



# Stephen Doherty

**Year of Call:** 2013

**Direct Access:** No

	stephen.doherty@outertemple.com
	+44 (0)20 7353 6381



Stephen has a **commercial disputes** practice with a focus on **international arbitration**, litigation, and **financial services**. His international work is predominantly based in the United Arab Emirates (UAE), and the wider GCC region, where he regularly appears in the Dubai International Financial Centre (DIFC) and Abu Dhabi Global Market (ADGM) Courts across a number of practice areas, as well as representing parties in arbitrations under a number of institutional rules, including the ICC, DIAC, DIFC-LCIA and ADCCAC.

Stephen is ranked as a Tier 1 Junior by the Legal 500 (The English Bar: Commercial in the Middle East) and as an "*Up and Coming*" Junior Chambers & Partners Global 2022.

Legal 500: "*Stephen is a pleasure to work with. He is commercially minded, reliable and also delivers a calm and considered approach to advocacy.*"

Chambers & Partners: "*Stephen Doherty is a very hard-working advocate and he knows his DIFC law really well." "He has a phenomenal understanding of local laws. He is excellent on regulatory investigations. I would highly recommend him."*"

Stephen has been instructed as sole counsel in numerous multi-million dollar disputes, encompassing general commercial work (civil fraud, shareholder disputes, joint ventures, freezing injunctions etc.), as well as disputes within the fields of banking and financial services, and construction. He has also been instructed in respect of a number of regulatory investigations by the Dubai Financial Services Authority (including investigations concerning the Abraaj Group), and has previously spent time on secondment at various regulatory authorities, including both the Enforcement and General Counsel's Division of the Financial Conduct Authority, and the Pensions Regulator.

Stephen has a first-class degree in History from Oxford University. He completed his Graduate Diploma in Law with distinction and achieved an outstanding grade in the Bar Professional Training Course. He is also a contributing author to Atkin's Court Forms issue on Pensions.

## Areas of Expertise

### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381

F: +44 (0)20 7583 1786

E: clerks@outertemple.com

DX: LDE 351 (Chancery Lane)

### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596

E: OTC-UAE@outertemple.com

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584

F: +971 4401 9578

E: OTC-UAE@outertemple.com



## Commercial Litigation

Stephen has a substantial commercial disputes practice with a strong emphasis on international matters particularly in Middle-East with experience of advising and representing clients before the DIFC and ADGM Courts, and advising on jurisdictional and other issues that arise in the UAE.

He is often instructed to advise and appear in court in a range of other complex contractual and commercial disputes including a professional negligence, shareholder disputes, and civil fraud. Within his commercial disputes practice, Stephen is often instructed on banking and financial services matters, including in only the second ever successful claim for breach of the *Quincecare Duty*. He also regularly appears before the Courts in applications for injunctions, summary judgment / strike out, freezing orders, pre-action disclosure, Norwich Pharmacal orders, interim payments, and other forms of interlocutory relief.

Stephen also has experience in regulatory investigations, and has been instructed in the high-profile actions brought by the DFSA arising from the collapse of the Abraaj Group. At the Financial Conduct Authority, Stephen was also involved in a high profile investigation of a retail bank and has advised on numerous issues relating to pensions scams, authorisation of firms, passporting, and the scope of the FCA's powers under FSMA. He also has experience of a high profile criminal investigation, conducted by the Serious Fraud Office, into allegations of corruption and bribery against a large UK bank.

Examples of recent instructions include:

- **Maasun v Mousi & Ors [2022] DIFC CA 004:** successful appeal in a \$30 million civil fraud case, leading to the substantive claim being dismissed.
- **Rahamtalla v Expresso Telecom Group [2022] DIFC CA 002:** DIFC Court of Appeal case concerning the application of penalties under the DIFC Employment Law, and limitation periods in the DIFC Court.
- **Lakhan v Lamia [2021] DIFC CA 001:** Landmark case before the DIFC Court of Appeal leading to a shift in the interaction between the DIFC Court's and the Joint Judicial Committee (led by James Counsell QC)
- **Aegis v Union Bank of India [2020] DIFC CFI 004:** Successful claim against a bank for breach of the Quincecare Duty, in the context of online phishing fraud. A novel application of the Quincecare Duty to cyber-crime committed by third-parties, and only the second ever successful application of the duty which was established over thirty years ago.
- **IGPL General Trading v Hortin Holdings & Ors [2021] DIFC CA 015:** Court of First Instance and Court of Appeal proceedings concerning the application of the Duomatic principle of Company Law in the DIFC Courts.
- **Kaamil v Kaawa & ors [2020] CFI 032:** Successful application (for the first time) of the rule against reflective loss in the DIFC Court, confirming that the rule applies notwithstanding assets being held in complex corporate and trust structures. The case concerns a \$30+ million civil fraud dispute.
- **Erik Rubingh v Veloqx RSC [2020] ADGMCFI 0006 (ADGM)** which is an employment dispute in which Stephen obtained judgment for \$1 million, that has also raised novel issues in respect of the ADGM's enforcement procedures that have previously been untested.
- **Al Soor Investments LLC & Ors v Julius Baer (Middle East) Limited & Ors [2019] CFI 088:** Proceedings concerning the scope of the DIFC Court's jurisdiction on an application for pre-action disclosure.
- **DFSA v KPMG:** Acting as sole counsel in a high-profile regulatory investigation in the DIFC concerning the role of the auditors of the Abraaj Group.
- Acting in a c. £80 million dispute in the UK High Court, including applications for freezing injunctions and disclosure orders at an interlocutory stage.
- Acting in a £2+ million High Court claim for a property developer in a claim brought by an investor, raising issues of



breach of contract, unlawful means conspiracy, knowing receipt / dishonest assistance, and fraudulent misrepresentation.

- Advising and drafting pleadings in relation to a contractual dispute relating to the breach of terms of use of an online trading platform.
- Obtaining judgment for £350,000 in a summary judgment application before the High Court. Successfully resisting summary judgment in High Court commercial dispute.
- Advising and drafting pleadings in a £500,000 breach of a supply agreement. Advising in relation to a £250,000 dispute regarding breach of a loan agreement.
- Advising and drafting pleadings in relation to the clawback of commission by an FCA regulated firm in relation to a number of insurance products.
- Advising on a claim for unliquidated damages in a complex international dispute.
- Representing a client in an application for injunctive relief in support of related arbitral proceedings.

## International Arbitration

Stephen has substantial experience of international arbitration, particularly in respect of disputes in the Middle-East, where he spent approximately two years on the ground in Dubai working at a leading UAE law firm, as lead advocate for their international arbitrations. In recent years he has acted as sole counsel, frequently against and before leading silks in the field, in a number of high-value and complex arbitrations, including disputes arising from major infrastructure projects (e.g. the construction of the Doha metro) and other unrealised commercial developments (e.g. stalled projects in major real estate developments).

Stephen also has experience of advising on, and appearing before Tribunals and Courts in respect of matters ancillary to arbitral proceedings, including jurisdictional challenges, applications for injunctive and other interim relief, applications for interim payments, disclosure applications, and other preliminary issues.

Stephen has experience of conducting arbitration disputes under some of the core arbitral rules including DIAC, ADCCAC, DIFC-LCIA, LCIA, SIAC and ICC Rules.

Some examples of recent cases include:

- Acting as lead counsel in the defence of a £100+ million claim by a former joint venture partner, concerning the failed development of a tower in Downtown Dubai (SIAC).
- Acting as lead counsel for the main contractor in a number of multi-million dollar arbitrations relating to the construction of the Doha Metro ahead of the FIFA World Cup, the largest infrastructure project undertaken in Qatar's history, and one of the largest infrastructure projects in the world (ICC).
- Acting as lead counsel in the trial of a preliminary issue concerning the standing of a major UK company to arbitrate, following it having allegedly acquired rights under an arbitration agreement from a subsidiary company that had been dissolved.
- Acting as lead counsel for the Main Contractor in a suite of claims arising from the construction of a large greenfield project, with a combined value exceeding \$200 million (encompassing issues of delay and disruption) (ADCCAC).
- Acting as a lead counsel for a real estate investor in an arbitration claim and counterclaim with a combined value of approximately \$200 million, due to the master developer's failure to hand over the plot or construct infrastructure (DIAC).
- Acting as sole counsel for a Master Developer in a \$14 million arbitration claim against a sub-developer for breaches of its construction and payment obligations (DIAC).



