



Robert Rhodes KC

Year of Call: 1968

Year of Silk: 1989

Direct Access: Yes

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Robert Rhodes KC acts as counsel, arbitrator and mediator, specialising in **international arbitration, commercial, financial services, regulatory and disciplinary law**, civil fraud and **business crime** (including civil and criminal fraud, asset forfeiture, tax investigations, bribery and money laundering). He was Standing Counsel to the Inland Revenue for 10 years before taking silk. He has lectured in various continents on international mediation, international arbitration, fraud, bribery, and money laundering, and has published extensively.

He is noted for his utter dedication to his clients and takes a commercial approach to problems, and always gives clear, practical advice.

Robert is a panel member of the Chartered Institute of Arbitrators' Pandemic Business Dispute Resolution Service, as well as its Business Arbitration Scheme. He is also Adjunct Professor of the Academy of International Dispute Resolution & Professional Negotiation. Through Benchmark Chambers International and Benchmark International Mediation Centre, the Base of the Supreme People's Court of The People's Republic of China (SPC), Robert is a member of the SPC's pool of experts for discerning foreign law.

He is a Mediator at the international Court of Arbitration for Sport, Switzerland. He is a member of the Arbitration and Mediation Panels of the Court of Arbitration for Art, Rotterdam. Robert is also appointed to the Panel of Mediators of the International Commercial Mediation Center for the Belt and Road Initiative, Beijing.

Robert also sits on a number of Far Eastern panels of arbitrators / mediators, including the Arbitration Panel of the Beijing Arbitration Commission.

He has also been appointed a Senior International Mediation Expert at the Mainland-Hong Kong Joint Mediation Center, Hong Kong. He is an Invited Expert on the Professional Committee on Investment Arbitration of the China Academy of Arbitration Law.

Robert is a Fellow of the Chartered Institute of Arbitrators, a member of the London Court of International Arbitration and of the International Chamber of Commerce, and a former member of the Corporate Panel of the Dispute Board Federation,

He has revalidated BPP University's International Dispute Resolution and Arbitration Law modules for its LLM. Robert is a Goodwill Ambassador for the UK-Cyprus Enterprise Council, and a member of the Advisory Council to the UK Sichuan Business Association.

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Abu Dhabi

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Robert is a Master of the Bench of the Inner Temple, and a Member of the Bar Council of England & Wales, and has been recommended as a Leading Silk in Fraud, Banking and Finance by the Legal 500.

Notable cases

X v A, B, C (Queen's Bench)

Search and seizure case relating to a substantial art dispute.

Shah v Shah (Companies Court)

Company law dispute between brothers who were shareholders and directors of a plc.

BSAL v CHILUKIRI (Commercial Court)

Alleged advance fee fraud.

R (Lee) v General Commissioners of Income Tax & HMRC (Administrative Court)

Successful application for judicial review in respect of Commissioners' adverse decision to a taxpayer.

Connelly v Law Society (Administrative Court)

Significant case on various areas of law relating to solicitors' practice, including conflicts of interest, obtaining written instructions from a client and solicitor's lien.

Accountancy Investigation & Discipline Board v PricewaterhouseCoopers LLP & Another

250 page judgment of tribunal (chaired by Robert Rhodes QC), relating to disciplinary proceedings arising from the collapse of Mayflower Plc. See www.frc.org.uk.

Areas of Expertise

Alternative Dispute Resolution

Robert has for many years practised in ADR and has substantial experience of mediation and arbitration, sitting on various panels around the world.

Domestically, he is a panel member of the Chartered Institute of Arbitrators' Pandemic Business Dispute Resolution Service, as well as its Business Arbitration Scheme. He is also Adjunct Professor of the Academy of International Dispute Resolution & Professional Negotiation.

Robert is a Fellow of the Chartered Institute of Arbitrators, a member of the London Court of International Arbitration and of the International Chamber of Commerce, and a former member of the Corporate Panel of the Dispute Board Federation.

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Robert also works internationally – see his International Arbitration practice below.

International Arbitration

Robert acts as counsel and has experience of international arbitration in commercial, energy and natural resource matters with experience under ICC and ICSID rules.

Recent cases include:

- **AS PNB Banka and others v. Republic of Latvia, ICSID Case No. ARB/17/47** – claims arising out of the sanctions imposed by the Government on the claimants' bank for its alleged failure to comply with anti-money laundering and terrorist-financing regulations.
- Licence dispute relating to goldfields in Ghana under ICC rules seated in London.
- Dispute between an American and an Indian company arising from an agreement for the development and operation of a mine under ICC rules seated in London.
- Sole arbitrator for the ICAEW in a dispute surrounding restrictive covenants.

