Association (UK);
- Administrative Law Bar Association; and;
- British Nigeria Law Forum

PARTICULAR AREAS OF EXPERTISE INCLUDE:

ARBITRATION

His arbitration practice as Counsel over the years has been wide-ranging: including oil & gas (upstream & downstream), power generation, tax, shipbuilding, mergers and acquisitions, commodity trading, shipping (dry), infrastructure, insurance and defence industry disputes.

A particular focus has been oil & gas exploration/production and energy production (including related insurance disputes). In this context, he has acted for and against majors in oil & gas disputes in relation to fields in Africa, Central Asia, India, the Far East, and the North Sea. He has also begun to act in African disputes involving renewables. He completed (what is believed to be) the first ICC arbitration to be physically held in sub-Saharan Africa (Tanzania) which related to a power generation dispute, which led to milestone litigation in the Commercial Court involving enforcement of foreign arbitration (*Dowans v Tanesco*). He is also instructed in connection with disputes in the defence sector and insurance coverage.

He has many years' experience of representing corporate clients seeking to enforce their international law/treaty rights against governments, including the Government of India (*Sumitomo v ONGC*), the UK Government (*Lonrho v ECGD*, *EMI v UK*, *GMAC v UK*), and African governments (*Wallam v Kenya*). (His European Law practice involves the extensive enforcement of treaty based rights against the UK in tax contexts.)

Shipping and ship construction have also been a particular focus.

These international arbitration proceedings, where he has acted as Counsel, have been conducted under a combination of ad hoc and Institutional Rules (namely ICSID, LCIA, ICC, LMAA, HKIAC and GAFTA (Grain and Feed Trade Association)).

He has acted as presiding/sole arbitrator or wing member of tribunals in international arbitration proceedings relating to energy, shipbuilding, and commodity trading. These arbitrations have been conducted under a combination of ad hoc and Institutional rules (namely LCIA, SIAC and LMAA). (He currently has 1 outstanding award to complete – likely to be delivered by the end of June 2016.)

INSURANCE & REINSURANCE: tax & commercial

Both in the context of general commercial and tax litigation, and in disciplinary tribunals he has acted extensively for and against the insurance industry (see *Orion v Sphere Drake*, *AXA Insurance v Commissioner*, *Card Protection Plan v Commissioners*, *Halvanon v Central Reinsurance*, *Lonrho Exports v Export Credit Guarantee Department*, *SOC Private Capital v HMRC*, *Bank of Ireland v CEC*, *National Provident Institution v Commrs*, *WHA & Oriel Reinsurance*). He has acted for the Lloyds insurance market in connection with alleged breaches of professional discipline by both underwriters and brokers.

INTERNATIONAL LITIGATION: Court-based

Being admitted in Australia, he has appeared in a number of leading cases there, including two in the highest court (the High Court): namely *Travellex v Cmmr Taxation* (High Court), *ATO v Qantas* (High Court). He has also appeared in the Federal Courts and Tribunals as follows: *Axa v ATO* (Federal Court), *Commissioner v HP Mercantile* (acting for the Government) (Court of Appeal/Full Court), *AP Motors, et al v ATO* (Court of Appeal/Full Court), *Luxottica v Cmmr* (Court of Appeal/Full Court).

He has also appeared extensively in the European Court of Justice: (*Card Protection Plan C-349/96*, *EMI C-581/08*, *GMAC C-589/12*, *Midland Bank C-98/98*, *Abbey National C-408/98*), (*Overland Shoes no 1 C-468/03*, *Overland shoes no 2 C-379/00*, *Caterpillar C-430/08*, *FG Wilson C430/08*. He has one pending reference there.

SHIP SALE & SHIP CONSTRUCTION DISPUTES: arbitration & courts

He has extensive experience in shipbuilding disputes, both in arbitration and the Courts. He has acted for and against European and Far Eastern Yards, principally in cases involving purported rejection of vessels. The most celebrated of his shipbuilding cases is *Stocznia Gdanska*.

He has acted in several ship design-related matters, either in terms of safety or copyright, including warships.

LECTURE & TRAINING: 2015-6

He is regularly invited to lecture on a wide variety of subjects. In 2015-6 he will have lectured on the following topics:

- Investment Treaty Arbitration – interpretation of awards (London)
- Investment treaty arbitration and fiscal issues (Nairobi)
- Contract termination, rescission and affirmation (Hong Kong, Singapore, London)
- Consequential damages limitation clauses (Seoul)
- Trends in UK maritime arbitration (Athens)
- EU law and the implications of UK exit from the EU ('BREXIT') (London & Madrid)
- UK Insurance Act (London)
- Procedural changes in the English Court (London)
- Bills of Lading – jurisdiction issues & third party liability (London & Naples)
- EU tax avoidance recent developments – (London)
- EU rules on Partial Exemption issues (London)
- EU Indirect Tax Grouping issues (York)

He also frequently takes part in Essex Court Chambers' various programmes designed to give experience to young or aspiring practitioners by their shadowing practitioners, particular from Africa and the Far East.

PAST CLIENTS OF NOTE

Notable clients for whom he has acted in Court include:

Governments: UK Government, Australian Federal Government, State of New South Wales, Australian Capital Territory, State of Victoria

Corporate and private clients: Abbey National, Agrimpex Trading, Allseas Shipping Company, Allied Domecq, American Express, AP Fonden (Sweden), A P Motors Pte Ltd, ASDA Stores, Associated British Ports, Avon Cosmetics Ltd, Axa Insurance, Bank of Baroda, Bank of Ireland, Biffa Waste Products Ltd., Boucheron SA, British Airports Authority, Bophutatswana National Commercial Corporation, British Shipbuilders Ltd, British Telecom, BUPA Insurance, Carlsberg UK Ltd., Carlton Clubs Ltd., Capital One Bank Plc, Caterpillar Plc, Castle Insurance CO. Ltd, Central Reinsurance Corporation, C E Heath, Chase Manhattan Bank, Chinese Channel (HK) Limited, Citibank Inc., Cleobulos Shipping, Commissioner of Taxation, Commonwealth Bank of Australia, Corporation of the City of London, DFS Furniture Plc., Electronic Data Services, EMI Group Plc, Export Credit Guarantee Dept (UK Govt.), Ferrovial, Films Rover International Ltd., Ford Motor Company, First Data Resources, General Motors Acceptance Corporation, Glaxo Smith Klein, Help the Aged, Hong Kong & Shanghai Banking Corporation, IBM, Innocent Ltd., InsuraneWide.com Ltd., Leros Shipping, Lloyds of London, Lloyds Bank Plc, Liverpool Institute of Performing, Marks & Spencer Plc, MBNA Europe Bank Ltd., MG Rover Ltd., Midland Bank Plc, Natwest Bank PLC, National Provident Institution, The National Health Service Trusts, News International Inc., Oceanus Mutual Underwriting, Orion Insurance Limited, Pearl Group Managements Services Ltd., Pendragon Plc. Phones4U Limited, The Post Office, Peugeot Motor Company, Procter & Gamble UK Ltd., Prudential Assurance Co. Ltd, Procter & Gamble, Qantas, Royal Bank of Scotland GmbH, Seawind Maritime UK, SOC Private Capital, Standard Chartered Bank Plc., Swan Hunters Limited, Tesco Plc, Tradax International SA, Transcontinental Underwriting, Travelex, Tropicana UK Ltd., Virgin Media Ltd

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