



Adrian Lively

Arbitrator & Mediator

Nationality: British

Languages: English

Adrian Lively is an Arbitrator specialising in international commercial disputes. With over 30 years' experience in international disputes, he has worked on cases in and/or involving parties across the globe, in particular the UK, Europe, Middle East, CIS, Asia (especially India) and the USA.

Adrian is also CEDR-accredited Mediator and assists parties with amicably settling their disputes. He acts as Mediator in relation to any type of legal dispute.

Prior to joining Arbitra, Adrian was a partner in Osborne Clarke LLP for 25 years where he was head of the firm's Commercial Disputes practice in London and Global Chair of the firm's International Arbitration Group.

Adrian has qualified as a Fellow of the Chartered Institute of Arbitrators. He has carried out cases under all the main institutional arbitral rules, e.g., LCIA, ICC, SCC, DIS and AAA.

In terms of types of dispute, Adrian's arbitrations have involved: M&A, private equity, shareholder/JV interests/directors' duties, partnership, financing, professional negligence, licensing, supply of goods & services, outsourcing, software development, telecoms, civil fraud, competition/anti-trust, and other areas.

Adrian has conducted cases involving many different industry sectors especially: energy & natural resources, finance, infrastructure, media & entertainment, retail, technology & media and transport.

Adrian is an English-qualified solicitor (non-practising since April 2021) and an expert in English law. He also has experience in cases involving aspects of foreign law.

Sector Expertise

- Mediation
- Commercial Dispute Resolution
- Construction & Infrastructure
- Technology & telecoms
- Finance
- Energy & natural resources
- Media & entertainment
- Retail

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PO Box 111999, Abu Dhabi, UAE

- Transport/aviation/logistics

Mediation

Adrian is a CEDR accredited mediator. He has represented clients and been appointed as a Mediator in high-value and complex commercial disputes, often involving multi-parties. Disputes have been related to the supply of goods & services, shareholder/JV interests, M&A, professional negligence, licensing, outsourcing, software development, partnership, civil fraud, bribery & corruption, franchising, financing, competition/anti-trust, directors' duties, and professional liability. As Mediator, Adrian has acted in a very broad range of disputes in terms of legal subject matter, sector and value of claim. Adrian has received very positive feedback regarding his performance as Mediator, including recent feedback from counsel for a party that he was *'fantastic'* and he *'really put the clients at ease (and there were a lot of emotions going round) and on more than one occasion he made a suggestion/intervention that really helped move us along towards settlement'*.

Commercial Dispute Resolution

Commercial dispute resolution has been at the core of Adrian's practice all his career. He has worked on all types of disputes over the years including many 'bet the company' cases involving huge sums of money and risk of reputational damage. He has been involved in arbitrations with regard to claims in excess of USD 450M arising out of the sale of a US pharmaceutical company involving claims of fraudulent misrepresentation. With wide experience of parties across many sectors and from many different backgrounds and cultures, Adrian has an ideally rounded perspective when it comes to evaluating disputes as an arbitrator.

Construction & Infrastructure

Adrian has extensive experience with contractors involved in building major airports in Oman. He also has first-hand experience including conducting ICC arbitrations relating to defects, costs, overruns, and delays. His experience also includes appeals to the Supreme Court in Muscat, Oman regarding calls on performance bonds. He has also conducted major investigations into bribery & corruption in relation to the procurement of construction projects in the Middle East.

Technology & Telecommunications

Adrian has worked on dispute resolution in the tech & telecoms sector for over 25 years. These cases have covered the full range of activities in the sector including software implementation, product/service development, outsourcing, licensing, confidentiality breaches, data privacy and termination of long-term contracts. Some of his cases have been 'bet the company', for example, a dispute involving licensing rights in a

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well-known desktop software product and a dispute involving the termination of a project to computerise NHS patient care records which was the UK's largest ever IT project. He has also recently represented a supplier of security and air conditioning systems at an international airport.

Finance

Adrian's expertise lies in M&A, lending/funding, loan guarantees, credit arrangements, private equity, factoring, civil fraud, and barter agreements.

Energy & Natural Resources

Adrian has handled several high-value and complex arbitrations in this sector including a EUR 1 billion post-M&A dispute between oil & gas majors (DIS, Germany). He has also been involved in 2 cases concerning the supply of natural resources in the CIS (ICC Zurich (USD 70m) and SCC Stockholm (USD 55m)).

Media & entertainment

Adrian's practice has focussed on interactive computer games, with disputes involving the development, licensing, promotion, and sale.

Retail

Adrian has extensive experience of disputes in the retail sector. He has acted as counsel for a major UK food retailer handling their disputes with suppliers. He also represented a leading online retailer in relation to a dispute with its mail service provider and for an online bookseller in relation to a libel claim. In 2019 he carried out an investigation and reported on accounting irregularities for a UK PLC.

