



Vivek Kapoor

Year of call: 2018 (2008 (India) 2018 (England & Wales) 2022 (DIFC))

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Vivek is an experienced barrister, advocate and arbitrator specialising in complex commercial, construction, and investor-state disputes. He is recognised for his expertise in multi-jurisdictional disputes arising from energy, natural resources, infrastructure and construction, banking and financial services, and technology sectors.

Vivek is described in leading legal directories as “an excellent litigator”, “an expert in law”, “an excellent advocate” and “a great strategic decision maker”. Clients note that “his ability to find novel legal solutions to some of the most difficult situations is remarkable” and that he “thinks of every scenario for a case and prepares for each one, including complex and difficult ones”. His “ability to make simple arguments explaining complex legal points in both law and fact” is described as “a case winner”. In a leading judgment in the English High Court, the Judge described Vivek’s submissions as “able and persuasive”. Vivek featured in the inaugural Legal 500 International Arbitration Powerlist, which listed 200 of the UK’s leading arbitration practitioners working in law firms and at the Bar.

Vivek acts for Sovereign states, leading Fortune 500 corporations, multinational and regional corporations, and state-entities from a wide range of geographies.

Vivek has a wide-ranging practice in the field of international arbitration. He acts as counsel in arbitrations under a wide variety of international arbitration rules including ICSID, ICC, LCIA, SIAC, UNCITRAL, and ad-hoc arrangements. He also regularly acts as arbitrator in arbitrations under ICC, LCIA and SIAC rules.

Vivek has an established practice as counsel before the English and Indian courts. He also acts in DIFC and ADGM courts, and has in the past acted in matters before the highest courts of Singapore and Hong Kong. His broad litigation practice extends across the full range of commercial disputes, covering energy, natural resources, infrastructure and construction, banking and finance, civil fraud, injunctions and challenges to awards and enforcement under the New York Convention. He has experience of arbitration applications before various international courts.

Most of Vivek’s work is as lead counsel or sole counsel, though he regularly acts as part of large counsel teams.

Vivek is also instructed by States and private entities on both contentious and non-contentious public international law related issues. He is regularly advises on matters related to policy and protection of international investment under bilateral investment treaties, free trade agreements, investor-state and concession contracts, and sanctions.

Areas of expertise

International Arbitration (as Counsel)
International Arbitration (as Arbitrator)
International Litigation
Public International Law
Energy and Natural Resources
Infrastructure and Construction
Banking and Financial Services

Public International Law

Vivek has been instructed by States and private entities on both contentious and non-contentious public international law related issues. He is regularly instructed in matters related to the protection of international investment under bilateral investment treaties, free trade agreements, and investor-state and concession contracts.

He advises on restructuring of investments to provide treaty protections, treaty interpretation, sovereign immunity, state succession, state sovereignty over natural resources, state responsibility for actions of public authorities, and international sanctions. He has also advised on civil liberties and human rights in the context of commercial disputes involving States and State entities.

Admissions

- England & Wales India
- Dubai International Financial Centre (DIFC)
- Abu Dhabi Global Market (ADGM)

Memberships

- LCIA European Users' Council
- International Council for Commercial Arbitration (ICCA) Chartered Institute of Arbitrators (CIArb)
- Energy Arbitration Club Scottish Arbitration Centre
- International Centre for Alternative Dispute Resolution (ICADR)
- Editorial Advisory Board, LexisNexis Arbitration

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