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Zoe O'Sullivan KC - Arbitrator

Year of Silk: 2015 Year of Call: 1993

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Practice Overview

Zoe O'Sullivan KC was called to the Bar of England and Wales in 1993 and was appointed Queen's Counsel in 2015.

Zoe has been appointed as an arbitrator in more than 30 international commercial arbitrations. She is regularly appointed by institutions, parties and co-arbitrators as a sole, presiding and co-arbitrator in arbitrations under the ICC, LCIA and UNCITRAL rules. She is on the panel of the BVI International Arbitration Centre and the Hong Kong Arbitration Centre's List of Arbitrators. She is particularly comfortable with complex disputes involving technical expert evidence, foreign law and accounting evidence (including valuation techniques). Zoe has dual British and Irish nationality.

Alongside her work as arbitrator, Zoe continues to practise as counsel in international commercial arbitration and is recommended as Leading Counsel in International Arbitration by the Legal 500. She has wide-ranging experience across a number of commercial disciplines including banking and finance, IT and outsourcing, shareholder agreements and joint ventures, commodities, oil and gas exploration and production contracts and asset recovery. She is called to the Bar of the British Virgin Islands and is a registered practitioner in the Dubai International Financial Centre Court.

Zoe speaks regularly about arbitration issues at events in London, Dubai and Paris, and also trains young advocates in the art of advocacy in arbitration. She is a member of the LCIA, COMBAR and Arbitral Women.

Recent arbitration appointments include the following:

Appointed by the President of the ICC Court in August 2022 as Emergency Arbitrator in a €250 million case involving sanctions issues. Rendered order within 4 days of being appointed.

Sole arbitrator in an ICC arbitration concerning a claim that pharmaceutical tableting machines were not fit for the purpose for which they were supplied: the issues included technical design issues as well as the construction of contractual warranties and limitation clauses.

Sole arbitrator in an ICC arbitration in which the claimant sought to recover payment for specialist underwater equipment from a Russian buyer: the issues involved the potential impact of sanctions.

Sole arbitrator in an LCIA arbitration in which the claimant sought to be indemnified by his former employer against the consequences of certain acts: the claim was dismissed following the respondent's successful application for Early Determination under the 2020 LCIA Rules.

Sole arbitrator in an LCIA arbitration where the claimant company is seeking damages for the breach of a non-compete covenant.

Sole arbitrator in an LCIA arbitration where the issues concern the construction of a distribution agreement for high-end cosmetics.

Co-arbitrator in two linked LCIA arbitrations concerning a shareholder dispute in relation to a Cypriot special purpose vehicle which owns a huge mining asset. The first concerned an application for anti-suit relief and the issues raised included jurisdiction, arbitrability, Cyprus company law and the relationship between the shareholder agreement and the company's articles (challenge to the award rejected by Foxton J in *NDK Ltd v HUO Holding Ltd and another* [2022] EWHC 1682 (Comm)). The second raised complex issues about pre-emption rights, allegations of deceit, and the exercise of contractual discretions.

Party-appointed arbitrator in an ICC arbitration concerning a dispute between an international hotel management brand and the owner of one of the hotels under management, where the owner was claiming that the manager had

failed to comply with its duty of care in a number of respects.

Party-appointed arbitrator in an ad hoc arbitration subject to the UNCITRAL Rules concerning the construction of concrete foundations for an electricity transmission network: the issues included whether a settlement could be avoided on the grounds of duress and allegations of fraud and bribery. The governing law was that of the civil jurisdiction where the owner was incorporated.

Chair in an LCIA arbitration involving a commodities dispute: the issues included limitation.

Chair in an LCIA arbitration involving recovery of payment for oil cargoes.

Co-arbitrator in a DIFC-LCIA arbitration in which a bank sought to recover outstanding loans from a longstanding customer.

Co-arbitrator in an LCIA arbitration in which a creditor sought recovery of loans totalling USD 300 million advanced to an industrial conglomerate: the issues included jurisdiction and limitation.

Sole arbitrator in a DIFC-LCIA arbitration, appointed by both parties from a panel, in a telecoms dispute.

Areas of Expertise

Recommendations

Arbitration (Legal 500)

Publications

["Be calm, pleasant and measured at all times' - top tips for advocacy in arbitration"](#) - 29 November 2022

Education & Qualifications

Oxford University, MA English Language and Literature (Congratulatory First)

City University, Diploma in Law (Distinction, Arbitrators' Prize)

Appointments

2021: Admitted to the BVI Bar

2019: Registered as Advocate before the DIFC Courts

Memberships

Member of the Society for Computers and Law Adjudication Scheme Panel
