

Jonathan Dawid

YEAR OF CALL: 2005

"Brilliant on paper and in oral submissions. A team player and a silk in the making."

Legal 500 2023

Clerk's Email: PaulsClerkingTeam@brickcourt.co.uk



Practice Overview

Jonathan Dawid is a leading senior junior with a broad based commercial practice, and is also recognised as a leading practitioner in UK and international sanctions law. He appears regularly in the higher courts of England and Wales as well as before arbitral tribunals, and is equally at home leading a team or being led. Recent highlights include acting as lead counsel for the successful respondent in *Radisson Hotels APS Danmark v Hayat Otel* [2023] EWHC 892 (Comm), at present the leading case on the application of s. 73 Arbitration Act 1996 to challenges to arbitral awards under s. 68 of the same Act, as well as being sole counsel for Hayat Otel in the underlying ICC arbitration. Jonathan is also currently instructed as sole or lead counsel in a number of high profile High Court actions, including *Harrington & Charles Trading & Ors v Mehta* (US\$1 billion fraud claim) and *Durnont Enterprises v Fazita Investment Ltd & Ors* (EUR100 million derivative claim for dishonest conspiracy).

Having practised both at the independent bar and as a partner in a law firm, Jonathan is attuned to the needs of clients and the need for a litigation strategy to serve the client's broader commercial interest, being praised for his *"real commercial touch"* and understanding of *"what clients want and, more importantly, what they should want"* as well as being *"right up there amongst the brightest people at the bar"* (Chambers & Partners). The Legal 500 describes him as *"Phenomenally bright and extremely hard working ... a very able senior junior that every big case needs"*.

Commercial

Heavy commercial litigation has been a mainstay of Jonathan's practice since he was called to the bar in 2005, and he has appeared in a number of leading cases in the field. He is recognised as a leading junior in both Banking & Finance and Professional Negligence (Legal 500, 2024). Recent

highlights include:

- *Harrington & Charles Trading & Ors v Mehta* (Chancery): lead counsel for a number of defendants in a \$1 billion fraud claim concerning alleged money laundering in the diamond trade (ongoing).
- *Durnont Enterprises v Fazita Investment Ltd & Ors* (Chancery): sole counsel for the first defendant in a EUR100 million derivative action alleging a fraudulent conspiracy by majority shareholders to divest the claimant company of its assets (ongoing).
- *Fibula Air Travel SRL v Just-Us Air SRL* (Circuit Commercial Court): lead counsel for the defendant/counterclaimant in a £5 million counterclaim under an aircraft lease agreement arising out of travel restrictions imposed in response to the COVID-19 pandemic (ongoing).
- *In re eHi Car Services Ltd* (Cayman Islands Grand Court): advising various of the petitioners in a claim under s. 238 of the Cayman Companies Law for the fair valuation of their shareholding in eHi Car Services (a Chinese car rental company formerly listed on the NYSE) following its acquisition by a consortium led by its founder.
- *Burford Capital Partners Ltd v London Stock Exchange plc* [2020] EWHC 1183 (Comm). Acting for Burford in its claim for Norwich Pharmacal relief to enable it to identify traders allegedly responsible for manipulating its share price contrary to the Market Abuse Regulation (Regulation (EU) 596/2014).
- *Sportsdirect.com Retail Ltd v Guru Invest SA* (Comm). Acting for Sportsdirect's Icelandic franchise partner to defend a claim against Sportsdirect for breach of contract.
- *ARC Capital Holdings Ltd v ARC Capital Partners* (Comm) [2015] EWHCA 2170 (QB). Acting for defendant in a claim for negligent investment management by a Hong Kong-based hedge fund.
- *Terra Firma v Citibank* (Commercial Court). Acted for Terra Firma in \$2 billion claim arising out of the acquisition of EMI in 2007.
- *UBS v Kommunale Wasserwerke Leipzig GmbH* [2014] EWHC 3615 (Comm.); [2017] EWCA Civ 1567. Acting for the claimant, UBS, in a US\$320 million misselling claim seeking to enforce payment under a number of synthetic CDO transactions.
- *Forsta AP v Bank of New York Mellon* [2013] EWHC 3127 (Comm). Acting for BNYM to defend a claim by the Swedish national pension for losses incurred in the course of securities lending.
- *Harbinger Capital Partners v Caldwell* [2013] EWCA Civ 492. Acting for the independent valuer in a claim by former shareholders challenging the valuation of Northern Rock following its nationalisation in 2008.
- *Berezovsky v Patarkatshvili* (Chancery). Acting for the family of deceased oligarch Badri Patarkatsishvili in a multi-million claim by his former business partner Boris Berezovsky.
- *Lehman Brothers International (Europe) v Lehman Brothers Bankhaus* (Frankfurt Higher Regional Court), concerning the cross-border application of the FSA CASS rules on the treatment of client money.
- *Re Sigma* [2009] UKSC 2, a leading case on the interpretation of commercial contracts, concerning the application of the security trust deed governing the distribution of assets of

Sigma Finance Corporation following its collapse in 2008.

