



Roger ter Haar QC



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"Brilliant at cross-examination." "He's very good in court and clearly understands what judges and arbitrators want to hear."
(Chambers UK 2017)



Roger's practice as an international arbitrator covers Construction, Engineering, Insurance, re-insurance, Energy, Shipbuilding and Professional Negligence.

In June 2020 he decided to limit the number of new instructions in which he would act as counsel in order to concentrate on work as an arbitrator. During a career spanning over 40 years as an advocate, he appeared as leading counsel in many cases in these areas before trial and appellate courts and arbitral tribunals, including a number of high-value international arbitrations in London, Paris, Geneva, Muscat, Dubai, Qatar, Hong Kong, Singapore, Perth, New York and Washington D.C., and included claims where the amounts at stake were in billions of dollars.

He has vast expertise in the areas of major infrastructure works, Energy (including notable experience including wind farm and Oil & Gas disputes), contracts for the sale of oil, claims related to waste disposal plants and claims relating to contracts for the construction and maintenance of power stations. Additionally, his experience covers allegations of negligence against financial service advisors, insurance brokers, underwriting agents, doctors, solicitors, barristers, surveyors and valuers, architects, engineers, quantity surveyors, patent agents, educational psychologists, teachers and others.

Roger's appointments include presiding arbitrator, tribunal member and sole arbitrator, principally (though by no means exclusively) in ICC, LCIA, DIAC and SIAC. Arbitral seats have included London, Dubai, Oman, Singapore, and the Caribbean. His appointments have involved a wide variety of governing laws, including the laws of England, Hong Kong, Australia, and India as well as Sharia law.

His common law expertise is complemented by a wide experience of civil law systems, including UAE, Oman, Qatar, Kuwait Egypt and the Philippines.

Roger's International practice spans the globe. He has acted in or arbitrated disputes arising from projects in: Afghanistan, Australia, Azerbaijan, Bahrain, Bangladesh, Brunei, Bulgaria, China, Dubai, Egypt, Eire, Hong Kong, Gibraltar, India, Indonesia, India, Isle of Man, Israel, Jersey, Kuwait, Libya, Oman, Panama, Pakistan, the Philippines, Qatar, Saudi Arabia, Singapore, Sudan, Taiwan, Tanzania, the USA, Venezuela and, of course, in the UK.

Roger is a member of the HKIAC Panel of Arbitrators, the Panel of KCAB International Arbitrators, the



ADGM Arbitration Centre Panel of Arbitrators and of the FIDIC President's List of Adjudicators. Additionally, he formerly sat as a Chairman of a Lloyd's Disciplinary Committee.

He sits as a Deputy High Court Judge in the Technology and Construction Court, Administrative Court and the Queen's Bench Division of the English High Court of Justice.

Arbitration

Roger has extensive experience of arbitrating acting as counsel in construction and engineering disputes both within the UK and internationally. Cases in which he has been involved as arbitrator or counsel include disputes relating to projects in Afghanistan, Australia, Bahrain, Bangladesh, Eire, Dubai, Bulgaria, Gibraltar, Hong Kong, India, Indonesia, Jersey, Kuwait, Qatar, Pakistan, Saudi Arabia, Taiwan, Tanzania and the United States of America.

He has been appointed as sole arbitrator or chairman of arbitral tribunals by the LCIA, the ICC and DIAC.

As counsel, his clients have included Governments, Local Authorities, other Employers, Contractors, Sub-Contractors and professionals. He has acted as Counsel for Claimants and Defendants in numerous professional negligence cases arising out of allegations of negligence against architects, engineers and quantity surveyors.

Selected Cases

Arbitration

Roger has a wealth of experience sitting as arbitrator in major international arbitration disputes. Some selected cases are detailed below:

