

## Edward Ho

YEAR OF CALL: 2009

*"...the most amazing advocate" "a man with a fantastic mind ..."*

Chambers & Partners 2022

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## Practice Overview

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Edward advises on commercial disputes of all kinds, in particular those with a public or private international law element, and has appeared as sole counsel in the Court of Appeal, High Court and in arbitration. Across Chambers & Partners and the Legal 500 Edward is identified as a leading junior in five practice areas: Commercial Dispute Resolution; International Commercial Arbitration; Public International Law; Civil Fraud and Energy. In recent editions of the legal directories he is described as:

- *"...the most amazing advocate" and "a man with a fantastic mind ..."* - Chambers & Partners: Commercial Dispute Resolution (2022)
- *"His intellect is razor sharp; cuts to the heart of the dispute...."* - Legal 500: Public International Law (2022)
- *"...very good in cross-examination" and "Edward is superb. He is highly intelligent and a strong team player."* - Chambers & Partners: International Arbitration: Counsel (2022)
- *"...a really first class brain and gets to the crux of an issue very quickly. He gives you solutions. He is very articulate and presents well before judges."* - Legal 500: Civil Fraud (2022).
- *"One of the best junior barristers at the Bar - a brilliant legal mind and a wisdom far beyond his years."* - Legal 500, International Arbitration: Counsel (2021)
- *"He's an absolute rocket scientist, and on any case involving arbitration, private international law or battleground litigation, you get a silk's advice from someone who is only ten years' call"* - Chambers & Partners, Commercial Dispute Resolution (2021).

Edward has been consistently recognised as one of the leading juniors at the Commercial Bar:

- Edward was named International Arbitration Junior of the Year in the Chambers & Partners Bar Awards 2020.
- Between 2017 and 2019, Edward was twice shortlisted for International Arbitration Junior of the Year in the Legal 500 Awards (2018 & 2020) and was shortlisted for International Arbitration Junior of the Year in the Chambers & Partners Bar Awards 2019.
- In 2017, The Lawyer Magazine placed Edward in its "Hot 100", an annual list of the magazine's top 100 UK lawyers which aims to recognise extraordinary lawyers who have completed ground-breaking work in the past 12 months.
- In 2016, Edward was named by Legal Week as one of the "Stars at the Bar 2016", where he was described as *"probably one of the best brains at the junior Bar"*, *"responsive, bright and easy to deal with"* and with *"a keen sense for litigation strategy that belies his call"*.

## Commercial

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Edward is ranked by both Chambers & Partners and the Legal 500 as a leading junior for Commercial Dispute Resolution where he is described as *"A superb draftsman and strategic thinker with a great commercial mind, and clearly very bright."* (Legal 500 - 2021), *"...the most amazing advocate"* and *"A man with a fantastic mind who is extremely hard-working."* (Chambers & Partners - 2021).

Edward has a wide-ranging commercial practice, with a particular focus on disputes with an international element, including those with a public international law element, disputes involving allegations of civil fraud, and disputes in the energy, insurance and shipping sectors. In the most recent editions of the legal directories he. Examples of his current and recent work include:

- *Wong v Grand View PTC & others* - Edward acted for the Defendant trust companies (led by Mark Howard QC & Jonathan Adkin QC) in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest civil disputes globally. The litigation concerned the creation of five trusts worth in excess of US\$15 bn, and raised a wide range of complex legal and factual issues including allegations of undue influence, forgery, capacity, choice of law, mistake and limitation. Following an 18week trial in 2021 judgment is awaited.
- *Avonwick Holdings Ltd v. Azitio Holdings Ltd* - Acting for the Claimant (led by Neil Calver QC) in an 8 week, US\$1+ billion dollar Commercial Court trial concerning a deceit claim arising from misrepresentations allegedly made by the Claimant's former business partners during the sale of the Claimant's share in one of Ukraine's largest industrial corporations. The Defendants made a number of wide-ranging counterclaims which include allegations of conspiracy, dishonest assistance and breach of trust (under both English and Ukrainian law).
- *SKAT v Solo Capital Partners LLP & Others* - Edward acted for three of the Defendants (led by Tim Lord QC) to a £1.5 billion + claim by SKAT, the Danish tax authority, concerning allegedly fraudulent tax repayment claims generated as a result of 'cum/ex' dividend trading.

