

James Abbott

Partner | ICED Disputes

James is a partner specialising in dispute resolution in the Middle East, with a focus on commercial litigation, insolvency, international arbitration, ADR, regulatory matters, and internal and external investigations, often involving cross-border elements. He boasts 27 years of experience in cross-border dispute resolution and arbitration, with involvement in cases under ICC, UNCITRAL, DIAC, LCIA, ICSID, LCIA, SIAC, and ADCCAC in locations such as London, Paris, Greece, and the Gulf States, encompassing infrastructure and financial services disputes.

Licensed as an advocate to handle court proceedings before the DIFC Court, he sits as an arbitrator and is recognised as a leading individual in dispute resolution and corporate investigations in Chambers Global and the Legal 500.

He joins CMS from Clifford Chance where he was the Head of Dispute Resolution in the Middle East.

Selected experience includes advising:

Arbitration

- Acting for an Abu Dhabi employer in the defence of claims for extension of time and prolongation costs totalling US\$360 million concerning a mixed use development in Kazakhstan (ADCCAC Arbitration).
- Appointed as Chairman of a Tribunal in an ICC Arbitration concerning an infrastructure development in Qatar.
- Acting as lead counsel for a property developer in respect of claims totalling US\$4.5 billion in an investment treaty arbitration (ICSID Arbitration, Paris).
- Acting as lead counsel in three arbitrations concerning a financial services joint venture agreement in Dubai (DIFC-LCIA Arbitration, DIFC).
- Acting as lead counsel for an employer in the defence of US\$150 million claims advanced by a contractor in respect of a termination of a luxury residential development in Eritrea (ICC Arbitration, Paris).
- Acting as lead counsel for an employer in the defence of claims totalling US\$200 million concerning alleged delays to the construction of a ring road Afghanistan (Dispute Adjudication Board, Dubai).
- Acting as lead counsel for a contractor in two sets of arbitrations in connection with the termination of a luxury residential development in Bahrain (ICC Arbitration, Bahrain).
- Acting as lead counsel for a Middle East hotel owner in the defence of 3 multimillion dollar arbitrations commenced by a hotel operator (DIAC Arbitration, Dubai).
- Acting as lead counsel for a financing party in a multimillion dollar arbitration concerning the construction of a sugar plant in Eritrea (UNCITRAL Arbitration, Dubai).
- Representing an Asian telecoms operator in the defence of arbitration proceedings commenced by a supplier (ICC Arbitration, Abu Dhabi).



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General Dispute Resolution

- Acting for a global private wealth bank in the defence of claims by a liquidator for alleged fraud, deceit and breach of director's duties.
- Representing an accounting firm on the largest (and first) professional negligence claim filed in the DIFC Courts. The claim is in relation to audits of a foreign bank and involves allegations of a failure to detect alleged money laundering and terrorism financing, and includes claims for breach of duty, deceit, negligence, and breaches of the DIFC Regulatory Law.
- a global entertainment corporation on its intended investment in the UAE in a first of its kind large entertainment/leisure complex and the associated regulatory and political risks.
- Advising a major international bank in its response to a Part 8 claim for pre-action disclosure in the DIFC Courts brought by two customers of the bank related to allegations of mis-selling financial products.
- Advising a Middle East regional bank on potential actions against the auditor of the group for negligence and other breaches arising out of inaccurate audits of the bank's financial statements.
- Advising a significant UAE-based financial institution in response to a claim by an investor in the DIFC Court with a multi-million dollar value arising out of the terms of a Commitment Letter Deed of Agreement.
- Advising the liquidator on potential claims against the entity's auditor in respect of negligent audit failures and for failure to identify significant financial fraud.
- Advising a global bank in relation to claims in the DIFC Courts for US\$120 million and US\$240 million due from borrowers. This is one of the leading cases on both (a) the DIFC Court's jurisdiction and (b) the doctrine of mandatory set-off in UAE law.
- Acting for an Abu Dhabi employer in the defence of claims for extension of time and prolongation costs totalling US\$360 million concerning a mixed use development in Kazakhstan (ADCCAC Arbitration).
- Acting as lead counsel for an employer in an ICC arbitration in the defence of US\$150 million claims advanced by a contractor in respect of a termination of a luxury residential development in Eritrea.
- Advising two global investment banks in relation to highly publicised DFSA investigations into allegations of mis-selling and market manipulation.
- Advising a regional investment bank in relation to the first proceedings brought by the DFSA before the Financial Markets Tribunal.
- Representing an Asian telecoms operator in the defence of arbitration proceedings commenced by a supplier (ICC Arbitration, Abu Dhabi).

Construction Arbitration

- Acting as lead counsel for an employer in the defence of US\$150 million claims advanced by a contractor in respect of a termination of a luxury residential development in Eritrea (ICC Arbitration, Paris).
- Advising an employer in the defence of claims totalling US\$250 million advanced by four contractors following termination of letters of intent for the proposed construction of an oil refinery in Kuwait (ICC Arbitration).
- Advising a contractor in relation to a potential dispute concerning works carried out at the West Qurna oilfield in Iraq (LCIA Arbitration, London).
- Acting as lead counsel for an employer in the defence of claims totalling US\$200 million concerning alleged delays to the construction of a car park (dispute Adjudication Board, Doha).
- Acting as lead counsel for an employer in the defence of claims totalling US\$200 million concerning alleged delays to the construction of a ring road Afghanistan (dispute Adjudication Board, Dubai).

- Acting as lead counsel for a contractor in two sets of arbitrations in connection with the termination of a luxury residential development in Bahrain (ICC Arbitration, Bahrain).
- Acting as lead counsel for a financing party in a multimillion dollar arbitration concerning the construction of a sugar plant in Eritrea (UNCITRAL Arbitration).
- Advising a UAE contractor in a Dubai Municipality arbitration in Dubai in relation to a multi-million dollar claim against a Dubai government entity for losses arising out of design changes and employer delays to the construction of a complex road junction in Dubai.
- Advising a Middle East employer in relation to a dispute with a contractor concerning the breakdown of gas turbines at a polypropylene plant in Saudi Arabia.
- Representing an state owned employer in relation to disputes concerning the completion of a Sulphuric Acid and Di-Ammonium Phosphate plants in Amman, Jordan (ICC Arbitration, Geneva).

Investigations

- a global beverage company, on a high-profile regulatory investigation by two separate Indian regulatory authorities in relation to alleged breaches of the Delhi Excise liquor policy by the company and its employees.
- a regional bank in relation to an internal investigation covering many thousands of customer transactions to assess whether there are any money laundering concerns or reporting obligations.
- a Middle East corporate in relation to allegations of improper payments made by an Agent of a Middle Eastern Corporate.
- a large international investment bank in connection with two worldwide cross-border regulatory investigations, including OFAC, UK/EU sanctions and anti-money laundering compliance issues.
- a global chemical manufacturer in relation to an internal investigation into allegations of employee fraud and in subsequent criminal and civil proceedings held in Dubai and Italy.
- a regional bank in relation to an investigation by UAE and US authorities into AML concerns.
- a regional investment bank in relation to the first proceedings brought by the DFSA before the Financial Markets Tribunal.
- an investment bank in relation to a DFSA investigation into allegations of a failure to maintain adequate systems and controls including related applications to the DIFC Courts.
- a global investment bank in relation to a DFSA investigation into alleged deficiencies in systems and controls.
- a global investment bank in relation to a US\$450 million claim for theft and fraud involving related ancillary proceedings in Dubai and Turkey and proceedings in London against fidelity insurers.