

David St John Sutton

CALL: 1966 (ENGLISH SOLICITOR); 1988 (HONG KONG SOLICITOR); 1995 (FRENCH ADVOCAT); 2001 (BARRISTER)

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Languages: French (fluent)



Overview

David is a full-time arbitrator practicing in London and Paris in international commercial and investment disputes. He is also an accredited mediator.

He has been involved with international arbitration for many years, first as counsel and then as arbitrator and author. David also practiced commercial litigation in the courts of England and Hong Kong.

Until 2001, David was a partner in the law firm of Allen & Overy where, with the benefit of a higher advocacy certificate, he led that firm's dispute resolution department in London for many years. He also practiced as counsel and arbitrator in Hong Kong, and later in Paris, before leaving Allen & Overy. As counsel, David acted for government entities, utilities, banks and commercial undertakings in a variety of disputes.

His professional experience as an arbitrator extends to a wide range of transactions, relating to banking and finance, joint ventures, oil and gas (onshore, offshore and pricing), intellectual property, licencing of patents, pharmaceuticals and telecommunications. David has also decided substantial claims involving civil fraud and related torts, as well as cross-border bankruptcy.

As an arbitrator, David has sat in many countries, east and west, and he has applied a variety of civil laws as well as common laws. He has been appointed as sole arbitrator and president of tribunals by many of the leading arbitration institutions, including the ICC, LCIA, Stockholm Chamber of Commerce (SCC), Zurich Chamber of

Publications

- Russell on Arbitration (21st, 22nd, 23rd and 24th editions, Sweet & Maxwell 1997-2015) (co-author).

Professional memberships

- Avocat à la Cour de Paris
- Bar Council of England and Wales
- CI Arb (Fellow)
- HKIAC (former member of the management committee)
- ICC Commission on International Arbitration (former member of the Court)
- International Bar Association
- LCIA (former member of the Board)

Education

- English solicitor
- Hong Kong solicitor
- French Avocat
- English barrister

Commerce (ZCC), ICDR, HKIAC and SIAC. He has also conducted ad hoc arbitrations under the UNCITRAL rules.

David has experience of virtual arbitration having conducted hearings remotely.

Example cases and appointments

- Chairperson of a dispute between European banks and a Russian bank on whether debts incurred under a subordinated loan and credit-linked notes governed by English law were discharged by bankruptcy rulings in Russia.
- Chairperson of an arbitration, seated in Singapore, under SIAC Rules between European and Chinese corporations over royalties to essential patents and whether the patents were licensed on FRAND terms.
- Chairperson of an ICC tribunal, seated in Paris, in a dispute over the interruption of gas supplies by a state-owned entity pursuant to a long-term tolling contract allegedly caused by *force majeure* and upholding challenges to jurisdiction.
- Chairperson of an LCIA tribunal, seated in London, relating to a claim by a minority shareholder in a company for compensation for economic duress prior to an IPO in Hong Kong, considering several claims to relief, including security for the amount awarded.
- Chairperson of a tribunal appointed by the HKIAC, seated in Hong Kong, relating to the conversion into equity of loans made by a Chinese investment group to a chain of luxury hotels and making orders enforcing claimed security interests.
- Sole arbitrator appointed by the International Dispute Resolution Centre, seated in California, in a dispute between two pharmaceutical companies over rights to FDA approved products.
- Sole arbitrator in a London based dispute between an international partnership and retiring partners including claimed rights to a pension scheme.
- Co-arbitrator in an arbitration concerning the termination of a joint venture between a Far Eastern provider of telecommunications and a Middle East state entity, resulting in a billion dollar award.
- Co-arbitrator in an ICC arbitration, seated in Paris, concerning the variation of a long-term contract under French law, making an award as an *amiable compositeur* that was subsequently approved by the French court of appeals.
- Acting in arbitrations in Houston and Stockholm as counsel for a South American group whose interest in gas fields in a Central European state were expropriated, advising on enforcement of very substantial awards.

Recommendations

A top-tier arbitrator. [The Legal 500 UK Bar 2021](#)

He has seen it all before but he takes a fresh rather than formulaic approach with an eye to tailoring his experience to the issues. [Chambers UK Bar 2020](#)

Absolutely first class. [The Legal 500 UK Bar 2020](#)

Extremely experienced. He has a lovely, easy manner and knows how to manage a case. [Chambers UK Bar 2019](#)

An immensely experienced chair for a broad range of commercial disputes. [The Legal 500 UK Bar 2018](#)

He is a highly experienced and very well thought of lawyer. [Chambers UK Bar 2018](#)

Extremely well regarded by counsel and peers alike. [The Legal 500 UK Bar 2017](#)

A pleasure to work with. He is meticulous, intelligent and diligent. [Chambers UK Bar 2017](#)