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A passage from India

Ben Rigby - 25 September, 2014

The international prestige of the London Bar holds strong, as Essex Court Chambers welcomes leading Indian advocate Gourab Banerji to the set.

Visit any set of chambers and you will see a list of members, ranked in order of seniority. Look underneath that and you will often see a list of "door tenants" comprised of former members, distinguished academic members, and a third group - eminent foreign lawyers, who have elected to associate with that chambers and practice their national law from it, as well as in their own jurisdictions.

While not permitted to give advice on English law, these overseas associates are regulated by the Bar Standards Board's (BSB) Code of Conduct, and work closely alongside law firms and the Bar on cross-border matters.

They are most often instructed where an independent law firm is not needed as co-counsel and in jurisdictions where a split profession exists for their appellate and advocacy insights, including in arbitration.

BSB rules forbid partners of law firms associating with chambers, so the relationship is an individual one. Recruitment is comparatively rare, saving any association for only those whose insights are sufficiently acute to command both regular instruction, and whose seniority commands an appropriate premium. Yet even that is changing.

INDIAN ARRIVAL

Banerji, who joins **Essex Court Chambers** in October 2014, is dual-qualified as a barrister and a Senior Advocate; being the Indian equivalent role, to that of Queen's Counsel (QC).

A former additional solicitor general of India until the country's May 2014 elections, Banerji will assist the London chambers with maintaining its Indian profile and further developing the set's Asian work.

Renowned for its arbitration work, Essex Court will no doubt be keen to establish its reputation in Singapore in particular. Some of the set's members operate from **Maxwell Chambers**, the city-state's purpose built commercial dispute resolution facility, alongside the likes of **20 Essex Street** and other newer arrivals, like **39 Essex Street**, the latter of which has also expanded its door tenancies (<http://www.cdr-news.com//categories/people-and-firms/arbitration-duo-join-thirty-nine>) recently.

Singapore's International Arbitration Centre (SIAC) has in recent years seen an increase in Indian-centred commercial arbitration work; an area in which Banerji specialises. "India is a growing source of work and this is great news", said chambers co-head **Graham Dunning QC** in a statement.

Banerji's appellate work has seen him litigate in the Supreme Court of India on numerous cases involving foreign multinationals like the world's largest steel producer, German corporation **ThyssenKrupp** and the Japanese **Sumitomo Group** of companies, while also representing the Indian government in the

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2011 participation in modernising the UNCITRAL rules.

"Attracting someone of [Banerji's] calibre...complements the work of many of our barristers, [and] is exactly what we needed to do to make the most of the opportunities in the region," said senior clerk **David Grief** in a statement.

Essex Court was at pains to make clear Banerji will offer advice as a Senior Advocate, and was not intending to practice as an arbitrator; there have been difficulties over allegations of conflict and bias (<http://www.cdr-news.com//categories/arbitration-and-adr/conflicts-arbitration-and-the-bar-the-coming-storm->) at the Bar, over the dual roles offered by counsel, including door tenants, whereby both act as both arbitrators and advocates, allegations firmly rejected by commercial sets.

INTERNATIONAL OUTLOOK

Banerji is not the only international lawyer to join a major London commercial set of late. **Fountain Court** welcomed the April arrivals of Italian arbitration expert **Professor Luca G. Radicati di Brozolo** and Cayman Island employed barrister **Sebastian Said**, followed by the July appointment of Australian barrister **Kanaga Dharmananda SC**.

The set's head of chambers **Stephen Moriarty QC** noted that the April appointments "add an extra dimension to our international expertise, [as] we can

offer our clients an even greater choice of experience as a result”.

Radicati di Brozolo, a former partner at **Bonnelli Erede Pappalardo**, set up disputes boutique **Arblit** in 2013. Like many senior lawyers, he preferred to avoid the possibilities of client conflicts between, in acting as an arbitrator, to which end Fountain Court now offers him a London outlet. Similar motivations, for example, led **Christopher Style QC** to the Bar (<http://www.cdr-news.com//categories/people-and-firms/going-to-the-bar-with-style>) from **Linklaters** (<http://www.cdr-news.com//firms/linklaters>).

A former competition lawyer, Radicati di Brozolo has appeared before the European courts, as well as the European Commission, which he has also represented. Italian adherence to European law (<http://www.cdr-news.com//categories/arbitration-and-adr/mandatory-mediation-legislation-divides-italys-legal-profession>) – or lack thereof - has been a fruitful source of EU jurisprudence, and Radicati di Brozolo has developed a strong niche in that area.

His arbitral experience (<http://www.cdr-news.com//categories/arbitration-and-adr/arbitration-bashing>) is no less extensive; Radicati di Brozolo is one of the foremost experts on arbitration involving competition law. Competition law is an area Fountain Court is not traditionally strong in; his arrival changes that, and as a civil law arbitrator, he adds to the set’s capabilities alongside established common law arbitrators, like **Anthony Boswood QC**.

As a member of the ICC International Court of Arbitration and a vice-chair of the IBA’s influential Arbitration Committee, he promptly announced his credentials to the market in delivering a May seminar on ‘Remedies against state interference with international arbitration’.

His appointment was welcomed by his former managing partner, **Stefano Simontacchi**, saying he “still enjoys a good relationship with Luca and [wished] him all the best at Fountain Court”.

SINGAPORE SWUNG

Fountain Court’s association with Dharmananda forms part of a move into the Asian market, as it joins the ranks of sets resident in Singapore with an opening there this month.

The set has a long history in the Republic, having sponsored young Singaporean lawyers (<http://www.cdr-news.com//categories/litigation/mooting-takes-off-for-singapores-young-advocates>) to experience legal life in London through an essay prize named after the late Sir Christopher Bathurst QC. It is now looking to the opportunities afforded (<http://www.cdr-news.com//article-tags/singapore/4697-singapore:-the-rebel>) by the creation of the International Commercial Court in Singapore, as well its attractions as an arbitration hub.

Dharmananda, who previously practised with **King & Wood Mallesons** in Perth and Sydney, has also practiced at Australian commercial firm **Corrs Chambers Westgarth**, where he was a partner. Dual qualified, he joined the Western Australian Bar in 2006 and took silk in 2010, thereafter working at **Rajah & Tann** in Singapore.

Dharmananda has strong academic credentials in arbitration, having appeared at arbitral tribunals across all the major regional centres (<http://www.cdr-news.com//article-tags/singapore/5032-party-differences>) in Asia, and joins **Professor Lawrence Boo** - one of Singapore's leading arbitrators - as the set's second member based in Singapore.

OFFSHORE ACOLYTE

Although door tenancies tend to be senior appointments, they need not exclusively be so. Said, a former pupil and tenant at Fountain Court until 2011, now practises in the Cayman Islands at **Appleby**, as an employed barrister His move adds offshore expertise at a time when firms are keen to utilise (<http://www.cdr-news.com//categories/litigation/4955-returning-offshore>) it, as well as an outlet for his banking and fraud expertise.

By offering him an advisory outlet, the set gains offshore capability as well as associating with a firm which has regularly instructed its members (<http://www.cdr-news.com//categories/people-and-firms/5095-see-you-at-the-bar>). His liquidation work - including that on the insolvency of the well-known collapsed fund vehicle (<http://www.cdr-news.com//categories/litigation/caribbean-casewatch>) **Weaving Macro Fixed Income Fund** - shows that he has maintained a credible practice.

Offshore firms have been assiduous (<http://www.cdr-news.com//categories/people-and-firms/littleton-loses-two-qcs>) in hiring barristers, but Said's example shows that associates can maintain an employed career and retain a link to London at the same time.

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