



Kate Cervantes-Knox

Partner

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Kate Cervantes-Knox has extensive experience advising clients in relation to international arbitration disputes across a range of sectors, with a particular focus on energy and infrastructure disputes.

She represents clients in ad hoc arbitrations and arbitrations under the ICC, LCIA, UNCITRAL and ICSID rules and also has expertise in claims under investment treaties.

Kate is a Councillor on the LCIA European Users' Council and a Member of the ICC Commission of Arbitration and ADR. She is a fluent Spanish speaker and is one of the partners leading the firm's Latin America disputes practice.

LANGUAGES SPOKEN

- English
- Spanish

EXPERIENCE

- Represented the Government of Georgia in ICSID arbitration claims valued at \$700 million brought under two bilateral investment treaties and under the Energy Charter Treaty relating to alleged investments in construction of oil and gas pipeline infrastructure and development of oil and gas facilities
- Acted for a Southern Caribbean government in an ICSID arbitration against a US oil company arising from a petroleum exploration agreement
- Represented investors in the financial services and insurance sectors in an Eastern European country in relation to claims under a bilateral investment treaty for expropriation and unfair and inequitable treatment
- Represented a South-East European Government in its defence of a €250 million ICC arbitration dispute concerning a multi-billion Euro project to design and construct more than 70 kilometres of commuter railway, including a new tunnel and all associated infrastructure (including over 40 new railway stations)
- Represented a global oil company in ICC proceedings in relation to an oil pipeline project in the Yemen

RELATED SERVICES

- International Arbitration
- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs
- Cross-Border Litigation

RELATED SECTORS

- Energy and Natural Resources
- Industrials
- Technology

LANGUAGES SPOKEN

English Spanish

- Represented a Spanish solar energy business in a LCIA arbitration in London with a Spanish manufacturer of solar energy panels. Successfully settled the claim with all claims against our client being withdrawn at no cost to our client
- Represented a Korean ship builder in two related LCIA arbitrations in London against three Nigerian companies arising from a \$300m project in Nigeria for the engineering, procurement, construction and commissioning for a greenfield floating production storage and offloading vessel (FPSO)
- Advised the founders of a world-leading IT security and data protection company in English High Court litigation proceedings and LCIA arbitration proceedings in respect of a shareholder dispute arising from a \$830 million transaction for the sale of shares in the company
- Represented a global fast food business in relation to LCIA arbitration proceedings brought against a franchisee in the Middle East
- Represented a global fast food business in English High Court proceedings against a Cypriot franchisee. Succeeded in obtaining summary judgment

CREDENTIALS

Professional Qualifications

- Solicitor-Advocate in England and Wales

Prior Experience

- Kate is a Visiting Professor at the University of Law, London (appointed in January 2016)
- Kate participated as an arbitrator in the LSE - LCIA Pre Moot in London (March 2016) and in the Asia rounds of the Foreign Direct Investment (FDI) Moot in Seoul (August 2013)
- Kate has previously lived in Buenos Aires and Madrid. She is a fluent Spanish speaker

Recognitions

- Kate has been recognised in the inaugural *Legal 500 Arbitrator Powerlist 2019* and in *Who's Who Legal: International Arbitration - Future Leaders 2019*.
- *GAR 100* - 8th edition: "London partner Kate Cervantes-Knox has also received strong praise as somebody that a .. client "was grateful to have on side". "She is extremely responsive to client concerns and priorities."
- Kate Cervantes-Knox is "a capable lawyer with considerable advocacy skills, who is impossible to intimidate and who really knows how to manage a big case and the team of people needed to run it". (*Legal 500, 2019, International Arbitration*)
- "Kate Cervantes-Knox has significant investment treaty experience, representing both states and investors in international arbitrations pursuant to bilateral and multilateral investment treaties." (*Legal 500, 2019, Public International Law*)
- Clients comment: "She [Kate Cervantes-Knox] knows the rules of arbitration inside out and has a great sense of how to navigate incredibly complex legal disputes." (*Chambers UK, International Arbitration, 2017*)
- Kate Cervantes-Knox is "an excellent technical lawyer," according to sources. She is fluent in Spanish and has notable expertise in disputes arising in Latin America. Sources also highlight her "exceptional organisational skills" and "level-headedness." (*Chambers UK, 2016*)
- *Legal 500 UK 2016* - within Public International Law - Kate Cervantes-Knox is "recommended."
- *Legal 500 UK 2016* - within International Arbitration - Kate Cervantes-Knox "manages disputes brilliantly."
- *Legal 500 UK 2015* - within International Arbitration - Kate Cervantes-Knox is "technically excellent."

Education

- Somerville College, Oxford, BA Experimental Psychology (1st class)
- Nottingham Law School, Common Practice Examination (Distinction)
- College of Law, London, Legal Practice Course (Distinction)

- Solicitors' Higher Courts (All Proceedings) Qualification

INSIGHTS

Publications

New Rules for a New Normal: The LCIA announces changes to its Arbitration Rules and Mediation Rules

14 August 2020

On 11 August 2020, the LCIA released an update to its LCIA Arbitration Rules and LCIA Mediation Rules (the “Rules”). The updates to the Rules will become effective on 1 October 2020, marking six years since the arbitration rules currently in force came into effect.

