



JEFFREY GRUDER QC

Born 1954

Essex Court Chambers
24 Lincoln's Inn Fields
London WC2A 3EG United
Kingdom

Practice

- Banking, Securities, Derivatives
- Commercial Litigation
- Commercial Fraud & Asset Recovery
- Commodity Disputes
- Shipping
- Conflict of Laws
- Insurance & Reinsurance
- International Commercial Arbitration
- International Trade & Transport
- Media, Entertainment and Sports Law
- Oil & Gas
- Professional Negligence

Jeffrey Gruder QC has vast experience of acting as Counsel in a large variety of commercial litigation both in court and in ICC, LCIA, and LMAA arbitrations. He has appeared in excess of 150 reported cases in a diverse range of areas. He has also acted as arbitrator in a wide variety of disputes. Clients include major banks, insurance companies and corporations.

Jeffrey Gruder QC is consistently recommended as a leading counsel in both the Legal 500 and Chambers Directory. Recent comments include:

Chambers Directory

"Extremely good performer in court"

"A lawyer with a nice persuasive advocacy style who is a great cross-examiner."

"Leading observers hold Gruder's talents in the highest esteem, praising his "astounding intellect and great mastery of technical matters."

"An extremely able and thorough advocate with an extraordinary knowledge of the law."

"the very epitome of dependability,"

"Strong work ethic, client dedication and concise presentation skills."

"Top-notch" in disputes hinging on complicated contractual

issues” and is “hugely popular with clients” and is “able to put up a hell of a fight even when he has little to work with.”

The Legal 500:

“First Class”

“Does not sit on the fence and gives a straight answer”

“Great Silk” and commends his “soft, steely approach”.

“Very competent, well established and client-friendly” and an ‘excellent team player’.

Career	1997 Silk 1977 Call: Middle Temple Bencher of the Middle Temple
Education	1976 MA (Law) (First Class with Distinction), Trinity Hall,
Member	Commercial Bar Association Chancery Bar Association Panel of Arbitrators of Singapore International Arbitration Centre Insurance and Reinsurance Arbitration Society (ARIAS) (UK) London Maritime Arbitrators Association Admitted to the Courts of the Dubai International Finance Centre

Specific Areas

Banking, Securities, Derivatives

- Appeared in *State Street v Sompo* (May 2010) an important case concerning the correction by construction of errors in the documentation of a CDO scheme which deprived the supersenior guarantor of any reimbursement for a total return swop termination payment of \$157 million
- Acted for Targetfollow (owners of Centre Point) in its endeavour to avoid administration.
- Appeared in *RZB v RBS*, a leading authority on the law of misrepresentation arising from participation in a syndicated loan to Enron
- Acted in *Robb Evans v Lehmann Brothers* for receiver appointed by US Court to take control of funds in London in order to protect investors from fund managers accused of fraud in the US
- Appeared in the important Court of Appeal case of *Uzinterimpex v Standard Bank* as well as first instance (David Steel J) a major case involving allegations of a fraudulent call by a London bank on an advance payment guarantee, constructive trust and conversion.
- Appeared in the important House of Lords case of *Standard Chartered v PNSC* [2003] 1 AC 959. This case involved a claim for deceit by a bank which was deceived by a fraudulent presentation under a letter of credit. The case had been before the Court of Appeal three times in 1999 and 2000 and involved points on illegality, whether contributory negligence is a defence

to a claim in fraud, the liability of a company director for fraud and the assessment of damages in deceit.

