



ROMAN KHODYKIN

Partner
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BIOGRAPHY

Roman Khodykin is a Partner within the firm's international arbitration practice and a leading practitioner in national and cross-border disputes, with particular emphasis on the energy sector and shareholder's disputes. Among other regions and territories, Roman has extensive experience of acting in arbitrations involving parties from the United Kingdom, Russia, Central Asia and the Middle East. His substantial experience in acting as counsel is complemented by his regular appointment as arbitrator, he also holds a PhD in Conflict of Laws and is highly regarded for his knowledge of arbitration law.

Roman has acted in a myriad of disputes under the auspices of the ICSID, LCIA, DIFC, ICC, AAA and MKAS, he has also represented athletes before the Ad Hoc Division of the Court of Arbitration for

Sport. Roman is dual qualified as a Solicitor Advocate in England and Wales and as a Russian advocate, he also holds higher rights of audience in the AIFC Court in Kazakhstan. In 2015, Roman was appointed by the ICC World Council as an alternate member and subsequently served a full term at the ICC International Court of Arbitration in Paris.

Roman is recognised by the legal directories as one of the leading international arbitration lawyers and was named "Lawyer of the Year" for International Arbitration by Best Lawyers in 2019. An avid scholar, Roman is also a member of the editorial board at The International Journal of Arbitration, Mediation and Disputes Management. He is also is a Visiting Professor at the Centre for Commercial Law at Queen Mary University of London and has lectured at the University of Cambridge.

ADMISSIONS

- England and Wales
- Russian Federation
- Astana International Financial Centre Court (AIFC Court)

RELATED PRACTICE AREAS

- International Arbitration
- Insurance
- Litigation & Dispute Resolution
- Energy Transition
- Business & Commercial Disputes
- UK & EU Class Actions
- Oil, Gas and LNG
- Insurance Regulatory
- Insurance: Corporate & Transactional
- Insurance Insolvency & Receiverships
- Sports & Entertainment
- Collegiate Sports Practice
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Captive Insurance
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice

- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Sports & Event Financing
- InsureTech
- Insurance (Class Actions)

EXPERIENCE

AS COUNSEL

- Represented a Cyprus holding company in a LCIA arbitration with respect to a share purchase offer by a third party. In particular, the question was whether the said purchase offer was bona fide and whether it triggered contractual provisions in the relevant shareholders agreement. The value of the claim was USD 120,000,000.
- Represented an international energy trading company in defence in a complex, high value LCIA arbitration relating to the delivery to a major international commodity trader of a purportedly contaminated parcel of crude oil. The dispute arose out of the delivery of a cargo of Russian Export Blend Crude Oil circumstances where the quality of the cargo may have been affected by a well-publicised incident of contamination of crude oil in the Druzhba pipeline in April 2019.
- Represented a Saudi individual in a Dubai seated LCIA arbitration. The arbitration concerned claims against our client's former employer, a large provider of online payment solutions based in the Middle East. The claims related to breaches of an advisory agreement, including a claim for the wrongful termination of that agreement and the resulting losses. The dispute involved complex matters of corporate governance in multiple jurisdictions, and related proceedings in local courts that preceded the arbitration.
- Represented a shareholder in one of the largest Russian e-commerce companies in a high-profile London seated LCIA arbitration. The dispute concerned the management and operation of one of the largest Russian e-commerce companies and included unfair prejudice claims, which are rare in international commercial arbitration. Also advised in respect of arbitration related court proceedings in four separate jurisdictions.

- Represented Evison Holdings Limited, part of Baring Vostok private equity funds, as lead counsel in a LCIA arbitration and other proceedings conducted outside of Russia. The arbitration concerned a high value, high profile dispute with Finvision Holdings Limited arising out of a merger of Orient Express Bank (Bank Vostochny) with Bank Uniastrum. Advised in respect of arbitration related court proceedings in the English, Cypriot and Italian courts and in relation to a S1782 application for disclosure in the New York courts.
- Represented a group of companies in four parallel LCIA arbitrations (consolidated in one set of proceedings) in connection with put option agreements. In particular, the claimants were trying to avoid the put option agreements alleging misrepresentation.
- Represented Russia's leading insurance company in its successful recovery of the amounts due from its reinsurers following the collapse/subsidence of a hydropower plant in Russia. The incident was Russia's second largest insurance loss in history.
- Represented a Tajikistan enterprise in a multimillion arbitration against a Swiss company before the International Commercial Arbitration Court at the Russian Chamber of Commerce and Industry.
- Represented the second largest Russian Bank in two LCIA arbitrations against a Cyprus company under a guarantee issued to secure obligation of a Russian Industrial company. The arbitrations have given rise to issues concerning the effect of EU sanctions and orders on the jurisdiction of the tribunal and on the claimant's substantive claims. Hearings, a procedural hearing and a jurisdictional hearing, were held in London in April, October, November and December 2015. The value of the claims was USD 135m and USD 145m respectively.
- Acted as counsel against the Republic of Kazakhstan in a multi-million investment arbitration before the ICSID.
- Represented a Russian entrepreneur in a LCIA arbitration. The Client was previously represented by Eversheds. The claims arose out of contractual arrangements relating to a Shopping Complex in Moscow. The arbitration raised a number of complex jurisdictional issues including those surrounding the binding of non-signatories to an arbitration agreement.
- Represented a Cyprus company before the American Arbitration Association in a dispute concerning disclosure of information to a company's shareholder.
- Represented a Russian oil refinery in a high-profile ad hoc arbitration which took place in London.
- Represented a Swedish company in proceedings for the enforcement of an ICC Arbitration award before the Commercial Court of first instance in Irkutsk (Eastern Siberia, Russia). The award was successfully enforced and the amount due recovered in full.