- *Integral Petroleum SA v. Petrogat FZE & Others* [2018] EWHC 2686 (Comm) – Edward (led by Stephen Cogley QC) acted for five Respondents to an application to commit them to prison for contempt of court. The Respondents were alleged to be de jure, de facto or shadow directors of two companies who were the subject of an English interim injunction, which the companies allegedly breached.
- Representing (unled) a major clothing brand in an urgent application for interim-injunctive relief against a well-known celebrity following an alleged breach of an exclusive endorsement agreement.
- Representing an ultra-high net worth individual, in breach of confidence proceedings against various defendants who are alleged to have obtained and retained confidential information belonging to the Claimant. Edward (unled) obtained an interim injunction against the Defendants requiring delivery up of the confidential information in the Defendants' possession, as well as ancillary relief including a gagging order.
- *Petrosaudi v. Novo Banco* [2017] EWCA Civ 9 (led by Mark Howard QC); [2016] EWHC 2456 (led by Luke Parsons QC) – Edward acted for two of the defendants following an allegedly fraudulent call for payment by the claimant of US\$129 million under a standby letter of credit.
- Acting on behalf of a leading developer of online video-on-demand platforms in a multi-faceted dispute concerning the delivery-up of source code and related claims and counterclaims for breach of contract.
- Advising upon a wide range of issues (including unlawful means conspiracy, unjust enrichment and mistake, and the fraud exception to privilege) arising from the termination of an exclusive distribution and licensing agreement between Hong Kong and English wine merchants (led by Michael Todd QC).
- Acting for the H&M insurers in a claim by the insured following the seizure of the insured vessel by pirates.
- Advising defence companies in a number of confidential/classified matters concerning (by way of example) the sale of intelligence gathering equipment; the sale of radar components; and the development of an IT system for a government department.

## Arbitration

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Edward has a broad range of arbitration experience and has acted in ICSID, PCA, LCIA, ICC, UNCITRAL, LMAA, GAFTA, FOSFA, Bermuda Form and *Ad Hoc* arbitrations. Edward is ranked in Tier 1 for International Arbitration by both Legal 500 and Chambers & Partners, and was named International Arbitration Junior of the Year in the Chambers & Partners Bar Awards 2020. The current editions of the legal directories describe Edward as a *"A first-rate lawyer, who combines a great strategic mindset with hard work and thorough research. He is also great to work with too."* (Legal 500) and *"...superb. He is highly intelligent and a strong team player."* (Chambers & Partners - 2021).

Examples of Edward's current and recent work include:

- ICC Arbitration – Edward (leading Kyle Lawson) acted for a national airline in a multi-million dollar dispute concerning Hajj and Umrah pilgrimage flights from Israel via Jordan to Saudi Arabia.
- Edward has considerable experience advising upon, and appearing as an advocate in, international investment treaty arbitrations. Further details can be found in the "Public International Law" tab.
- *Ad Hoc*, UNCITRAL Rules Arbitration – Representing a major national oil company in a US\$300+ million dispute under a drilling services contract.
- Acting for the excess insurers in a \$25 million Bermuda Form arbitration (led by Philip Edey QC) concerning claims by an insured drug company following their settlement in the USA and Nigeria of mass tort product liability litigation.
- A five-week, LMAA arbitration concerning the construction and sale of two semi-submersible drilling rig. The dispute involved a wide range of issues including allegations of misrepresentation, deceit, delay and breach of contract.
- An LCIA Arbitration representing the Claimant financier in a US\$40 million+ claim arising under a trade credit and supply agreement related to the operation of a tank farm and refinery.
- An LCIA arbitration acting for a Ukrainian businessman. The proceedings concerned a US\$50+ million dispute under a financing agreement and involved a heavy application to discharge a world-wide freezing injunction.
- An LCIA arbitration acting for the majority shareholder in a shareholder / joint venture dispute raising issues of unfair prejudice.
- An LCIA arbitration (unled) concerning an alleged failure to pay consultancy fees due to the Claimant as a result of assistance provided them during the sale & purchase of a Russian oil & gas company.