- Acting as lead counsel in a claim against a bank for losses sustained as a consequence of fraud, and breach of the bank's *Quincecare Duty* (DIAC).
- Acting as lead counsel in a dispute between former shareholders of a company, concerning payments allegedly made in breach of trust (Ad hoc).
- Acting as lead counsel in a dispute between a software company.

## Pensions

Stephen spent time on secondment to the Pensions Regulator, where he was involved in a range of Determinations Panel, Upper Tribunal and High Court litigation, and other advisory work. Stephen has experience of issues relating to pension scams, misuse and misappropriation of pension scheme assets, defined benefit scheme funding, scheme governance, and the prohibition of scheme trustees. Whilst seconded to the Financial Conduct Authority, Stephen has gained further experience of pensions scams, the regulation of personal pension schemes, and issues relating to the suitability of advice provided to pension schemes.

Stephen regularly advises pension scheme members in relation to a variety of complaints to the Pensions Ombudsman and through internal dispute resolution procedures (IRDPs). This includes complaints of maladministration through the provision of incorrect pension benefit quotations, misrepresentation, breach of contract, claw back of overpaid benefits, and complaints relating to the retention of Mental Health Officer (MHO) and Special Class (SC) status in the NHS Pension Scheme.

Stephen has experience in respect of both Part 7 and Part 8 pensions actions, as well as having appeared before the Determinations Panel of the Pensions Regulator. Examples of cases in which Stephen has acted include:

- ***Significant Part 8 Pensions Claim (Private)***: Acting for a large UK Company (led by Andrew Spink QC) in a pensions case raising giving rise to complex historic validity and rectification issues.
- ***Hogg Robinson Plc v Harvey and others [2016] EWHC 129 (Ch)***: **Part 8 proceedings and an application** by the sponsoring employer of a pension scheme for summary judgment in respect of its claim for rectification of a deed of amendment to the scheme, which purported to change the rate of pension increases from RPI to LPI (led by **Nicolas Stallworthy KC**).
- ***TPR v Merchant Navy Ratings Pension Fund***: Appearing before the Determinations Panel of the Pensions Regulator successfully resisting action taken to appoint an Independent Trustee to the Merchant Navy Rating Pensions Fund.
- Whilst at the Pensions Regulator, Stephen was also part of the case team in a claim arising from a pensions liberation fraud, ***The Pensions Regulator v Payae & Ors [2018] EWHC 36 (Ch)***.

Stephen also undertakes a range of advisory work, including:

- Advising and drafting grounds of appeal to the High Court from a decision of the Pensions Ombudsman
- Advising in relation to a proposed scheme closure exercise by a large UK plc
- Advising in relation to a claim for entitlement to pensionable service for part-time workers following the CJEU's decision in *O'Brien v Ministry of Justice*
- Advising a SIPP / TIP provider in relation to its reporting obligations under the FEES Manual of the FCA Handbook



## Memberships

- Lincoln's Inn
- COMBAR
- Association of Pensions Lawyers
- DIFC Part II Registered Advocate

## Awards

- Lord Denning Scholarship, Lincoln's Inn
- Hardwicke Scholarship, Lincoln's Inn

## Recommendations

---

**London (Main Office)**  
The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: clerks@outertemple.com  
DX: LDE 351 (Chancery Lane)

**Abu Dhabi**  
24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island

Abu Dhabi, UAE  
T: +971 2694 8596  
E: OTC-UAE@outertemple.com

**Dubai**  
Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: OTC-UAE@outertemple.com



Outer Temple

# LEADING JUNIOR

# Legal500

EMEA

2024

#### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: clerks@outertemple.com  
DX: LDE 351 (Chancery Lane)

#### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: OTC-UAE@outertemple.com

#### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: OTC-UAE@outertemple.com



Outer Temple



**London (Main Office)**  
The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: clerks@outertemple.com  
DX: LDE 351 (Chancery Lane)

**Abu Dhabi**  
24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island

Abu Dhabi, UAE  
T: +971 2694 8596  
E: OTC-UAE@outertemple.com

**Dubai**  
Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: OTC-UAE@outertemple.com