

# SPENSER UNDERHILL NEWMARK

Spenser Underhill Newmark LLP  
6 Gray's Inn Square  
Gray's Inn  
London WC1R 5AX  
Tel: +44 (0)207 269 9026  
Mobile: +44 (0)7824 435533

[dspenserunderhill@sunlaw.co.uk](mailto:dspenserunderhill@sunlaw.co.uk)

[www.sunlaw.co.uk](http://www.sunlaw.co.uk)



## Dominic Paul Spenser Underhill

*Note - This document deals specifically with Dominic's experience as a member of a tribunal. For a complete picture, read in conjunction with Dominic's general c.v.*

### **Professional Background**

English Solicitor Advocate. Educated in England (Oxford and Durham Universities). Based in London.

Dominic has practised international commercial litigation and arbitration since 1989. He has been sitting regularly as an arbitrator since 2002. He has owned his own law firm since 2004.

### **Arbitral Appointments**

Dominic regularly sits as arbitrator in domestic and international arbitrations. Appointments come both from International Institutions and parties. He sits both as a sole arbitrator and a panel arbitrator. He acts as Chairman of arbitral tribunals.

His sole and panel appointments in international and domestic arbitrations include those arising under the ICC, LCIA, LMAA and UNCITRAL Rules.

His cases concern banking, guarantees, financial instruments, international real estate, international sale of goods, (including petroleum, heavy plant and engineering products), business sale agreements (representations, warranties etc) shipped cargo (machinery and ferrous and non-ferrous metals and feeds),

product liability, mistake, repudiation, restitution, agency and agency fees, breaches of confidentiality and misuse of confidential information, international property, military secrets, and international commercial engineering contracts.

Here are *some* of his appointments:

- Hotel property development in Spain/ joint venture – ICC Rules – Panel
- Shopping centre development in Europe/ joint venture – UNCITRAL Rules - Panel
- Dispute over bank bailout agreement \$1billion non-African and African parties – ICC Rules - Panel
- SWAPS / Derivatives dispute ISDA/Asia – ICC – Sole
- Dispute over failed distribution agreement about agrochemicals – Europe LCIA - Sole
- Hotel property development in Bulgaria/joint venture – ICC - Panel
- Oil supply dispute between Russian and Kazakh parties – LCIA Rules - Panel
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- Agency fee dispute – English parties UNCITRAL - Sole
- Product supply dispute between US and Saudi parties - ICC Rules - Sole
- Heavy plant manufacturing dispute between Ukrainian and German parties (manufacturer and buyer) – LCIA Rules - Sole
- Oil pipeline manufacturing dispute between Dutch parties in Holland – LCIA Rules - Sole
- Short-load cargo dispute between Pakistani and Indian parties – LCIA Rules - Panel
- Metal trading dispute between Swiss and Indian parties – LCIA Rules - Sole
- Telecommunications dispute regarding provision of telephony services – US and Greek parties – UNCITRAL Rules - Sole
- Commercial lending dispute between Maltese and Italian parties – LCIA Rules – Panel & Chairman
- Civil defence dispute involving military vehicles – ICC – Panel
- Bulk sale of agricultural machinery between Germany and Ukraine – LCIA Rules – Sole
- Defaulting settlement agreement regarding the sale of scrap metal – English parties. LCIA Rules – Sole.

- Financial consultancy dispute – Serbian and Greek parties – LCIA Rules - Sole
- Dispute arising from large engineering & property development project in Dubai– Singaporean and Middle Eastern parties – LCIA Rules - Panel
- Cargo claim – Swiss and Hong Kong Parties – LCIA Rules – Panel (Chair)
- Claim for alleged breaches of representations and warranties in a sale of a business – German and British parties – ICC Rules – Sole
- Claim for breaches of multiple contracts in large 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
- Claim for breach of contract arising out of ISDA Master Agreement – Asian parties – ICC Rules Sole
- Claim for breach of contract in the banking sector – US and African parties – ICC Rules – Sole
- Claim over the design and build of a super yacht - Italian and British parties – LMAA – Panel
- Claim over territorial invasion in a global distributorship arrangement – Brazilian and Chinese parties - UNCITRAL – Panel
- Claim over distributorship of medical products in Russia – British and Russian parties – Panel
- Claim over distributorship of medical products in Nigeria – British and Nigerian parties – Panel
- Claim about ownership of a Mediterranean fishing fleet – Tunisian and Turkish parties – ICC – Panel
- Multiple claims under multiple banking facilities relating to financing of mining operations – LCIA – Panel
- Claims about national distribution of earth moving equipment – Chinese and Brazilian parties – UNCITRAL – Panel
- Claims under joint venture agreement for development of IT – Dutch and Middle Eastern parties – LCIA – Panel
- Claims under representations and warranties in a sale and purchase agreement of sale of oil company – English and African parties – LCIA – Panel.

As an arbitrator, Dominic has experience in jurisdictions including, and parties from Mongolia, Cameroon, Malta, Brazil, Spain, France, Ireland, The Netherlands, Germany, China, Dubai, USA,

Thailand, Bulgaria, BVI, Ukraine, Greece, Canada, Thailand, India, Italy, Pakistan, United Kingdom, Switzerland, Saudi Arabia, Serbia, Lichtenstein, Nigeria South Africa and Mongolia.

Dominic has been the Legal Assessor to the Disciplinary Tribunal of the Institute of Chartered Accountants since 2004. He has also acted as the Legal Assessor the Disciplinary Tribunal of the Actuarial Profession in the United Kingdom. He has sat as an Adjudicator for the Solicitors Regulation Authority since 2010. Dominic is a CEDR Accredited Mediator (1997)). He is a senior visiting lecturer at the School of International Arbitration, Queen Mary, University of London.

### **Professional Endorsements**

*“A top class arbitrator; I have nothing but good things to say about him.”*  
**Chambers 2014**

Dominic has been a “Leading Individual” and/or “Notable Practitioner” in Chambers and Legal 500 for many years. He has been ranked in Band 1 in Chambers 2017.

**DSU**