

# ОТКАЗ В СУДЕБНОМ ПРЕДСТАВИТЕЛЬСТВЕ КАК ОГРАНИЧЕНИЕ ДОСТУПА К ПРАВОСУДИЮ

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ДМИТРИЙ ИЛЬИН

7 АПРЕЛЯ 2023

# ДЕЛО ТЮМЕННЕФТЕГАЗ (А70-26488/2022)

**SCC Arbitration No. V 2021-094 (First National Petroleum Corporation v АО «Тюменнефтегаз»)**

- **Baker Botts LLP**
- **Westerberg & Partners**

*«В письме от 05 мая 2022 года привлеченные истцом консультанты сообщили доверителю, что арбитраж отклонил заявление о прекращении разбирательства или его приостановлении <...> Таким образом, арбитражный институт Торговой палаты Стокгольма, сославшись на право на доступ к правосудию, одновременно нарушил право на защиту истца, не согласившись отложить или приостановить разбирательство для поиска новых консультантов»*

# VTB BANK (1)

## JSC VTB Bank v Alexander Katunin et al

### - Ogier

*«the fact that a legal practitioner does not want to act for an existing client because of matters as to the client's character or reputation have come to light may not in itself be a good ground for allowing the legal practitioner to come off the record»*

*«potential damage to Ogier's reputation from continuing to represent VTB is not relevant to the determination of whether they should be permitted to come off the record»*

*«as to the additional point on obtaining licences, legal practitioners owe a client a duty to act in the client's best interests. If a licence can be obtained which will legitimate the legal practitioner continuing to act for the client, then the usual position would be that the legal practitioner has a duty to apply for the licence»*

## VTB COMMODITIES (2)

### VTB Commodities Trading v JSC Antipinsky Refinery

#### - PCB Byrne

*«The effect of the evidence before me is that neither that firm of solicitors nor counsel were willing to undertake this hearing without remuneration (assuming that the provision of legal services without remuneration would not contravene the 2019 Regulations). Nor can they be criticised for adopting that position»*

*«In such circumstances, the court has a discretion to permit an appropriate person such as a director or an officer of the company to appear on its behalf pursuant to its inherent jurisdiction»*

# ALFA-BANK

## AO Alfa-Bank v Kipford Ventures Ltd

### - Appleby

*«The provision of legal services and then billing for the services in the usual way does not amount in my judgment to the giving of credit within the meaning of section 60(1)(e) of SAML0. As a matter of ordinary language, a provider of services who does work and then bills for it, is not advancing a credit to the client. This is so, whether or not the client subsequently pays for that work»*

*«Sanctioned persons can in my judgment only be given a fair hearing, if they have access to counsel»*

# DERIPASKA

## Navigatgor Equities Ltd & Anor v Deripaska

*I therefore conclude that there is no possibility of a fair trial in the current circumstance*

*«Компания отказалась представлять клиента. Новым юристам клиента должно быть предоставлено время для подготовки позиции прежде чем возникнет риск вынесения такого решения, которое повлияет на профессиональные карьеры юристов и жизнь клиента»*

*«Разбирательство должно быть отложено, поскольку до подготовки новых юристов справедливое разбирательство невозможно»*

# КОНТАКТНАЯ ИНФОРМАЦИЯ



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