Civil and Criminal Fraud

Robert has specialised in fraud for over 40 years, in cases throughout the UK, Europe, the Middle East, and Far East. Robert regularly advises on tax and VAT fraud, as well as civil fraud. He has had an 80% success rate against the SFO.

Notable big Ponzi cases in which he successfully defended include:

- Acted against SFO in relation to a Polish national extradited from Germany. After she had been in custody for a year, Robert was instructed and first got her bail, then submitted a memorandum to the SFO, who dropped the case against her.
- Defended in what was to be a 12 month SFO prosecution before a High Court Judge. After the jury had actually been empanelled, Robert successfully appealed to the Court of Appeal an important ruling of the Judge. The SFO then dropped the case.
- Successfully defended a financial adviser accused of more than 20 counts of fraud in a 6 week trial in Bristol.
- Counsel for the successful appellant in the criminal confiscation case of Sekhon [2003] 1 WLR 1655 CA
- Ahmed v Addy & Karwal [2004] EWCA Civ 1437 (civil fraud)
- R v Criminal Cases Review Commission, ex p Hunt (2001) QB 1108: case establishing the Inland Revenue's power to prosecute on indictment without the Attorney-General's consent.
- Cairns "Times" 8.3.00: murder conviction quashed on admission of new scientific evidence.
- W (power of CPS to prosecute in a tax fraud where the Inland Revenue enters into a pecuniary settlement.
- Naviede – "Arrows" £100m fraud.
- R v Salford Magistrates' Court ex p Gallagher – decision power to review and quash SFO's orders of transfer of fraud trials to Crown Court.
- R v Chief Constable of Kent – leading case on court's power judicially to review the discretion of the CPS to prosecute a juvenile.
- R v Commissioners of Inland Revenue, ex p Mead and Cook – leading case on court's power judicially to review the discretion of a prosecuting authority to prosecute.
- Ex p Postlethwaite – the Heysel Stadium extradition.

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- R v Chief Metropolitan Stipendiary Magistrate: relating to extradition proceedings brought on behalf of Norway.

Disciplinary & Regulatory

Robert has a strong disciplinary and regulatory practice including such high profile cases as **Accountancy Investigation & Discipline Board v PricewaterhouseCoopers LLP & Another**, a 250 page judgment of tribunal chaired by Robert, relating to disciplinary proceedings arising from the collapse of Mayflower Plc. See www.frc.org.uk.

Memberships

- Bencher of the Inner Temple
- Standing Counsel to Inland Revenue (1979 – 1989)
- Crown Court Recorder (1987 – 2018)
- Deputy Chairman IMRO Membership Appeals Tribunal (1992 – 2001)
- Member Appeal Tribunal ICAEW (1998-2004)
- Chair of Disciplinary Tribunals for AIDB / AADB (2004 to 2012)
- Chair of Disciplinary Tribunals for the FRC (Financial Reporting Council) (2012 – 2014)
- Member of the Bar Council
- FCI Arb (Fellow of the Chartered Institute of Arbitrators)
- CBA (Criminal Bar Association)
- CEDR (Centre for Effective Dispute Resolution)
- CMC (Civil Mediation Council)
- COMBAR (Commercial Bar Association)
- LCIA (London Court of International Arbitration)
- LMAA (London Maritime Arbitrators Association)
- The Advisory Council of the UK Sichuan Business Association
- Adjunct Professor of the Academy of International Dispute Resolution & Professional Negotiation.
- Robert is a member of the Supreme People's Court of The People's Republic of China's pool of experts for discerning foreign law.
- Arbitration and Mediation Panels

Europe

- Bar Council of England & Wales: member of arbitration, mediation and expert panels.
- Chartered Institute of Arbitrators – panel member for its Business Arbitration Scheme
- Chartered Institute of Arbitrators Pandemic Business Dispute Resolution Service – panel member
- Mediator at the International Court of Arbitration for Sport
- Arbitrator and Mediator at the Court of Arbitration for Art, Rotterdam

Caribbean

- Member of the Panel of Arbitrators of the Arbitration & Mediation Court of the Caribbean

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USA

- The International Institute for Conflict Prevention & Resolution: Panel of Distinguished Neutrals