- Appeared in *Standard Bank v Bank of Tokyo* [1995] Lloyd's Rep 169, a \$20m claim arising out of forged letters of credit circulating on the London forfaiting market. The case involved a detailed legal analysis of tested telexes and the bank's authority to issue letters of credit.
- Appeared for the investor plaintiffs in *ICS v West Bromwich Building Society* (Evans-Lombe J, Judgment January 1999), an important test case on the liability of building societies for the marketing of roll-up mortgages and successfully obtaining rescission of the mortgages on the grounds of undue influence and misrepresentation.
- Appeared in *RZB v Five Star* [2001] 1 QB 825 (Court of Appeal). Case Proper law governing assignment of insurance policy. This determined whether Bank or owners of cargo on board sunken ship entitled to insurance

Commercial Fraud and Asset Recovery

- Appearing for and advising former directors of a company in relation to numerous allegations of fraud and breach of fiduciary duty. The details of the case are confidential.
- Appeared for Entel in important Court of Appeal case of *ETI v Bolivia* and *Entel* which concerned the non availability of asset freezing injunctions to support ICSID arbitrations and state immunity.
- Represented Vitol in the long running *Kensington v Congo* litigation including the important Court of Appeal decision in on the availability of the privilege against self-incrimination in respect of corruption claims.
- Appeared in *Uzinterimpex v Standard Bank* (see above in Banking)
- Appeared in the important case of *Standard Chartered Bank v Pakistan National Shipping* [2003] 1 AC 959.
- Appeared in *Standard Bank v Bank of Tokyo* (See above in Banking)
- Represented Engelhard in an action in the Commercial Court which involved the legal consequences of large scale "Loop Contracts" of worthless material represented as valuable metals.

Commercial Law

A specialist in commercial law, practising across a broad range of commercial work, and particularly skilled in handling complex legal cases. Apart from cases other in other specific categories

- *Entel v Deutsche Bank* Representing Entel in an important case which considered the "Act of State Doctrine" and the public policy exceptions to it. Summary judgment obtained from Field J in Commercial
- Appeared in *Tekron v Guinea Investment Company* an important decision on the ambit of public policy in connection with contracts to use influence.
- Acted for well known Russian "oligarch" in various fraud

- and other claims.
- Represented Vitol in the long running Kensington v Congo litigation including the important Court of Appeal decision in November 2007 on the availability of the privilege against self-incrimination in respect of corruption claims.

Insurance and Reinsurance

- Recently sat in LCIA arbitration concerning claim under a political risks insurance policy in respect of the disappearance of oil in Kenya.
- Acting for vendors of life insurance company in long running arbitration concerning claims arising from pension legislation.
- Represented offshore mutual insurance company in arbitration held in London in June 2009 concerning a claim for \$100 million plus arising from a business interruption in a Canadian Oil refinery
- QBE and Markel v Surety Guarantee and Higgs. Represented in the Court of Appeal a director of Defendant company who was found by the first instance judge to have participated in a conspiracy to defraud the Claimant insurance companies.
- Represented mutual insurer in Bermuda Form dispute relating to alleged repudiation by insurer
- Appeared in New Hampshire v AXA (“It Had To Be You”) 20 day trial in Commercial Court concerning film finance reinsurance
- Appeared in Bonner v Cox [2005] EWHC 1512. Important Court of Appeal decision on extent of duties owed by reinsured to reinsurer.
- Appeared in Bonner v Cox [2004] EWHC 2963 reinsurance litigation in Commercial Court in October 2003 to March 2004.
- Appeared in Arbitration for cruise line for compensation for cruise cancellation for fear of arson.
- Appeared in RZB v Five Star) Assignment of Marine Insurance [2001] QB 825 Article 12 of Rome Convention which law governs notice requirement.
- Appeared in Sheldon v Outhwaite Lloyd’s Names litigation from the High Court up to the House of Lords, involving both allegations of deliberate concealment and limitation issues. Appears regularly in insurance and reinsurance disputes.

Oil and Gas

- Acted for Owners of a rig in cancellation dispute with oil major. Potential value US\$200 million (“The Byford Dolphin” BP v Dolphin Drilling [2009] EWHC 3119)
- Appeared in the Court of Appeal in ERG v Chevron Delivery dates FOB contracts
- Represented Vitol in the long running Kensington v Congo litigation including the important Court of Appeal decision in November 2007 on the availability of the

privilege against self-incrimination in respect of corruption claims.

