

Lyndsey de Mestre QC - Arbitrator

“...stands out due to her skill at handling complex international cases”

Chambers & Partners

Overview

Lyndsey has been practising at the business and property Bar for over 20 years and was appointed QC in February 2018. She is a full time arbitrator and mediator and her expertise is in business related disputes of all types (including shareholder disputes, joint ventures (in both a corporate and partnership context), breaches of NDAs and SHAs, unfair prejudice, quasi-partnerships, material non-disclosure, misrepresentation, rescission of subscription agreements, forfeiture of leases) with particular experience in insolvency, company and contract related disputes. Lyndsey works both domestically and in offshore jurisdictions (notably the BVI and the DIFC). As a result of over 15 years' appointment representing the UK government (primarily the Secretary of State for Business, Energy and Industrial Strategy) for the Attorney General and appointment as standing counsel to the Association of Chartered and Certified Accountants in insolvency matters, she developed a specialisation in a range of work involving public interest aspects, corporate governance, fiduciary and non-fiduciary duties and responsibilities to shareholders and stakeholders.

Style and Approach

Lyndsey is a robust and thorough arbitrator with a forensic eye for detail. She considers it important to engage with the parties at the outset regarding matters of procedure and expectations for timetable. Lyndsey encourages the early identification of potentially dispositive issues and discussions as to whether there are compelling reasons to consider resolution of such issues as a preliminary matter or, based on their factual matrix or otherwise, whether these are more appropriately reserved for resolution as part of the final award.

Lyndsey's view is that proceedings should be conducted with a view to expediting the resolution of the dispute and she takes seriously the obligation to comply with the timetable set out in the applicable rules or in the parties' agreement.

Expertise

- Contracts
- Corporate
- Commercial
- Insolvency & Restructuring
- Shareholder Disputes
- Professional Negligence.

Experience

Arbitrator

- Arbitrator in an LCIA arbitration concerning a cross-border litigation funding agreement (seat London, English law)
- Presiding arbitrator with Juliet Blanch and Peter Jago in ad hoc arbitration (seat Zambia, subject to the provisions of the Zambian Arbitration Act)
- Arbitrator in ad hoc arbitration of contract dispute (seat Dubai, English law)

Counsel in international arbitrations

- Advising in relation to arbitration arising out of breaches of contract in JV for supply and operation of deep sea-bed bathymetrics, between Australian and English companies.
- Acting as sole Counsel in DIFC-LCIA arbitration concerning fraudulent misrepresentation in the course of establishing an investment bank. Parties were in Madrid, Panama, Dubai and London and the issues concerned rescission of subscription agreement, breaches of NDAs and SHAs.
- Acting as Counsel in arbitration of contractual dispute concerning superconducting magnets and low temperature measurement systems. Related antisuit injunction proceedings in Sydney and London.
- DIFC-LCIA arbitration concerning misrepresentation and forfeiture of leases in multi-million dollar restaurant chain shareholder dispute.

Professional Qualifications

- LLB, MA (Hons) Cantab (1st Class) – Downing College, Cambridge (graduated 1998)
- Tutor in Commercial and Insolvency Law (London School of Economics) 1998-2000
- Called to the Bar of England & Wales, 1999
- Queen Mother Scholar of Middle Temple

Career History

- Barrister at XXIV Old Buildings, Lincoln's Inn since 2000 to date
- QC appointment 2018

Accreditations

- The Society of Mediators
- Year of accreditation - 2018
- Member of Civil Mediation Council