Transport (Aviation and Logistics)

Adrian has worked in the Transport sector for many years. Recent work includes acting as an arbitrator in an LCIA case involving the leasing of aircraft. Other recent work in the sector includes acting in relation to an ICC arbitration relating to the construction of airports in the Middle East (GBP £300m) and advising a UK PLC on its dispute with its logistics provider (£2 billion value dispute). He has also acted for a US aviation manufacturer in relation to allegations of fraudulent supplies of aircraft equipment to a customer in Asia including subsequent report to UK financial authorities.

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His mediation style has been described as “relaxed but proactive.” He takes an evaluative approach, with a focus particularly on communication among the parties.

Experience

Adrian has acted as arbitrator in over 20 arbitrations and as counsel in many more cases. The details are confidential but there is some information below:

- Acting as arbitrator in several arbitrations under the Arbitration Act 1996 (UK).
- Party-appointed arbitrator in a dispute between joint venture partners relating to international remittance services.
- LCIA case involving aircraft leasing
- DIS (Germany) case: post-M&A dispute between oil & gas majors (EUR 1 billion)
- ICC case (Switzerland) involving barter arrangements for supplies of natural resources in CIS (value USD 70m)
- SCC (Stockholm) case regarding termination of a long-term supply contract in the CIS including allegations of fraud (USD 55 million)
- ICC case involving construction of airports in Middle East (GBP 350m)
- SCC case concerning construction of a plant in the Middle East (USD 10m)
- LCIA case: breach of software license dispute involving well known desktop software (value, 'bet the company')
- LCIA case: breach of financing agreement (USD 180m)
- LCIA case: claim for breach of directors' duties relating to real estate development in India (USD 250m)
- Ad hoc, London: shareholder and joint venture dispute (USD 5m)
- LCIA case: claims under loan agreements against parties operating in the CIS (USD 30m)
- Insurance coverage dispute (Bermuda): acting for one of the world's largest retailers
- AAA case (USA): pricing dispute under long-term pharma supply contract
- Sports arbitration relating to sanctions against an Ice Hockey team in the UK
- Numerous disputes over corporate finance relating to M&A transactions
- UK PLC retailer in relation to dispute with supplier of champagne and fine wines
- US supplier of medical vaccines in dispute with manufacturer
- Dispute over construction of an oil platform in South America
- Civil fraud case against former officers of a national bank in Africa
- Civil fraud case against officers of a bank in the CIS
- Dispute regarding supplies of petrol in Middle East. SCC (Stockholm) arbitration
- Dispute re shipments of petrol in Middle East including issues re trade sanctions
- Dispute re supply of point of sale software to major high street retailer

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Academic & Professional Qualifications

- FCI Arb, 2012
- CEDR Accredited Mediator, 2015
- Solicitor of the Supreme Court of England & Wales, 1986 (now non-practicing)
- Cardiff University LL.B, 1982

Professional Associations & Recognitions

- Fellow of Chartered Institute of Arbitrators (FCI Arb)
- Member of London Chamber of International Arbitration (LCIA)
- Panel arbitrator, Abu Dhabi Global Market
- Panel arbitrator, Georgian International Arbitration Center
- Panel arbitrator, Shanghai Arbitration Commission
- Panel arbitrator, Oman Arbitration Centre
- Panel arbitrator, Dubai International Arbitration Centre

Publications, Articles & Thought Leadership

Adrian has spoken at many conferences about international arbitration and associated topics, including conferences organised by the American Bar Association, Chartered Institute of Arbitrators (London and Dubai), LCIA, ICC, Russian Arbitration Association (Moscow), Legal Counsel Forum (St Petersburg) and Swiss Arbitration Association (ASA Zurich).

Recently, Adrian gave an interview to the Eastern European Dispute Resolution Forum (EEDRF) in which he shared some opinions about arbitration in England:

- <https://www.youtube.com/watch?v=d6cnTczlFuM>

Adrian has spoken widely about mediation. For example, he chaired the session on mediation at London International Disputes Week (2021). He uses social media to promote use of mediation, for example:

- <https://www.youtube.com/watch?v=unurhVtrEw>

Adrian is also the founder of the [International Arbitration Supper Club](#).

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Directories & Client Quotes

Adrian has been recognised, ranked and commented on in both **Legal 500** and **Who's Who Legal**

Adrian Lifely is 'a trusted and reliable senior statesman in the arbitration world'.

Adrian Lifely 'has deep experience and expertise'

Lifely is 'a very strong arbitration practitioner'.

Adrian Lifely stands out for his work in international fraud cases over the course of over 25 years.

Adrian Lifely is a highly rated practitioner.

Party feedback

'Really put the clients at ease (and there were a lot of emotions going round) and on more than one occasion he made a suggestion/intervention that really helped move us along towards settlement. All told, top stuff.'

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