

OLIVER MCENTEE

Year of call: 2010

Qualifications: BA Jurisprudence (Law with Law Studies in Europe),
First

Clerked by: Brandon Singh Avais Saleem

AREAS OF EXPERTISE:

Arbitration Banking & Finance Commercial Litigation
Company International & Offshore Procurement Technology &
Construction



Profile

Oliver joined Kings Chambers in 2019 following a career as an employed barrister in international firms in London, Singapore and Tokyo. He acts in all areas covered by the Business and Property Team and has particular experience of arbitration, general commercial, construction and engineering, fraud, post-M&A and joint venture matters.

Year of call: 2010

Areas of Expertise

Arbitration

Prior to joining chambers in 2019, Oliver spent six years in practice at the Employed Bar in leading international firms in London, Singapore and Tokyo. He has acted in commercial arbitrations under the SIAC, ICC, LCIA, and JCAA institutional rules as well as ad hoc arbitrations in a wide range of fields including construction, mining, oil and gas, automotive and real estate investment sectors.

Oliver's commercial arbitration experience (at the Employed Bar) includes:

- Acting (as lead associate) in the successful defence of an ICC arbitration claim for deceit and breach of warranty arising out of the sale of a £300 million business
- Acting for a Fortune 100 company (as lead associate) in a SIAC claim for breach of fiduciary duty against its regional CEO (securing a favourable settlement of claims for forfeiture of remuneration and an account of profits on the eve of trial)
- Acting for a Japanese automotive company (as lead associate) in the successful defence of a claim for lost profits on the termination of an automotive distributorship in Thailand
- Acting for a European contractor in an UNCITRAL arbitration over delays and disruption in the construction of a petrochemical plant in India (as lead associate)
- Successfully defending an ICC claim regarding the termination of a joint venture for the development of a marine engineering product
- Acting for a Japanese automotive marque in an ICC arbitration seeking the dissolution of its equity joint venture with a European automotive giant
- Acting for a Korean contractor in claims against a subcontractor arising out of a significant cost overrun on the construction of an iron ore mine in Australia
- Acting for a Korean contractor in a final account dispute regarding the construction of a railyard at a mining project in Australia
- Advising a US contractor regarding prospective arbitration proceedings in relation to a defective overland conveyor system at a coal mine in SE Asia

Oliver also has experience of investor-state arbitration, including:

- Advising a Japanese investor on expropriation and FET claims against an Asian state under a bilateral investment treaty
- Acting for a North Asian government in a dispute in connection with the compulsory acquisition of residential property at an alleged undervalue

Banking & Finance

While at the Employed Bar, Oliver gained experience of banking and financial services matters (both contentious and non-contentious), including:

- Enforcing performance bonds and guarantees

- Advising a CIS company regarding a potential breach of the Prospectus Rules
- Advising a CIS company in relation to insider trading involving a major shareholder
- Drafting a bancassurance distribution agreement for the North Asia arm of a major US bank

Since joining chambers in 2019, Oliver has been instructed in a number of consumer credit and secured lending matters and is keen to develop his practice in this area.

Commercial Litigation

Oliver is experienced in a broad range of commercial dispute resolution matters including general commercial contract matters, deceit and misrepresentation, breach of warranty and other post-SPA disputes, insolvency, joint ventures, distributorship, sale and leasing of goods, guarantees and performance bonds, bailment, breach of confidence and directors' and employees' duties.

Highlights of Oliver's career prior to joining chambers include:

- Acting (as lead associate) in the successful defence of an ICC arbitration claim for deceit and breach of warranty arising out of the sale of a £250 million business
- Acting for a Fortune 100 company (as lead associate) in an action for breach of fiduciary duty against its regional CEO, securing a favourable settlement of claims for forfeiture of remuneration and an account of profits on the eve of trial
- Advising a Japanese participant in an UK North Sea oil concession regarding the settlement of a dispute in the Commercial Court regarding the defective performance of a drilling contract
- Advising on the construction of post-acquisition tax indemnities in an SPA for the acquisition of a South American metal mine in anticipation of Commercial Court proceedings
- Advising a Japanese oil company in relation to a potential claim for professional negligence against City solicitors acting for it in a Commercial Court dispute
- Advising a UK petrochemicals major regarding the misallocation of North Sea gas to a third party under a pipeline operation agreement
- Drafting pleadings for the intervenor in a claim to restrain the disclosure of confidential information in a Commercial Court trial
- Drafting pleadings in an adhoc arbitration claim regarding the renewal of a North Sea pipeline access agreement
- Advising a Japanese investor regarding potential post-acquisition deceit claims in relation to the purchase of a Singapore engineering company

Since coming to chambers in 2019, Oliver has gained experience of a broad range of commercial, insolvency and property matters. Highlights include:

- Advising on a breach of warranty claim under an SPA for the sale of a £3.5 million business
- Appearing at trial for the employer in a post-termination dispute regarding the destruction of confidential information

See also Oliver's Arbitration profile [here](#).

Company

Oliver is experienced in a range of company-law related contentious matters, including:

- Breach of warranty and other SPA-related disputes
- Directors' and fiduciary duties
- Springboard injunctions
- Claims for breach of confidence

While at the Employed Bar, he also gained experience of non-contentious company matters, including advising an US oil major in the restructuring of a joint venture following the merger of its Japanese JV partner with a competitor.

He is currently instructed as junior in a section 994 petition regarding the breakdown of a family business.

International & Offshore

Oliver's practice as an employed barrister was almost exclusively in cross-border matters. In addition to his experience in international arbitration, he has advised on governing law and jurisdictional issues as well as matters of strategy where proceedings are being pursued in multiple jurisdictions.

Having lived and worked in Tokyo for five years, he has particular experience of working with Japanese clients. He speaks and writes fluent Japanese and is happy to accept instructions in the language.

See also Oliver's Arbitration and Commercial profiles.

Procurement

Technology & Construction

During his time at the Employed Bar, Oliver acted in a range of construction disputes of high value and technical complexity, with a particular focus on the mining, oil and gas and power sectors. Highlights include:

- Acting for a Korean contractor in claims against a subcontractor arising out of a £600 million cost overrun on the construction of an iron ore mine in Australia
- Acting for a Korean contractor in a £150 million final account dispute regarding the construction of a railyard forming part of an automated iron ore mine
- Acting for a US oil major in a TCC dispute regarding the defective design and construction of an offshore platform
- Advising a Japanese contractor regarding the scope of a settlement agreement in connection with the supply of defective tanks to an LNG facility
- Acting for a Japanese contractor in a mediation over delays to the construction of a power station in Abu Dhabi
- Advising a Canadian employer in relation to delays to a solar power project
- Advising a Japanese architect in connection with the drafting of a contract relating to a nuclear project in North Wales

Instructions since joining chambers in 2019 include:

- Acting for a Japanese contractor in connection with prospective arbitration proceedings in an intra-consortium dispute over responsibility for delays to the refurbishment of a power plant in a North Asian state
- Drafting pleadings for a national housebuilder in a TCC dispute for defective works
- Acting in multiple disputes relating to defective cavity wall insulation

Qualifications

BA Jurisprudence (Law with Law Studies in Europe), First from Balliol College, University of Oxford 2002-2006

Bar Vocational Course 2006-2007, Very Competent from Manchester Metropolitan University