- (As party appointed arbitrator) A claim for US \$50M plus arising out of a project in Sudan. The issues involved the effect of sanctions upon payment of Bills of Exchange.(ICC)
 - (As Chair) A claim for US \$215M in respect of an oil pipe line dispute in Africa.(Ad hoc under UNCITRAL rules)
 - (As party appointed Arbitrator) A claim for US \$600M arising out of an LNG project in Australia.(ICC)
 - (As party appointed arbitrator) A claim for the equivalent of £200M arising out of a construction project in Dubai.(DIAC)
 - (As sole arbitrator): A claim for a sum to be defined in respect of a power station project in the Dominican Republic (Ad hoc)
 - (As party appointed arbitrator): A claim for US \$40 million in respect of a power station in Jordan (SIAC).
 - (As party appointed arbitrator): A claim and cross-claim totalling £540m arising out of a software system for the UK Government (sitting with two retired High Court Judges) (LCIA)
 - (As sole arbitrator): Claim upon a cheque (ICC)
 - (As party appointed arbitrator) US \$245M Share Agreement dispute (LCIA)
 - (As Chair): Shipbuilding dispute (LCIA)
 - (As Chair) A dispute between a South Korean Corporation and an Algerian company concerning a refinery in Algeria (LCIA)
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- (As sole arbitrator) Dispute as to barrister's negligence (UK Bar Council scheme)
- (As sole arbitrator) HK \$100M dispute as to solicitor's indemnity coverage (HK Solicitors' scheme)
- (As sole arbitrator) Dispute as to reliability of rolling stock (RIDR)
- (As chair) OMR 7.7M dispute as to a hotel project in Oman (Ad Hoc)
- (As chair) US 53M share purchase agreement dispute (LCIA-DIFC)
- (As party appointed arbitrator) US 10 million dispute in respect of oil tank farm (ICC)
- (As Party appointed arbitrator) dispute in respect of a transport project (ICC)
- (As sole arbitrator) Insurance dispute concerning business interruption losses (ad hoc)

Dispute Adjudication Board

- (DAB member) Acted as part of a three man panel in disputes arising out of a dredging contract at an East African port.

Adjudication

- Acted as Sole Adjudication Board member in a dispute between Contractor and Employer arising out of the design, construction and outfitting of 3 Police stations in the Caribbean. (FIDIC Yellow book)
- Acted as Adjudicator in a dispute regarding delay in design and construction of a PFI waste to energy facility.
- Acted as Adjudicator on multiple related disputes relating to a new motorway.
- Appointed Adjudicator in substantial defects dispute in respect of a major PFI hospital project.

Qualifications

- Felsted,
- Magdalen College, Oxford
- BA Jurisprudence 1973
- Became Bencher of Inner Temple 1993
- (1995-1999: Chairman, Inner Temple Estates Committee)

Memberships

- Hong Kong International Arbitration Centre Panel of Arbitrators (2013)
- The Korean Commercial Arbitration Board Panel of International Arbitrators (2013)
- Chairman, Inner Temple Estates Committee (1995 – 1999)
- Former Chairman Lloyds Disciplinary Committee

Recommendations

"His key strength is his eagle-eye attention to detail, packaged with his extensive years of experience that elevates him to a status of a true specialist in his field. Arbitrators and judges listen attentively when he speaks."



Legal 500, 2022

"Very intelligent and accessible, he is liked by his solicitors and lay clients – a great guy."

Legal 500 EMEA, 2021

"He offers a good mix of commercial and construction expertise in addition to being very strong on his feet. He's just a pro in a courtroom."; "He is consistently excellent to deal with."

Chambers & Partners, 2021

"He is one of the finest cross-examiners practising at the English Bar."; "Remains at the top of his game – conducted himself at hearings with a poise and eloquence that few others possess in my experience."; "Hardworking and always a pleasure to deal with, he is more inclined to be one of the team than many senior barristers."; "Has an ability to cut through and focus on the important issues. Hard-working and always a pleasure to deal with."

Legal 500, 2021

"His instincts in understanding how to present disputed issues to a tribunal are brilliant. "

Legal 500 EMEA, 2020

"Very detailed and exceptionally well prepared." "A masterful advocate." "He provides clear, thoughtful and well-considered advice."

Chambers & Partners, 2020

"Has a wealth of experience, and is an impressive advocate who can quickly get the measure of a witness or tribunal."

Legal 500, 2020

"An impressive advocate who can quickly get the measure of a witness or tribunal and tailor his cross-examination accordingly."

Legal 500, 2020

"Formidable in court, and his ability to absorb an argument that is made, digest it and articulate a response while on his feet is really impressive."

Chambers & Partners, 2018

"He is very experienced, very charming and a real leader in the field."

Chambers & Partners, 2018

"He makes complex matters look easy. He's relaxed but devastating at cross-examination. It is a pleasure to listen to him and to work with him. His memory is virtually photographic, and he's so lovely."

Chambers & Partners, 2018

"A very experienced, persuasive and effective advocate, who is popular with clients....an absolutely excellent strategist and one of the best on his feet."

Legal 500, 2017