



TIMOTHY LINDSAY LLB

(Hons)

Partner

Tim is a widely experienced Barrister and Solicitor and has recently returned to Lowndes Jordan's litigation practice from London, where he was a partner in US law firm Dechert LLP and London head of Dechert's globally recognised international arbitration practice. He is an experienced trial lawyer, with particular expertise in corporate/shareholder, complex contract, banking and financial services (creditor and debtor), foreign investment, energy/resources, telco/IP/technology and regulatory disputes. He also takes appointment as Arbitrator.

Recognition

Tim has been recognised by international directories *Chambers*, *Legal 500*, *Euromoney* and *SuperLawyers* as a leading international arbitration and public international lawyer. He has been described as one of an "outstanding team of advocates", "possess[ing] great practical judgement", "respected for his experience in both commercial and investment treaty disputes", "a first class practitioner who combines great charm and skill with extraordinary tenacity", a "rising star", and, importantly to Tim, "totally committed" to his clients and able to offer "quick responses".

Global Arbitration Review's recent interview with Tim can found [here](#).

Representative Matters

In addition to his experience in the New Zealand courts, in a broad range of commercial and regulatory litigations, Tim has appeared as counsel in some of the most significant international disputes in recent times before the world's leading arbitration institutions (e.g., ICC, LCIA, ICSID and the

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Permanent Court of Arbitration at the Hague). For example, the ground-breaking *Abyei Arbitration* (border delimitation between Sudan and what is now Southern Sudan), *Microsoft v Samsung* (IP royalties and technology collaboration), *Perenco v Ecuador* and *Burlington v Ecuador* (multi-billion dollar claims by foreign oil companies under bilateral investment treaties), *Vivendi v Deutsche Telekom* (at the time the largest ICC claim ever made), and significant confidential commercial arbitrations arising in the telco/technology, energy & resources, banking and finance, infrastructure and real estate sectors, among others. Tim's clients are able to draw on his experience acting for parties from or investing in all major global economies, including the US, Europe, Russia & CIS, Eurasia, the Middle East, India, Africa, Asia, Latin America and Australasia, across a broad range of industries.

Representative matters as counsel include:

- Representing one of the world's leading technology companies in a multi-billion dollar ICC arbitration against another leading technology company, concerning patent licenses and business collaboration disputes.
- Representing a New York-based hedge fund in LCIA arbitration proceedings arising out of a multi-hundred million dollar distressed asset investment.
- Representing a party to an LCIA arbitration claim in excess of \$100m arising out of an ISDA Master Agreement currency swap and alleged early termination of that transaction.
- Representing the borrowers and guarantors in a series of LCIA arbitration claims seeking recovery under \$1 billion of syndicated loan facilities.
- Representing the Republic of Ecuador in several multi-billion dollar investment treaty arbitrations brought by foreign investors in the energy sector under the auspices of ICSID.
- Representing Russian shareholders in a Stockholm Chamber of Commerce (SCC) arbitration concerning the attempted exercise of a put option for shares in a substantial Moscow property development company, with counterclaims in excess of \$400m for breach of shareholder and project management obligations.
- Representing an Emirati Government in a multi-hundred million dollar infrastructure dispute under the ICC Rules.
- Representing Russian interests in parallel \$2 billion dollar LCIA arbitration claims in London and related litigation proceedings in Cyprus, concerning a substantial joint venture dispute.
- Representing a global forex and derivatives trading house in parallel multi-billion dollar LCIA arbitrations in London, and multiple related court litigation proceedings, concerning a shareholder dispute arising out of a global trading joint

venture.