- *Atrium European Real Estate Ltd v Meint Bank & ors* (Commercial Court), a multibillion euro fraud claim arising out of underwriting and market making activities carried out in Austria on behalf of a Jersey investment fund and raising complex issues of jurisdiction involving the Judgments Regulation, common law rules and arbitration provisions.
- *Lacrosse v Royal Bank of Scotland* (Chancery Division), concerning the interpretation of the termination provisions of the 1999 ISDA Master Agreement.
- *Natixis v (1) WestLB (2) CIBC (3) Terra Firma* (Commercial Court). Acting for Terra Firma in its defence of a £100m claim for fraud and negligence in connection with the structuring and sale of securitised notes.

Arbitration

Jonathan is has broad experience of acting in and advising on commercial arbitration in a wide range of arbitral fora, and on arbitration claims in the High Court, including:

- Lead counsel for the successful respondent, Hayat Otel, in *Radisson Hotels APS Danmark v Hayat Otel* [2023] EWHC 892 (Comm), now the leading case on the application of s. 73 Arbitration Act 1996 to challenges to arbitral awards under s. 68 of the same Act, as well as acting as lead counsel for Hayat Otel in the underlying ICC Arbitration including a 2-week hearing on liability.
- Lead counsel on a number of applications under s. 44 of the Arbitration Act 1996 for interim relief in support of arbitration proceedings.
- Lead counsel for the claimant in an ICC arbitration concerning the operation and management of a power station in Iraq.
- Counsel for the defendant in an LCIA arbitration concerning the enforceability of an ISDA agreement between two Russian-owned parties in light of international sanctions.
- Lead counsel for the respondent in an UNCITRAL arbitration between a London-based bank and a Kazakh state company concerning a claim under a guarantee (London seat)
- Joint lead counsel in an ICC arbitration between two oil & gas exploration companies concerning the application of an "area of mutual interest" provision (London seat)
- Joint lead counsel in ICC arbitration between oil & gas exploration companies concerning a dispute under a joint operating agreement (Singapore seat)
- Joint lead counsel in ICC arbitration concerning a dispute under a gas supply agreement for a power station (Singapore seat)
- Junior counsel in an ICSID arbitration concerning a claim by a Cypriot bank against the Greek state under a bilateral investment treaty for losses incurred in the Greek debt crisis (Swiss seat).

Sanctions

Jonathan is recognised as one of the leading sanctions practitioners at the Bar by Chambers & Partners. He has experience of advising in a wide range of situations involving sanctions and export restrictions under UN, UK and EU provisions, in particular with regard to how they may affect commercial transactions and has acted on numerous successful licence applications to OFSI. He is intimately familiar with the Russia (Sanctions) (EU Exit) Regulations 2019 as applied both in the UK and their various permutations in British Overseas Territories, and with Regulations (EU) 269/2014 and 833/2014 concerning sanctions against Russia, as well as sanctions involving Iran, Syria, Libya and North Korea amongst others.

- Acting for VTB (Europe) SE in relation to numerous matters arising out of the designation of its parent company PJSC VTB Bank under UK and EU sanctions against Russia, including obtaining a general licence from OFSI to enable the wind-down of its operations and acting in relation to arbitration and court claims arising out of the impact of sanctions on ISDA transactions.
- *Linde GmbH v RusChemAlliance LLC* (Hong Kong High Court): advising on sanctions issues arising in Hong Kong proceedings concerning a claim for breach of a construction contract in Russia (ongoing).
- *Eurochem NW2 v Societe Generale SA & Ors* (Commercial Court): advising on sanctions issues arising out of a claim under various on-demand bonds issued by the defendant banks in connection with a construction project in Russia.
- *R(Shvidler) v Foreign Secretry* (Admin Court): advising the applicant in relation to his application for delisting from sanctions under the Russia (Sanctions) (EU Exit) Regulations 2019.
- Acting for a UK company in its successful application for an OFSI licence to enable the sale of an asset frozen under sanctions against Iran.
- Advising various parties to UK proceedings on the impact of another party being designated under the Russia (Sanctions) (EU Exit) Regulations 2019.
- *VTB v Council Case C-729/18P*. Acting for VTB in an appeal to the CJEU challenging its listing under measures directed at Russian financial institutions in response to events in eastern Ukraine in 2014
- *Rossiia Segodniya v Barclays Bank plc* (Moscow Arbitrazh Court). Providing expert assistance on jurisdiction and enforcement under English law in relation to claims against Barclays in Russia arising out of UK asset freezing measures
- *Yanukovych v Council Case C-598/16 P*. Advising former President Viktor Yanukovych of Ukraine in his challenge to EU sanctions imposed following the Euromaidan protests of 2013–2014.
- Advising the administrators of Thomas Cook regarding sanctions issues arising out of the operations of Russian subsidiaries in Crimea
- Advising a Hungarian individual on challenging INTERPOL's publication of a Red Notice

seeking his arrest and extradition

- Advising a bank on issues arising under export control legislation in connection with the financing of naval vessels for an African country
- Advising a US company on the impact of global sanctions on a contract for oil export with the Libyan government

