

Profile of Tony Marks as arbitrator

LLB (Hons), Solicitor, DipICArb, FCIArb

Curriculum Vitae

Tony Marks is a full time ADR practitioner in arbitration and mediation. Tony is a member and director (and founding shareholder) of the independent chambers ArbDB (www.arbdb.com) for ADR practitioners.

Tony Marks has more than thirty years' experience of litigation and arbitration, as a solicitor in private practice. He was a partner in CMS Cameron McKenna from 1983-2008, conducting a wide range of commercial litigation and arbitration, specialising in particular in the financial and energy sectors. Since retiring from full time legal practice in 2008, he has sat as sole arbitrator and as a Tribunal member in commercial arbitration. He has also mediated commercial disputes. His experience is set out below.

From 2008 to April 2013 he was the Legal Director (on a part time basis) of the Chartered Institute of Arbitrators. He became a Fellow of CIArb in 2011 and passed the CIArb Diploma in International Commercial Arbitration in 2009.

Experience as arbitrator:

- As sole arbitrator appointed by the President of the Law Society in a claim for \$2m by a UK company against a Canadian company for wrongful termination of an agency agreement for the sale of electronic components to European countries; the claims involved valuation of the agency under the Commercial Agents Regulations; making awards on jurisdiction and a final award on liability (after a five day hearing) involving twelve issues.
- As sole arbitrator in an LCIA arbitration on a claim for a commission fee arising out of an M&A transaction.
- As a party arbitrator, appointed by the LCIA, in relation to a claim under a loan agreement and a parallel claim under a surety agreement.
- As sole arbitrator appointed by the President of the Law Society in a dispute involving revocation of an insurance policy.
- As party appointed arbitrator on a three person tribunal between an African based Bank and a supplier of card services for breach of contract / implied terms, which went to final award.
- As sole arbitrator in a dispute between dental practitioners
- Making numerous consumer awards under the Renewable Energy Consumer arbitration scheme and other consumer schemes.

As party counsel:

- London Court of International Arbitration dispute between a UK clearing bank and a US information technology supplier concerning electronic card services
- An arbitration under ICC Rules as to the effect of a good faith clause in a distribution agreement for a pharmaceutical product

- An ad hoc arbitration of a dispute under UNCITRAL Rules relating to contracts on the London Metal Exchange
- An arbitration under UNCITRAL Rules for a Czech Bank in dispute with a US information technology supplier
- Domestic arbitrations of construction claims for a major UK construction company
- An ICE arbitration concerning ground conditions in a major infrastructure project
- Ad hoc arbitration in a dispute as to commission between an electricity utility and its former agent

Tony is a member of the Law Society's Arbitration Panel. He is a member of the LCIA.

Commercial Litigation Experience

1976 – 2008

- Banking and financial litigation
- Information technology disputes in banking and financial industries
- Share sale transactions, corporate warranties and partnerships
- Commercial contracts, supply and distribution agreements
- Construction claims
- Commodities and futures
- Energy and electricity industry/infrastructure; disputes between grid operators and generators; PFI and infrastructure disputes.
- Judicial review in regulated industries
- Professional negligence cases, in relation to accountants and investment managers
- Property litigation
- Pension fund and trust litigation
- Fraud and asset recovery
- Insurance disputes and reinsurance litigation

Mediation experience and qualifications

Tony has mediated a number of commercial disputes including:

- resolving a dispute under a website supply agreement
- successfully mediating a boundary dispute between two business owners
- mediating a claim against a former employee of an agency alleged to have obtained a secret commission
- co-mediator in a construction defects claim
- resolving a fraud claim by a dental practice against its former manager
- successfully settling a claim for vicarious liability by a husband and wife against an insurance broker as a result of fraud by a third party

He is a member of ADR Group and Clerksroom panels. He trained with CEDR and with ADR Group and was accredited by ADR Group in 2005.

Personal and Career Details/Chronology

Full name: Anthony Louis Marks

Nationality: British

2011 – Member of ArbDB Chambers
2019 - 2020 Hon. Treasurer of Chartered Institute of Arbitrators
2016 - 2020 Trustee of Chartered Institute of Arbitrators
2013 - 2020 Trustee of Launch It (formerly LYST)
2011 Fellowship of the Chartered Institute of Arbitrators (FCIArb)
2009 Diploma in International Commercial Arbitration (CIArb)
2008 – 2013 Director of Legal Services (part time) of the Chartered Institute of Arbitrators
2001 – 2007 Chairman of the City of London Law Society Litigation Committee
1991 – 2001 Committee member of the London Solicitors Litigation Association
1983 – 2008 Partner in Litigation and Dispute Resolution Department of CMS Cameron
McKenna (formerly McKenna & Co)
1979 – 1983 Assistant Solicitor in Litigation and Construction at McKenna & Co
1981 – 1982 Chairman of Fulham Legal Advice Centre
1975 - 1982 Providing legal advice on a voluntary basis at Fulham Legal Advice Centre
1976 – 1979 Assistant Solicitor in Commercial Litigation Dept at Clifford-Turner (now Clifford
Chance)
June 1975 Admitted as a solicitor
1975 – 1975 Trainee at Clifford-Turner
1972 Bristol University LLB