- Successfully obtaining emergency relief in one of the first “Emergency Arbitrations” under the ICC’s 2012 Emergency Arbitrator Rules.
- Representing a private equity owned independent oil and gas exploration company in an ICC arbitration concerning a post-acquisition dispute.
- Representing one of the world’s largest telecommunications companies in separate related LCIA arbitrations seated in London worth several hundred million dollars, concerning a complex post-acquisition dispute over emerging market telecommunications assets.
- Representing an Eastern European State in an investment treaty dispute brought under the auspices of ICSID.
- Representing the Sudan People’s Liberation Movement/Army (SPLM/A) in its widely publicised arbitration at the Permanent Court of Arbitration against the Government of Sudan, concerning the disputed oil-rich Abyei region in Sudan (recognised by industry peers as the 2009 arbitration award of the year).
- Representing one of Europe’s largest telecommunications companies in a multi-billion Euro ICC arbitration seated in Switzerland, relating to Eastern European telecommunications assets.
- Represented a leading New Zealand telecommunications company in domestic arbitral proceedings against competitor Telco relating to the supply of wholesale telecommunications services.
- Acted for claimant syndicate of New Zealand investors in a several hundred million dollar ICC arbitration
- *Commerce Commission v Visa New Zealand & Ors*: Represented Visa New Zealand in anti-trust proceedings brought by the New Zealand Commerce Commission.
- *TNF Bandit Ltd v Air National Ltd & Ors*: Acted for successful defendants in aircraft option contract dispute
- *Northcote Mainstreet Inc & Westfield (New Zealand) Limited v North Shore City Council & Ors* [2006] NZRM 137: Successfully acted for shopping centre developer in judicial review proceedings, arising out of grant of resource consent for shopping centre development.
- *Money Managers Limited v National Mortgage Brokers Limited*: Acted for successful plaintiff in contract dispute relating to contributory mortgage schemes. Secret Commissions Act and Securities Act issues also litigated.
- *ILiON Technology Corporation v Johannink & Ors*: Acted for successful plaintiff in action against former CEO and director for breach of fiduciary duties, and associated parties for knowing receipt.
- *Task Technology Limited & Ors v Task Transactions & Ors*: Acted for plaintiff in negligence claim against German

- liquidator, involving private international law issues.
- \$NZ30m shareholder dispute (finance company), including allegations of breach of contract and fraud
 - Acted for technology joint venture (between various international airlines) in dispute with computer reservation software supplier.
 - Represented fruit exporter in High Court litigation arising out of alleged breaches of fruit supply agreements, and related insolvency proceedings.

Policy & Leadership

Tim has held important leadership roles in the dispute resolution field internationally. His leadership roles include appointment to the ICC Commission on International Arbitration (New Zealand alternate representative) where he has participated in the drafting of the 2012 edition of the ICC Rules, is currently a leader on the ICC Commission's Task Force on Arbitration and Financial Institutions and a member of the ICC Commission's Task Force on Witness Evidence in Arbitration. He is also a member of the ISDA Arbitration Committee, which released its ISDA Arbitration Guide in 2013.

Tim regularly speaks on and teaches dispute resolution topics, and provides training courses for in-house counsel teams on effective dispute resolution planning.

- ICC Commission on Arbitration, New Zealand Alternate Representative (ongoing)
- ICC Commission on Arbitration, Task Force on Arbitration and Financial Institutions, work stream leader (sovereign finance) (ongoing)
- ICC Commission on Arbitration, Task Force on Witness Evidence in Arbitrations, member (ongoing)
- ICC Commission on Arbitration, Task Force on Costs in Arbitration, member (concluded)
- International Swaps and Derivatives Association (ISDA) Arbitration Committee, member (ongoing)
- London Arbitration Club, Finance Arbitration Committee, member (ongoing)
- Association of Independent Petroleum Negotiators (AIPN), Dispute Resolution Committee, member (ongoing)
- ICC UK Arbitration Committee (past member)
- New Zealand Law Students' Association, Past President
- Otago Law School, Past Student President

International Experience

Dechert LLP, London (Partner)

Wilmer Cutler Pickering Hale & Dorr LLP, London (Senior Associate)

Qualifications

LLB (First Class Hons), University of Otago

Admitted

New Zealand

England & Wales

UPDATES

Financial Institutions and Arbitration - ICC Commission on Arbitration Releases Report

09 November 2016

Important amendments to Arbitration Act 1996 (New Zealand)

08 November 2016

Private International Law (Choice of Law in Tort) Bill introduced to Parliament

05 October 2016

NZ splits from UK on enforcement of foreign judgments

31 August 2016

Hold-out creditor fails to block Solid Energy company arrangement

17 August 2016

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