Banking and finance

- *Burford Capital Partners Ltd v London Stock Exchange plc* [2020] EWHC 1183 (Comm). Acting for Burford in its claim for Norwich Pharmacal relief to enable it to identify traders allegedly responsible for manipulating its share price contrary to the Market Abuse Regulation (Regulation (EU) 596/2014).
- Advising the London branch of a major Gulf bank on compliance with MiFID 2.
- Advising a UK high street bank on the enforceability of its standard interest-rate variation clause.
- *ARC Capital Holdings Ltd v ARC Capital Partners* (Comm) [2015] EWHCA 2170 (QB). Acting for defendant in a claim for negligent investment management by a Hong Kong-based hedge fund.
- *Terra Firma v Citibank*. Acted for Terra Firma in \$2 billion claim arising out of the acquisition of EMI in 2007.
- *UBS v Kommunale Wasserwerke Leipzig GmbH* [2014] EWHC 3615 (Comm.); [2017] EWCA Civ 1567. Acting for the claimant, UBS, in a US\$320 million misselling claim seeking to enforce payment under a number of synthetic CDO transactions.
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- *Lehman Brothers International (Europe) v Lehman Brothers Bankhaus* (Frankfurt Higher Regional Court), concerning the cross-border application of the FSA CASS rules.
- *Re Sigma* [2009] UKSC 2, now the leading case on the interpretation of commercial contracts, concerning the application of the security trust deed governing the distribution of assets of Sigma Finance Corporation following its collapse in 2008.
- *Atrium European Real Estate Ltd v Meindl Bank & ors* (Commercial Court), a multibillion euro fraud claim arising out of underwriting and market making activities carried out in Austria on behalf of a Jersey investment fund and raising complex issues of jurisdiction involving the Judgments Regulation, common law rules and arbitration provisions.
- *Lacrosse v Royal Bank of Scotland* (Chancery Division), concerning the interpretation of the termination provisions of the 1999 ISDA Master Agreement.
- *Natixis v (1) WestLB (2) CIBC (3) Terra Firma* (Commercial Court). Acting for Terra Firma in

its defence of a £100m claim for fraud and negligence in connection with the structuring and sale of securitised notes.

Professional negligence

- *Eurasian Natural Resources Corporation Ltd v (1) David Neil Gerrard (2) Dechert LLP* (Comm). Acting for Dechert LLP and Dechert partner Neil Gerrard in defence of a claim for professional negligence and malpractice by mining conglomerate ENRC
- *Barrett v Deloitte LLP* (Chancery). Acting for Deloitte LLP in defence of a claim for negligent tax advice by the former manager of pop star Sade
- *Pegasus Management v Ernst & Young* [2012] EWHC 738 (Ch). Acted for Ernst & Young in defence of claim for negligent tax advice, including issues of assignment of loss between successive claimants
- *Baxendale Walker v Middleton, Law Society & ors* [2011] EWHC 998 (QB). Acting for PwC in defence of a claim against an expert witness who had given evidence against the claimant in disciplinary proceedings before the Law Society
- *Akai Holdings Ltd v Ernst & Young* (Hong Kong High Court). Acting for EY, to defend a US\$1 billion audit negligence claim arising out of the collapse of the Akai Group
- *Orient Power Holdings v Ernst & Young* (Hong Kong High Court). Acting for EY in defence of an audit negligence claim
- *New China Hong Kong v Ernst & Young* (Hong Kong High Court). Acting for EY in defence of an audit negligence claim

Energy and natural resources

- ICC arbitration between two oil & gas exploration companies concerning the application of an "area of mutual interest" provision (London seat)
- ICC arbitration between oil & gas exploration companies concerning a dispute under a joint operating agreement (Singapore seat)
- ICC arbitration concerning a dispute under a gas supply agreement for a power station (Singapore seat)
- SCC arbitration between a Russian oil company and the Republic of Ukraine in a claim under the Russia-Ukraine bilateral investment treaty (SCC, Stockholm seat)

Career

- Tenant, Brick Court Chambers 2006–2015 and from 2017
- Partner, Joseph Hage Aaronson LLP, 2016–2017
- 2005 Call (Lincoln's Inn)

- Pupillage at Brick Court Chambers, 2005–2006.
- Stagiaire in the cabinet of Judge Forwood, Court of First Instance, European Court of Justice, 2005.
- Macmillan publishers, 2001–2004.