A successful s67 challenge: Silence did not confer authority to enter into an arbitration agreement

7 July 2020

The case *MVV Environment Devonport Ltd v NTO Shipping GmbH & Co. KG MS ‘MV Nortrader’* was one of the few successful challenges to an arbitral award which we have seen before the English courts in recent years.

LCIA annual casework report shows continued growth and diversity in both its caseload and its choice of arbitrators in 2019

25 May 2020

On 19 May 2020 the LCIA published its annual casework report for 2019. The report provides a useful summary of trends in the LCIA caseload during last year, and demonstrates the global nature and variety of disputes referred to the LCIA, in particular the continued increase in the international appeal of the LCIA.

ICC updates its force majeure and hardship standard clauses

27 April 2020

In view of the current uncertainty created by COVID-19, the International Chamber of Commerce has recently updated its “off the shelf” force majeure and hardship clauses. This article explains the relief that these two clauses offer and the main changes that the ICC has introduced in its standard clauses.

The English Court of Appeal confirms that a non-signatory can enforce an arbitration agreement under common law agency

10 April 2020

In the case of *Filatona Trading Ltd and Ors v Navigator Equities Ltd and Ors*, the English Court of Appeal recently upheld the decision of the English Commercial Court, finding that a disclosed and identified principal was entitled to rely on a contract entered into by their agent, including the arbitration agreement contained in that contract.

The Court of Appeal broadens the Courts' powers in aid of arbitration

7 April 2020

The Court of Appeal has handed down its judgment in *A v C*, in which it has confirmed that section 44(2) of the Arbitration Act 1996 gives the English Court jurisdiction to make orders against non-party witnesses for the taking of evidence in aid of foreign or domestic arbitrations.

WIN Wise - Tech dispute checklist

11 March 2020

Tech disputes can be complex. It can be difficult to remember everything while trying to get to grips with the factual/legal issues and putting in place a litigation strategy. Certain key issues must be considered to minimise risk and to ensure the efficient management of the dispute.

Arbitrators who were imprisoned in Peru have been released, but remain subject to significant restrictions on their freedom pending corruption investigations

5 December 2019

As has been widely reported, on 4 November 2019 the Peruvian Preparatory Investigation Court ordered the "preventative detention" of fourteen arbitrators who sat as arbitrators in cases between Odebrecht - the Brazilian construction company at the centre of the Operation Carwash corruption scandal in Brazil - and the Peruvian government.

- "MFN and dispute clause Turkmen cases add to the quagmire," *Global Arbitration Review*, Kate Knox and Oliver Perez, December 2013
- "Advantage Arbitration" (an assessment of the merits of litigation and arbitration in the wake of the Jackson Reforms), *Legal Week*, Jamie Curle and Kate Knox, October 2013

Kate is the designer and editor of the DLA Piper International Arbitration Newsletter, which is published to clients globally on a quarterly basis.

Events

Previous

Online hearings: balancing justice and efficiency for clients

20 July 2020

Webinar

- ZIALE Law School, Lusaka, Zambia: Lecturing on international arbitration (February 2016)
 - International Arbitration: A lawyers' jamboree or a linchpin of justice?, London, 12 Mar 2015
 - LCIA North American Users' Council Symposium, Washington D.C., Co-chair of session on "Orders, Awards and Enforcement" (February 2015)
 - Lecture at Korea University at its Investor-State Dispute Settlement Conference on the subject of Fair and Equitable Treatment jurisprudence in investment treaty arbitration (August 2013).
 - International arbitration (including investment treaty arbitration) training for government lawyers in Dar Es Salaam, Tanzania (May 2013)
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- Lecture on investment treaty arbitration at the "Trade Promotion and Protection of Foreign Investments" seminar organized by TOPAZ in cooperation with Konrad-Adenauer-Stiftung, Ministry of Finance of the Czech Republic and DLA Piper Prague LLP (March 2013)

NEWS

International Arbitration lawyers selected by Who's Who Legal

7 Jan 2019

We are delighted that Who's Who Legal, a directory of the "foremost legal practitioners in business law, based upon comprehensive, independent research among general counsel and private practice lawyers worldwide," has selected fifteen DLA Piper lawyers for its latest edition covering arbitration and construction.

DLA Piper and IKM Advocates secure victory for the Republic of Kenya defeating a US\$2 billion ICSID claim

24 OCT 2018

In a decisive victory for the Republic of Kenya, DLA Piper and DLA Piper Africa member firm, IKM Advocates, have successfully defeated the claim estimated to be worth US\$2 billion in arbitration proceedings brought by a mining investor, Cortec Mining Kenya Limited. The claim was brought under the bilateral investment treaty (BIT) between the UK and Kenya dated 13 September 1999. The arbitration took place under the auspices of the World Bank's International Centre for Settlement of Investment Disputes (ICSID), with the hearing taking place in Dubai in January 2018. The Tribunal issued its award on 22 October 2018.