Edward also has considerable experience of applications and appeals/challenges in court under the Arbitration Act 1996, and of claims for anti-suit injunctions in support of English arbitral proceedings.

Examples include:

- *State A v Party B & Anor* [2019] EWHC 799 (Comm) – Edward acted for the investors in a s.67 Arbitration Act 1996 challenge by a State to a finding by an *ad hoc* UNICTRAL Tribunal that the Tribunal had jurisdiction under the relevant BIT to hear the investors' claims. The State contended that newly discovered evidence rendered the Tribunal's Partial Award on Jurisdiction incorrect and sought permission under s.80(5) AA 1996 for an extension of time within which to bring their challenge.
- *Perkins Engines Company Ltd v. Ghaddar Machinery Co. SAL* [2018] EWHC 1500 – Edward acted for the claimant in proceedings to obtain an interim, and subsequently a final, anti-suit injunction on the basis of the parties' English arbitration agreement.
- *National Iranian Oil Company v Crescent Petroleum Company International Ltd & Anor* [2016] EWHC 510 (Comm): Edward acted for NIOC in a substantial s.67 and s.68 Arbitration Act 1996 challenge.
- *ED&F Man Sugar Ltd v. Belmont Shipping Ltd.* [2012] 1 Lloyd's Rep. 206: Edward acted alone for the respondents in a s.68 Arbitration Act 1996 challenge in which the appellant unsuccessfully sought to establish an obligation on arbitrators to bring un-argued points to the parties' attention.
- *Tedcom Finance Limited & Another v. Vetabet Holding Limited & Others* [2011] EWCA Civ 191: Edward appeared alone in the Court of Appeal for the successful appellants on an urgent without notice appeal concerning the service of arbitration claim forms outside of the jurisdiction.
- Various confidential appeals/challenges under s.67, 68 & 69 Arbitration Act 1996, confidential applications under s.44 AA 96 (interim relief) and s.70(7) AA 96 (payment in of award debt).

## Public international law

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Edward's public international law practice is focused primarily on Investment Treaty disputes, but also encompasses public international law issues before the English courts, including state and diplomatic immunity. Edward has considerable experience advising upon, and appearing as an advocate in, international investment arbitrations, including under the auspices of ICSID, the Permanent Court of Arbitration and *ad hoc*. He is ranked by Legal 500 as a leading junior for Public International Law, where he is described as "*His intellect is razor sharp; cuts to the heart of the dispute; very client-friendly and proactive.*"

Examples of Edward's public international law work include:

- *Federal Elektrik Yatirim ve Ticaret A.S. and others v. Republic of Uzbekistan*, Case No. ARB/13/9 (ICSID) – Edward acted for the Claimants in an ICSID arbitration against Uzbekistan seeking millions of dollars of compensation under the Energy Charter Treaty and the Turkey-Uzbekistan bilateral investment treaty. Edward cross-examined a number of factual witnesses and one expert in the course of the two week hearing.
- *Alhambra Resources Ltd. and Alhambra Coöperatief U.A. v. Republic of Kazakhstan* (ICSID) – Edward was instructed by the investor in an ICSID arbitration against the Republic of Kazakhstan. The claims arose from a gold mining operation in Northern Kazakhstan, and compensation was sought for breaches of the 2002 Agreement on Encouragement and Reciprocal Protection of Investments between Kazakhstan and the Kingdom of the Netherlands and the 1994 Foreign Investment Law of Kazakhstan.
- *Gold Pool JV Limited v. The Republic of Kazakhstan* – PCA Case No. 2016-23 (UNCITRAL Arb Rules 1976) – Edward acted as co-counsel for a Canadian mining company in an UNCITRAL arbitration against the Republic of Kazakhstan, cross-examining three expert witnesses in the course of the two week hearing. The claims arose from a mining operation in Kazakhstan, and compensation was sought for breaches of the Agreement between the Government of Canada and the Government of the Union of Soviet Socialist Republics for the Promotion and Reciprocal Protection of Investments entered into force on June 27, 1991.
- *State A v Party B & Anor* [2019] EWHC 799 (Comm) – Edward acted for the investors in a s.67 Arbitration Act 1996 challenge by a State to a finding by an *ad hoc* UNICTRAL Tribunal that the Tribunal had jurisdiction under the relevant BIT to hear the investors' claims. The State contended that newly discovered evidence rendered the Tribunal's Partial Award on Jurisdiction incorrect and sought permission under s.80(5) AA 1996 for an extension of time within which to bring their challenge.
- Representing the Islamic Republic of Pakistan in a dispute concerning the sale of gas power turbines to a Pakistani research lab allegedly involved in secretive nuclear weapons development. The case raised significant issues of state and diplomatic immunity.
- Advising the estate of a deceased individual the subject of an HMRC tax fraud inquiry on the deceased's entitlement to diplomatic immunity.

- Advising the proposed claimants in a highly confidential prospective dispute under a BIT concerning, amongst other things, the expropriation of investments by the Respondent state.

## Civil fraud

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Edward is ranked by Legal 500 as a leading junior for Civil Fraud, where he is described as “*He has a really first class brain and gets to the crux of an issue very quickly. He gives you solutions. He is very articulate and presents well before judges.*”. Examples of Edward’s civil fraud work include:

- *Wong v Grand View PTC & others* - Edward acted for the Defendant trust companies (led by Mark Howard QC & Jonathan Adkin QC) in what is believed to be the largest claim ever brought before the Bermudian Courts and one of the largest civil disputes globally. The litigation concerned the creation of five trusts worth in excess of US\$15 bn, and raised a wide range of complex legal and factual issues including allegations of undue influence, forgery and document suppression. Following an 18 week trial in 2021 judgment is awaited.
- *Avonwick Holdings Ltd v. Azitio Holdings Ltd* - Acting for the Claimant (led by Neil Calver QC) in an 8 week, US\$1+ billion dollar Commercial Court trial concerning a deceit claim arising from misrepresentations allegedly made by the Claimant’s former business partners during the sale of the Claimant’s share in one of Ukraine’s largest industrial corporations. The Defendants made a number of wide-ranging counterclaims which include allegations of conspiracy, dishonest assistance and breach of trust (under both English and Ukrainian law).
- *SKAT v Solo Capital Partners LLP & Others* - Acting for three of the Defendants (led by Tim Lord QC) to a £1.5 billion + claim by SKAT, the Danish tax authority, concerning allegedly fraudulent tax repayment claims generated as a result of ‘cum/ex’ dividend trading.
- *Integral Petroleum SA v. Petrogat FZE & Others* [2018] EWHC 2686 (Comm) – Edward (led by Stephen Cogley QC) acted for five Respondents to an application to commit them to prison for contempt of court. The Respondents were alleged to be de jure, de facto or shadow directors of two companies who were the subject of an English interim injunction, which the companies allegedly breached.
- Acting for one of four defendants (led by Thomas Plewman QC) in a dispute concerning the collapse of the claimant company (a developer of autonomous underwater drones and mobile sensors for use in the oil and gas, and defence industries). The Claimant seeks approximately US\$180m in damages and has advanced claims which include dishonest assistance, conspiracy (lawful and unlawful means) and intentionally causing harm by unlawful means.
- Acting for one of Romania’s wealthiest men in relation to the discharge of a worldwide freezing order (with Mark Howard QC and Joanne Box).



