

ESSEX COURT CHAMBERS

BARRISTERS



JOE SMOUHA QC

Call: 1986 | Silk: 2003

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PROFESSIONAL PRACTICE

Joe Smouha QC is widely recognised as one of the leading silks at the Commercial Bar, “*firmly established in the super league*” as “*one most complete QCs*” and “*a standout Silk*”. His high profile practice spans a vast array of fields in international and domestic commercial law. He appears regularly in the High Court and appellate courts and in international arbitrations (including ICC and BIT panels). In addition he appears before courts in offshore jurisdictions, such as the BVI and Cayman Islands. He is regularly appointed as arbitrator in commercial and investment arbitrations, including ICC, LCIA, ICSID, SCC, UNCITRAL and ad hoc arbitrations. Joe Smouha has been appointed as president of the ICSID Tribunal in WALAM v Kenya.

AREAS OF EXPERTISE

- Arbitration & related court applications
- Art & Cultural Property Litigation
- Aviation
- Banking & financial services
- Commercial dispute resolution
- Commercial fraud / asset recovery
- Commodities
- Energy & natural resources
- Insurance & reinsurance
- International commercial arbitration
- Media, art, entertainment
- Offshore litigation
- Professional negligence
- Public international law
- Shipping & admiralty

WHAT OTHERS SAY

Joe Smouha is consistently recognised in the Legal 500 and Chambers UK Bar guides.

Chambers & Partners UK Bar 2017:

Banking & Finance: *“A fantastic silk with a great ability to cut through very complex scenarios to get to the key issues to move the matter forward. He oozes class. A pleasure to deal with, and a smooth, persuasive and effective advocate.”*

Commercial Dispute Resolution: *“Top-flight advocate who offers impeccable client service. He has an easy style and is both quick to turn round papers and humorous in his approach. He has always read his papers, is thorough in his preparation, and can be relied upon.”*

Civil Fraud: *“He is very user-friendly, bright and a good tactician for heavyweight litigation.”*

International Arbitration: *“An incredibly clever lawyer, he’s an absolutely first-rate advocate and brilliant at cross-examination.”*

Art and Cultural Property Law: *“He is ferociously intelligent, very client-friendly and someone who communicates complex issues in a very comprehensible way.”*

Who’s Who Legal: Asset Recovery 2016 describes Joe Smouha QC as *“one of the leading silks of his generation in the civil fraud space.”*

Legal 500 UK Bar 2016:

Commercial Litigation: *‘Tough, tactical, practical – a real fighter, who knows how he wants to win.’*

Fraud: Civil: *‘Forward-thinking, strategic, creative, quick and on top of matters; he has no weaknesses.’*

Banking & Finance: *‘A very strong lawyer, who is great to work with.’*

International Arbitration: Counsel *‘A great cross-examiner, who provides extremely sharp analysis and is easy to deal with.’*

Chambers & Partners UK Bar 2015:

International Arbitration: General Commercial & Insurance: *“He is very impressive. He has an easy style, he prepares thoroughly and he can always be relied on. He’s a pleasure to work*

with and one of the very best in the business.”

International Arbitration: Arbitrators: *“He is really great and easy to work with. He gets to grips with the details of the case quickly and is able to identify the important points in an intelligent way.”*

Commercial Dispute Resolution: *“His reputation at the Bar is very powerful.” “He has an easy style and is quick-witted and humorous. He has always read his papers and can be relied upon.”*

Fraud: Civil: *“He is a skilled cross-examiner and an excellent all-round advocate.” “A brilliant, clever and commercial advocate who is impressive with clients.”*

Banking & Finance: *“He’s fabulously clever, strategic and sensible, and has an extraordinary work rate.” “A brilliant, clever and commercial advocate who is impressive with clients.”*

Art & Cultural Law: *“He is a very good commercial litigator.” “He is a person that you would want for any kind of dispute.”*

Legal 500 UK Bar 2014:

Banking & Finance: *“A very high-quality choice for banking and finance litigation.”*

Commercial Litigation: *“A fabulous practitioner, who is firmly established in the ‘super league’.”*

Fraud: Civil: *“A standout silk.”*

Media & Entertainment: *“He is experienced acting for clients in the film, television, music, art and advertising sectors.”*

International arbitration: Counsel: *“A class act and an outstanding specialist.”*

EXAMPLES OF RECENT CASES

- **Philip Morris Asia Ltd v Australia**
- **AES Corporation & Tau Power BV v Republic of Kazakhstan**
- **Walam Energy Inc v Republic of Kenya**
- **World Wide Minerals Ltd v Republic of Kazakhstan**
- **Progas v Pakistan**
- **Kirill Olegovich Nogotkov (2) Official Receiver of Dalnyaya Step LLC v (1) William Browder (2) Ivan Cherkasov (3) Paul Wrench**
- **Barclays Banks plc v Unicredit Corporate Banking**

- **B.A.T Industries PLC v Sequana S.A**
 - **(Hellas II) Hosking v Apax Partners LLP & Others**
 - **Hockin v (1) Royal Bank of Scotland PLC (2) National Westminster Bank PLC**
 - **Blue Tropic Limited Coppella Ventures Limited v Ivane Chkhartishvili**
 - **Bouvier v Rybolovlev**
 - **Ashot Egiazaryan v City of Moscow**
 - **The Estate of Henry Fok**
 - **JOHN CORBITT BARNSELY (2) GILLIAN ELIZABETH NOBLE (3) LGL TRUSTEES LTD (4) LGL NOMINEES LTD v Philip Noble**
 - **The Secretary of State for the Home Department v Raytheon Systems Ltd**
 - **Littop Enterprises (2) Bridgemont Ventures Limited (3) Bordo Management Limited v Ukraine**
 - **Mark Weiss Limited v Sotheby's**
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ARBITRATION & RELATED COURT APPLICATIONS

International Arbitration has always been a central element of Joe's practice.

He has acted and appeared as counsel and been appointed as arbitrator in ICSID, LCIA, ICC, UNCITRAL and other international arbitrations.

Joe received the Chambers & Partners award for International Arbitration Silk of the Year 2006. He has acted in a substantial number of major international arbitrations under ICC, LCIA, UNCITRAL and other institutional regimes as well as ad hoc. He has been appointed as sole arbitrator on numerous occasions by the LCIA, ICC and ad hoc.

COMMERCIAL DISPUTE RESOLUTION

Joe's practice covers all the key areas of general contractual litigation, financial services, insurance and reinsurance, media including film and television, the advertising sector, joint venture and shareholder disputes.

Areas of practice have included investment treaty disputes, energy sector (including power projects), commodities (metals, oil, etc) banking and finance disputes, private equity, securitisations, pharmaceuticals, the film sector, the defence industry, shareholder disputes. In the last year he has worked on ICC, LCIA and UNCITRAL arbitrations in London, Paris, Dubai and New Zealand. He has particular expertise in jurisdictional disputes in the context of commercial litigation.

CAREER

2003	Queen's Counsel
1987	Essex Court Chambers
1986	Call: Middle Temple
1985—86	Council of Legal Education

EDUCATION

1984	Fulbright Scholar
1985	New York University School of Law
1985	Kenneson Fellowship in International Trade Law
1984	BA Law (Hons), Magdalene College, University of Cambridge, Entrance Exhibition, MA (1988)

AWARDS

2015	Who's Who Legal: UK Bar 2015 – Named the “most highly regarded” barrister for arbitration
2013-15	Chairman of Commercial Bar Association (COMBAR)
2006	Chambers & Partners – International Arbitration Silk of the Year 2006
1986	Jules Thorn Scholarship, Middle Temple
1984	Fulbright Scholar
1984	Harmsworth Exhibition