Further information

- Languages: French (fluent), Polish (fluent), Italian (conversational).
- Semi-finalist, University Challenge (2003–2004 series).

Education

- Cambridge University (Trinity College) (BA 1997; MA 2005; MMath 2011)
- Harvard University (MA 2000)
- London Metropolitan University (G. Dip. Law 2004)
- Inns of Court School of Law (Bar Vocation Course 2005)
- Scholarships & Prizes
- Junior & Senior Scholar, Trinity College Cambridge
- Frank Knox Memorial Fellow, Harvard
- Hardwicke Award, Haldane and Denning Scholarships, Lincoln's Inn
- CPE Award for best mark in year, London Metropolitan University
- Charles Grant Tennant Prize for Light Verse, Trinity College Cambridge

Directory quotes

Chambers & Partners (2024 edition) "He has amazing cross-border knowledge, and is supportive in creating a strategy."

Chambers & Partners (2024 edition) "Jonathan can think laterally, provides considered advice, and it stands out to me that he is a creative thinker."

Legal 500 (2024 edition) 'Exceptionally bright and always willing to tackle a problem from a different perspective.'

Legal 500 (2023 edition) 'Brilliant on paper and in oral submissions. A team player and silk in the making.'

Legal 500 (2023 edition) 'Very intelligent, fights his corner well, strong advocate and sense of humour.'

Legal 500 (2022 edition) "He is highly responsive and a creative thinker who can spot the way through a difficult legal argument."

Legal 500 (2022 edition) "Quickly grasps even the most difficult issues."

Legal 500 (2021 edition) "Highly intelligent senior junior, who benefits from having had time in practice in a law firm, and a superb written advocate: quickly masterminding documents to get to the essence of a case."

Legal 500 (2020 edition) "He is fantastic in unpicking complex issues in the professional liability sphere."

Chambers & Partners (2016 edition) "An experienced banking junior with additional strength in professional negligence and commercial fraud. He is regularly instructed in complex financial disputes. Strengths: "He is an excellent lawyer; very bright and very hard-working with excellent judgement." "He is quick to grasp complex issues, extremely efficient and no-nonsense. An asset to the team with outstanding drafting skills."

Chambers & Partners (2016 edition) "Maintains a broad-based and well-respected junior practice at the Commercial Bar. He has a particular focus on commercial fraud, professional negligence and banking matters." Strengths: "He is very bright, very commercial and a pleasure to work with." "I'd be very surprised if he doesn't make it to the top of his profession by the time he hangs up his boots as he's right up there amongst the brightest people at the Bar."

Chambers & Partners (2015 edition) "Has a strong reputation for representing major financial institutions, accountancy firms and investment managers. He has particular expertise in the application of EU law to the financial services sector." Strengths: "A real asset to the team and very good with tricky technical points of both law and fact."

Chambers & Partners (2015 edition) "Has a practice heavy on banking, professional negligence and commercial fraud cases. Numerous sources draw attention to his technical skill." Skills: "He is phenomenally bright and extremely hard-working. He's fantastic at drafting and putting complex concepts into words."

The Legal 500 (2015 edition) "Excellent – a very able senior junior that every big case needs."

The Legal 500 (2015 edition) "Extremely quick-thinking and bright, and even under great pressure he is excellent."

Chambers & Partners (2014 edition) "An asset to the team. He's very good with tricky technical points of both law and fact." "He's very, very bright and he's got that real commercial touch. He understands what clients want and, more importantly, what they should want."

Chambers & Partners (2014 edition) "Quick to grasp complex issues."

The Legal 500 (2014 edition) "He has excellent drafting and analytical skills, especially relating to complex financial transactions."

The Legal 500 (2014 edition) "Intellectually brilliant, wonderful written work and a tremendous team player."

The Legal 500 (2013 edition) "the 'top-notch' Jonathan Dawid"

The Legal 500 (2013 edition) "Jonathan Dawid is noted for his 'ability to grasp technically complex legal and commercial issues frighteningly quickly', and for his 'outstanding drafting'."

Chambers & Partners (2012 edition) "Jonathan Dawid is developing a first-class reputation for his professional negligence work."

Chambers & Partners (2012 edition) "Jonathan Dawid stands out as a "no-nonsense" junior who is "quick to grasp complex issues."

Legal 500 (2011 edition) - named as a leading junior in Banking & Finance and Professional Negligence. "Jonathan Dawid is 'top notch'"

Chambers & Partners (2012 edition): - recommended for Banking & Finance, Professional Negligence

Legal Week - "future star of the bar", 2009