- Edward was instructed on various parts of the *BTA Bank v Ablyazov* litigation (one of the largest pieces of litigation then before the Commercial Court) – including *Pukhlikov v. Ablyazov & Another*, concerning the purchase and ownership of an oil and gas trans-shipment facility and port in northern Russia; and *JSC BTA Bank v Ablyazov & Ors* [2011] EWHC 2500 (Comm) a complex application for security for costs.
- Acting for two of the Part 20 Defendants in *Antonio Gramsci Shipping Corporation v. Recoletos & Others* advising generally and resisting an application for the appointment of a receiver;
- An LCIA arbitration acting for a Ukrainian businessman in a US\$50+ million dispute under a financing agreement. The matter raised claims of illegality and deliberate asset stripping.
- Acting and advising on a range of confidential interim applications spanning injunctions to prevent the replacement of a company's director following his physical intimidation, to freezing injunctions and preservation of property orders to resisting the continuation of a passport delivery up order and the granting of an electronic quasi-search order.

## Energy and natural resources

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Edward is ranked by Legal 500 as a leading junior for Energy, where he is described as “... a first-rate lawyer, who combines a great strategic mindset with hard work and thorough research. ’”. Examples of his work in the energy sector include:

- A significant proportion of Edward’s international investment arbitration work concerns investments in the energy and mining sectors. Edward has appeared, and cross-examined expert witnesses, in cases concerning gold mining, mining finance, gas meter valuation and evaluation, and the valuation of mining assets. Further details can be found in the “Public International Law” tab.
- A five-week, LMAA arbitration concerning the construction and sale of two semi-submersible drilling rig. The dispute involved a wide range of issues including allegations of misrepresentation, deceit, delay and breach of contract.
- Representing a major national oil company in a US\$300+ million UNCITRAL arbitration in a dispute under a drilling services contract.
- Representing the Claimant financier in a US\$40 million+ LCIA arbitration arising under a trade credit and supply agreement related to the operation of a tank farm and refinery.
- *National Iranian Oil Company v Crescent Petroleum Company International Ltd & Anor* [2016] EWHC 510 (Comm): Edward acted for NIOC in a substantial s.67 and s.68 Arbitration Act 1996 challenge.
- *CH Offshore Ltd v PDV Marina SA & Ors* [2015] EWHC 595 (Comm): Acting for PDVSA Petroleo SA on an application challenging the jurisdiction of the English court to hear an approx. US\$90 million claim arising under a Services Contract for the supply of two AHTS vessels & a platform supply vessel.



## Private international law

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- *Tedcom Finance Limited & Another v. Vetabet Holding Limited & Others* [2011] EWCA Civ 191: Edward appeared alone in the Court of Appeal for the successful appellants on an urgent without notice appeal concerning the service of arbitration claim forms outside of the jurisdiction.
- Acting for two of the respondents to an application for the examination of an English domiciled witness in support of Californian court proceedings concerning a joint venture between Boeing and various Russian entities for the development of an off-shore platform for the launching of satellites and spacecraft
- *CH Offshore Ltd v PDV Marina SA & Ors* [2015] EWHC 595 (Comm): Acting for PDVSA Petroleo SA on an application challenging the jurisdiction of the English court to hear an approx. US\$90 million claim arising under a Services Contract for the supply of two AHTS vessels & a platform supply vessel.
- Prior to beginning practice worked as a research assistant at the British Institute of International and Comparative Law and co-drafted seven chapters for R. Plender & M. Wilderspin, *The European Private International Law of Obligations*, (3<sup>rd</sup> ed., 2009). Edward also sat as a Co-Rapporteur on the International Law Association's Committee on Civil Litigation and the Interests of the Public. The Committee studied the private international law aspects of civil litigation for human rights violations.

## Publications

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**'Proof in Investment Arbitration'**, Max Planck Encyclopedias of International Procedural Law, (July 2020) with Michael Swainston QC, Klaus Reichert SC, Zahra Al-Rikabi and David Heaton.