- Represented a major institution and an oil trading company in a Disciplinary Appeal before International Petroleum Exchange.
- Appeared in Chevron v Total litigation which concerned disputes between participants in the Ninian Pipeline system.
- Appeared in British Gas v Eastern Electricity before the Commercial Court and the Court of Appeal. This case involved consideration of a right to terminate on a change of control, the British Gas demerger and a request to assign to prevent the right to termination on change of control accruing.

Shipping

Regularly involved in major shipping disputes both in court and arbitration.

- Acted for Owners of a rig in cancellation dispute with oil major. Potential value US\$200 million+ ("The Byford Dolphin" BP v Dolphin Drilling [2009] EWHC 3119)
- Recently sat as arbitrator in an arbitration concerning purported cancellation of an MOA in respect of a newbuilding.
- Represented Charterers in 10 day arbitration arising out of alleged contamination of crude oil. The case raised important issues on remoteness of damages
- Appeared for purchasers in an arbitration concerning the cancellation of 8 contracts for the purchase of ships valued at US\$120m.
- Appeared in the Indian Grace (No. 2) in the Court of Appeal and House of Lords [1996] 2 Lloyd's Rep 12. This case raised issues relating to res judicata, Section 34 of the Civil Jurisdiction and Judgments and Estoppel by Convention.
- Represented cargo owners and charterers in Prestige disaster.
- Appeared in House of Lords in Standard Chartered Bank v Pakistan National Shipping [2003] 1 AC 959.
- Appeared in major arbitration for trader concerning export of oil from Saddam's Iraq under UN oil for food programme.

Arbitration

- Considerable experience acting as an arbitrator and advocate in a wide variety of disputes and tribunals. Has also appeared in a large number of court applications related to arbitration including applications under sections 67, 68 and 69 of the Arbitration Act 1996. Currently appointed arbitrator or Chairman in numerous disputes under LCIA Rules and ad hoc.
- Acting for vendors of life insurance company in long running arbitration concerning claims arising from pension legislation.

- Appeared for Entel in important Court of Appeal case of ETI v Bolivia and Entel ([2008] EWCA Civ 880 which concerned the non availability of asset freezing injunctions to support ICSID arbitrations and state immunity.
- Appeared in Van de Giessen de Nord v Imtech [2008] EWHC 2904 (Comm.) setting aside award under section 68 of the Arbitration Act 1996 and for breaches of section 33 of the Arbitration Act 1996.
- Appeared in 2007 a major arbitration in India arising out of an abortive takeover of an Indian airline (Sahara v Jet Airways)
- Appeared in 2007 in an ICC Arbitration concerning the breakdown of a joint venture to operate an expocentre in Delhi
- Recent sat as Chairman in Singapore of dispute between an Indian party and an Italian party under SIAC Rules.
- Recently sat as arbitrator in an arbitration concerning purported cancellation of an MOA in respect of a newbuilding
- Recently sat in LCIA arbitration concerning claim under a political risks insurance policy in respect of the disappearance of oil in Kenya.
- Recently sat as Chairman of dispute between US insurer and Bermudian reinsurer involving complex issues of the law of the State of Washington.
- Recently sat as sole arbitrator in dispute where a professional indemnity insurer sought to refuse an indemnity to the insureds on the grounds of dishonesty
- Recently sat on arbitration tribunal where the discretion of a P&I board of directors was challenged.
- Recently sat In Brussels as arbitrator in Insurance dispute
- Sat as chairman of arbitration panel hearing a major political risks insurance dispute concerning avoidance of contracts reinsuring confiscation policies
- Appeared in major international patent licensing arbitration in Toronto under ICC Rules.

Sport / Media & Entertainment

- Appeared for Race Course Association in Commercial Court in claim brought by a company controlled by George Walker in connection with right to show British Horse Racing in Eastern Europe.
- Appeared in Novasco v Allsports (image rights in Premiership Football).
- Represented Jay Aston in break up of "Bucks Fizz".

If you require further information please contact clerksroom@essexcourt.net