Far East

- International Mediator at the Shenzhen Qianhai International Commercial Mediation Center
- Panel of Mediators of the Asia Pacific Centre for Arbitration & Mediation Centres (APCAM)
- Panel of Mediators of the International Commercial Mediation Center for the Belt and Road Initiative, Beijing
- Member of the Beijing Arbitration Commission's Panel of Arbitrators
- Panel Arbitrator of the China Maritime Arbitration Commission
- Lang Fang Arbitration Commission (arbitrator and mediator)
- Invited Expert on the Professional Committee on Investment
- Arbitration of the China Academy of Arbitration Law
- Senior International Mediation Expert at the Mainland-Hong Kong Joint Mediation Center, Hong Kong
- Senior International Mediation Expert of International Dispute Resolution & Risk Management Institute
- Member of the panel of Mediators of the Macao Mediation Centre
- Chinese Arbitration Commission, Taipei (arbitrator and mediator)
- Thailand Arbitration Institute (arbitrator)
- Member of the mediator panel of Japan International Mediation Center in Kyoto ("JIMC-Kyoto")
- Member of the Panel of Arbitrators (Brunei)
- Former member of Jinan Arbitration Commission (arbitrator and mediator)
- China Council for the Promotion of International Trade (mediator) (2013-16)

Languages

- French

Publications

Robert Rhodes KC has written articles and publications on a wide range of legal matters. He has also contributed to training videos, and radio and television programmes. Examples include:

- Remote Arbitration: is the future inevitable? *Swiss-Chinese Law Review Journal* November 2020
- "Cryptoassets — obtaining freezing and proprietary injunctions in relation to civil fraud" *US-China Law Review*, vol 17 no.2, 2020 p.39
- Investment Rights under Bilateral Investment Treaties "Arbitration" vol 85 no. 4 p.400 November 2019.
- "Have the Risks of ADR Escalation Clauses Reduced?", *Arbitration* vol 82 no.1 p.16
- Co-authored first chapter of Lissack & Horlick on Bribery, published May 2011 and 2nd edition November 2014
- "Banks' liability for fraud on creditors", *Butterworths Journal of International Banking and Financial Law* March 2014 p.175

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- "Mediation-Arbitration (Med-Arb)", Arbitration April 2013
- "In the Hot Seat: avoiding the risk of judicial review when chairing a disciplinary tribunal" NLJ 2011 pp.505-506
- December 2010 contributed to the New Law Journal supplement on the Bribery Act 2010
- "Trial by Jury under Attack" Counsel Magazine April 2008
- 2008 contributed chapter "What is the Criminal Law For?" to Smith Institute's Book "Advancing Opportunity: routes in and out of criminal justice"
- 2006 contributed chapter "The Importance of Jury Trials" to Smith Institute's Book "Social Justice: Criminal Justice"
- Joint Author of Archbold Practical Research Papers: "Transfer and Applications to Dismiss Transferred Charges" and "Preparatory Hearings in Serious Fraud Cases"
- Member of the Editorial Advisory Board of the Journal of Money Laundering Control, and of the Journal of Financial Crime (and previously of the former European Financial Services Law Journal)
- Contributor to Law Channel's Money Laundering Training Video for Solicitors, 2004
- "A Guide to Money Laundering Legislation" (2004) The Journal of Money Laundering Control vol. 8 no. 1 p.9
- "Value Billing" Taxation Practitioner, April 1999
- Contributor to 1999 Report on Parallel Proceedings by the Society for Advanced Legal Studies
- "The Whole Truth" Accountancy Age 30th April 1998
- "Criminalising Artificial Tax Avoidance" (1998) NLJ 118
- "Juries in Fraud Trials" (1998) NLJ 239
- "Analysis: R v Charlton and others" (1996) Journal of Money Laundering Control 197
- "The Fruits of the Crime" (1995) NLJ 822
- "The Impact of Money Laundering in the Pacific Rim on the United Kingdom" The Criminal Lawyer, November 1994
- "SFO: Abuse of Process?" (1992) Sol. Jo. 241
- "The Inland Revenue and the Criminal Law" (1989) Journal of Criminal Law 477

To listen free to Robert's podcast on enforcement of confiscation orders, please click on [Enforcement of Confiscation Orders](#) and use the access code **rhodes 2011**. To listen free to Robert's podcast on juries, please visit <http://www.cpdcast.com/redeem/rhodes2011> and follow the registration instructions. Podcast voucher code is: **rhodes2010**.

Privacy Policy

Read Robert's [Privacy Policy](#).

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