**'Civil Litigation for Human Rights Violations'**, ILA Committee on Civil Litigation and the Interests of the Public Interim Report, August 2010.

Co-drafted chapters for R. Plender & M. Wilderspin, *The European Private International Law of Obligations*, (3rd ed., 2009) on the choice of law rules governing assignment (Rome I), product liability, unjust enrichment and *negotiorum gestio* (Rome II), public policy and mandatory rules and the scope of the Rome I and Rome II Regulations.

## Education & Qualifications

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- BA (Law), Downing College, Cambridge, (Double First Class Hons.)
- BVC, Inns of Court School of Law, (Very Competent)
- Hague Academy of International Law (Directed Studies in Private International Law)
- Senior Harris Scholar & College Prize, Downing College (2007)
- Queen Mother Scholar, Middle Temple (2007)

- Harris Scholar & Harris Prize for Especial Distinction, Downing College (2006)
- Rebecca Flower Scholar, University of Cambridge (2006)
- The Times Law Awards, Runner Up (2007, 2005, 2004)

## Directory Quotes

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"He is the most amazing advocate." "A man with a fantastic mind who is extremely hard-working." (Chambers & Partners 2022)

"He is very good in cross-examination." "Edward is superb. He is highly intelligent and a strong team player." (Chambers & Partners 2022)

"His intellect is razor sharp; cuts to the heart of the dispute; very client-friendly and proactive." (Legal 500 2022)

"He has a really first class brain and gets to the crux of an issue very quickly. He gives you solutions. He is very articulate and presents well before judges." (Legal 500 2022)

"A superb draftsman and strategic thinker with a great commercial mind, and clearly very bright." (Legal 500 2022)

"A first-rate lawyer, who combines a great strategic mindset with hard work and thorough research. He is great to work with too." (Legal 500 2022)

"Ed is remarkable. He has attention to detail and is a magician with quantum and industry experts." "Fantastically hard-working, analytical and extremely popular." "He has got gravitas and finesse to his cross-examination skills." (Chambers & Partners 2021)

"Excellent, intelligent and a lawyer who really gets to the bottom of a case." "He is a very good advocate who is unflappable and really practical. In addition he works his socks off." (Chambers & Partners 2021)

"A brilliant lawyer, who provides first class support to his leader." (Legal 500 2021)

"A real team player and a first-rate barrister with a unique ability to distil a mountain of factual information down to the key issues." (Legal 500 2021)

"He has a true knack for complex fraud cases. Still a genius and absolutely go-to at that level, he's an absolute trojan." (Legal 500 2021)

"His ability to cross-examine experts on the most technical of points and expose inconsistencies or holes in their opinions is second to none." (Legal 500 2021)

"He's an absolute rocket scientist, and on any case involving arbitration, private international law or battleground litigation, you get a silk's advice from someone who is only ten years' call." (Chambers &

Partners UK & Global 2020)

"He is incredibly responsive, very smart and has brilliant ideas. He's incredibly nice to work with and clients really like and respect him." "Extremely able and an exceptional advocate." (Chambers & Partners UK & Global 2020)

"His drafting is superb, and he appreciates and assimilates the information provided quickly and accurately." (Legal 500 2020)

"One of the best junior barristers at the Bar – a brilliant legal mind and a wisdom far beyond his years." (Legal 500 2020)

"Great instinct." "He is very hardworking and the quality of his written work is very, very high." (Chambers & Partners 2019)

"Extremely thorough in his approach, and his input and guidance on strategy is excellent." (Legal 500 2018-19)

"Brilliant. Very clever indeed and not afraid of getting into the mind of the case and digging out all the difficulties and addressing them head on." (Chambers & Partners 2018)

"Very user-friendly and bright." (Legal 500 2017)

"An excellent junior; very bright, quick and responsive." (Chambers & Partners 2017)

"Excellent – really bright and his written product is astonishing." (Legal 500 2016)