AS ARBITRATOR

- An arbitrator on a two-member panel in a case administered under the LCIA Rules. The case concerned a dispute between an English and Kazakhstan party arising out of the supply of crude oil.
- The chair on a three-member sport arbitration panel dealing with a disciplinary matter under the aegis of World Sailing.
- The chair on a three-member panel in a case administered under the LCIA Rules. The case involved allegations of fraud between the joint venture partners.
- Appointed by the SCC as the sole arbitrator in a case arising out of the oil supply contract.

RESOURCES

PUBLICATIONS

- Roman Khodykin, Carol Mulcahy *"A Guide to the IBA Rules on the Taking of Evidence in International Arbitration"* (Oxford University Press, 2019).
- Roman Khodykin *"Arbitration Law of Russia: Practice and Procedure"*, JurisPublishing, New York, 2013.
- *"Documentary Evidence"* in *"Handbook of Evidence in International Commercial Arbitration"*, ed. by Franco Ferrari and Friedrich Rosenfield, (Kluwer Law International, 2022), Chapter 7, pp. 141-179
- *"'But at the Length Truth Will Out': Witness Evidence in International Arbitration: Developments and Future Trends"* in *"International Arbitration in England, Perspectives in Times of Change"*, ed. by Gregory Fullelove, Laila Hamzi and Daniel Harrison, (Kluwer Law International, 2022), co-authored with Siobhan Abraham, Chapter 16, pp. 299-326
- *"Arbitration in Russia: Hot Topic in a Cold Winter"* in: *Contemporary Issues in International Arbitration and Mediation. Fordham Papers 2011 / Ed. by A. Rovine* (Leiden-Boston 2012).
- *"Independence and Impartiality of Arbitrators in Investment Disputes"* in: *"Arbitration"*, 2011, issue 4.
- Chapter on the Russian Federation Law on International Commercial Arbitration in: *"World Arbitration Reporter"*, ed. by Loukas Mistelis, Laurence Shore and Hans Smit (2010);

- *"Application of New Provisions of the Arbitrazh Procedure Code on Class Action"* in: *"The Herald of the Urals District Federal Arbitrazh Court"*, 2010, issue 1, pp. 132-143;
- Commentary to Chapter IV *"Private International Law"* of Part 3 of the Civil Code of the Russian Federation (Statut, Moscow, 2021) – Articles 1194, 1218 and 1220.1;
- *"Interaction between Russia and England in Civil Procedure"* in *European Business Law Review*, 2014;
- *"Adverse inferences of the court/arbitral tribunal"* in *"Arbitration and regulation of international commercial circulation: Russian, foreign and transnational approaches. Liber Amicorum in the honour of the 70th jubilee of Alexander S. Komarov"*, Moscow, Statut, 2019.
- *"On the Issue of Class Litigation"*, in: *"Judicial Reform and Contemporary Problems of civil and arbitrazh procedures development"*, Moscow, 2012, pp. 381-390;
- *"Hybrid dispute resolution clauses"* in in *Bulletin of the Supreme Commercial Court of the Russian Federation*, No 11/2012;
- *"Article 162(1) of the Civil Code RF in the eyes of the English Court: In the footsteps of the case Berezovsky v. Abramovich"* in the journal *"Zakon"*, No 5, May, 2014;
- *"Court assessors: the sign of society's maturity or an alien element in Russian civil procedure"* in *Bulletin of the Supreme Commercial Court of the Russian Federation*, No 8/2012;
- *"Introduction: Arbitration in the Russian Federation"* in *History and Infrastructure* in *"World Arbitration Reporter"*, the 2nd Edition, ed. by Loukas Mistelis, Laurence Shore and Hans Smit (2010).
- *"Conflict of laws principles in private international law. Criterion of the Closest Connection"*, Chapter 4, p.4.2, Volume 1, treatise on *"Private International Law"*, ed. by Professor S.N. Lebedev and Fellow E.V. Kabatova, Statut, 2011;
- *"International Commercial Arbitration Court (ICAC) and Maritime Arbitration Commission (MAC) at the Russian Federation Chamber of Commerce and Industry"* in in *"World Arbitration Reporter"*, the 2nd Edition, ed. by Loukas Mistelis, Laurence Shore and Hans Smit (2010).

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English Court decides Covid-19 is a “catastrophe”

The English Court has, for the first time, considered the meaning of a “catastrophe”, as well as how Hours Clauses work in the context of non-damage business interruption losses claimed under two Property Catastrophe Excess of Loss Reinsurance Treaties. While the Covid-19 pandemic may feel like a distant memory to some, disputes about the recovery of Covid-19 losses continue to trouble many reinsureds and reinsurers. The two key issues considered by the Commercial Court in determining appeals from arbitration awards made in *Unipol Re v Covéa* and *Markel v Gen Re* may bring welcome, and valuable, guidance to those in the reinsurance industry debating these terms. Those underwriting or purchasing “catastrophe” covers may also want to carefully consider this judgment and whether the Court’s approach to the meaning of that word aligns with their coverage expectations.

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