

ESSEX COURT CHAMBERS

BARRISTERS



BENEDICT TOMPKINS

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PROFESSIONAL PRACTICE

Benedict has a broad commercial litigation and arbitration practice. He has experience in banking, shipping, insurance and general commercial disputes; and both investor-state and commercial arbitration, including proceedings under the ICSID, ICC, LCIA, HKIAC, SIAC, LMAA and UNCITRAL Rules. He also has particular interests in public international law, private international law, agency and restitution.

His recent or current work includes acting (i) in Financial List proceedings raising issues under the Market Abuse Regulation in relation to the trading of debt securities, (ii) on behalf of the respondent state in a multi-billion dollar UNCITRAL claim alleging breaches of an investment treaty by way of a taxation measure, and (iii) in a Singapore-seated ICC arbitration concerning the licensing of gaming software in China.

In addition to led work, Benedict has appeared as sole advocate in the Commercial Court, and in a number of general commercial County Court trials and applications.

Prior to joining Essex Court Chambers Benedict qualified in New Zealand, where he prosecuted serious criminal cases before moving to commercial practice. He has appeared both led and un-led in the New Zealand courts. He currently tutors in international commercial arbitration at King's College London.

He graduated first in his year from the Universities of Auckland and Cambridge.

AREAS OF EXPERTISE

- Arbitration & related court applications
- Banking & financial services
- Civil fraud & asset tracing
- Commercial chancery disputes
- Commercial dispute resolution
- Conflict of laws & private international law
- Energy & natural resources
- Injunctions
- Insurance & reinsurance
- International commercial arbitration
- Investment treaty disputes
- Media, art, entertainment
- Mediation
- Professional negligence
- Public international law
- Revenue law (including VAT, IPT, duties & excise)
- Shipping & admiralty
- Unjust enrichment & restitution claims

ARBITRATION & RELATED COURT APPLICATIONS

Appointed as sole arbitrator in an international contractual / insurance dispute (ICC)

Appearing as junior counsel for a respondent state in a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure (UNCITRAL)

Appearing as junior counsel for a Middle Eastern investor in an arbitration under the OIC Agreement (UNCITRAL)

Appearing as junior counsel in an ICC arbitration concerning the licensing of gaming software in China (and advising on related SIAC proceedings)

Instructed on behalf of the respondent State in a substantial (USD 1.5 billion) BIT claim brought by an investor in the uranium mining sector (UNCITRAL)

Appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration (Commercial Court)

Advised prospective claimants in relation to a BIT claim arising out of the expropriation of a copper concession (ICSID / UNCITRAL)

Acted as junior counsel for the respondent in a HKIAC arbitration in the pharmaceuticals / life sciences sector

Acted as junior counsel for the claimant in an arbitration arising out of the marketing of luxury motor yachts (LCIA)

BANKING & FINANCIAL SERVICES

Acting in Financial List proceedings raising issues under the Market Abuse Regulation in relation to the trading of debt securities

COMMERCIAL DISPUTE RESOLUTION

Instructed as sole counsel for the claimant in proceedings in the Circuit Commercial Court (previously the Mercantile Court) arising out of an investment scheme in the shipping sector

Instructed as sole counsel for the defendant, a listed transport operator, in a High Court claim for unpaid commercial invoices

Appeared as sole counsel in a number of County Court trials and application. Examples include acting for the successful defendant in a claim by a firm of City Solicitors for unpaid fees and acting for a web hosting company in a claim brought by a former client

CONFLICT OF LAWS & PRIVATE INTERNATIONAL LAW

Acted as junior counsel for the claimant in an urgent application for interim prohibitive and mandatory injunctive relief relating to the misuse of confidential information in the nuclear sector, which involved complex questions of jurisdiction in respect of interim relief under the Judgments Regulation (Queen's Bench Division)

Advised the claimant party in a civil fraud dispute on jurisdiction in respect of anti-suit injunctions against Cypriot and Russian parties in support of London arbitration agreements

INJUNCTIONS

Appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration (Commercial Court)

Acted as junior counsel for the claimant in an urgent application for interim prohibitive and mandatory injunctive relief relating to the misuse of confidential information in the nuclear sector, which involved complex questions of jurisdiction in respect of interim relief under the Judgments Regulation (Queen's Bench Division)

Appeared as sole counsel for the claimant in a successful application for an urgent interim mandatory injunction requiring access to a commercial office premises (Central London County Court)

Advised the claimant party in a civil fraud dispute on jurisdiction in respect of anti-suit injunctions against Cypriot and Russian parties in support of London arbitration agreements

INTERNATIONAL COMMERCIAL ARBITRATION

Appearing as junior counsel in an ICC arbitration concerning the licensing of gaming software in China (and advising on related SIAC proceedings)

Acted as junior counsel for the respondent in a HKIAC arbitration in the pharmaceuticals / life sciences sector

Acted as junior counsel for the claimant in an arbitration arising out of the marketing of luxury motor yachts (LCIA)

INVESTMENT TREATY DISPUTES

Appearing as junior counsel for a respondent state in a multi-billion dollar claim alleging breaches of an investment treaty by way of a taxation measure (UNCITRAL)

Appearing as junior counsel for a Middle Eastern investor in an arbitration under the OIC Agreement (UNCITRAL)

Instructed on behalf of the respondent State in a substantial (USD 1.5 billion) BIT claim brought by an investor in the uranium mining sector (UNCITRAL)

Advised prospective claimants in relation to a BIT claim arising out of the expropriation of a copper concession (ICSID / UNCITRAL)

MEDIA, ART, ENTERTAINMENT

Instructed on behalf of the defendant in a claim relating to the sale of an allegedly forged Old Masters painting (Commercial Court)

REVENUE LAW (INCLUDING VAT, IPT, DUTIES & EXCISE)

Advised a bank in relation to an appeal involving complex issues arising out of the dissolution of VAT Groups (Court of Appeal)

SHIPPING & ADMIRALTY

Instructed as sole counsel on a number of dry shipping matters, both in court and arbitration

Appeared as junior and sole counsel for the applicant in a successful application for a freezing injunction under s 44 of the Arbitration Act 1996, in support of an LMAA arbitration (Commercial Court)

CAREER

2017: Tenancy at Essex Court Chambers, following successful completion of pupillage

2016: Call (Lincoln's Inn)

2013–2015: Associate, Gilbert Walker, Auckland, New Zealand

2012–2013: Crown Prosecutor, Wellington, New Zealand

2012: Admitted as a Barrister and Solicitor of the High Court of New Zealand

2010–2011: Law clerk to Sir David A.R. Williams QC

EDUCATION

2015–2016: LL.M., Gonville & Caius College, University of Cambridge (starred first)

2007–2012: B.A., LL.B. (Hons), University of Auckland

AWARDS

2016: B.R.D. Clarke Prize for first in year in the LL.M., 3 Verulam Buildings Prize for international commercial litigation, first in year in international commercial tax (University of Cambridge); Emlyn Wade Prize, W.M. Tapp Postgraduate Scholarship, Honorary Senior Scholarship (Gonville & Caius College)

2015: W.M. Tapp Studentship and College Scholarship (Gonville & Caius College); William Georgetti Scholarship, Spencer Mason Travelling Scholarship, Gordon Watson Scholarship

2012: Semi-finalist and best applicant memorial, Philip C. Jessup International Law Moot, international rounds

2007–2012: Auckland District Law Society's prize for first in year in the LL.B., winner of the University's mooting competition and a range of subject prizes in law, Senior Scholarship in English, Senior Prize in French (University of Auckland)