

Mark Padley

Associate

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Mark, an associate in the Litigation and Arbitration Group, specialises in the resolution of complex international disputes in the information technology, energy/infrastructure and finance sectors, with a particular focus on competition litigation. He has acted for clients in litigation before the High Court, Court of Appeal and Competition Appeal Tribunal, and in arbitrations under the major institutional rules (including as counsel and advocate). Having spent 3 years practicing in Dubai, Mark has acted for clients before the Dubai International Financial Centre Courts. Mark also advises clients in relation to economic sanctions and is a member of the firm's Global Risk & National Security Practice.

Primary Focus & Experience

Competition and financial services litigation

- Acting for Visa in multiple sets of proceedings in the High Court (and subsequent appeals up to the Supreme Court), and ongoing “umbrella” proceedings in the Competition Appeal Tribunal, in relation to alleged infringements of competition law relating to the setting and implementation of multilateral interchange fees associated with the use of debit and credit cards.
- Acting for a leading international bank in defending a High Court claim brought by the Federal Deposit Insurance Corporation on behalf of several failed US banks in relation to alleged infringements of competition law and misrepresentations arising out of the setting of USD LIBOR.
- Acting for Visa in relation to proposed “opt-out” and “opt-in” collective proceedings in the Competition Appeal Tribunal in relation to multilateral interchange fees.
- Acting for a leading investment bank and an alternative investment fund in a High Court claim relating to the restructuring of a Portuguese company.

International arbitration

- Acting for a South Asian government in ICC arbitration proceedings relating to claims arising from a power purchase agreement.

- Acting for a developer in a DIAC arbitration and Dubai World Tribunal proceedings relating to claims brought by investors in multiple islands in the World Islands development.
- Acting for a developer in a US\$1.1 billion ICSID arbitration with the state of Egypt relating to the development of a Red Sea resort.

Global risk, fraud and sanctions

- Acting for two alternative investment funds in High Court proceedings relating to a shipping fraud, including obtaining a worldwide freezing order.
- Advising aerospace and space clients in relation to UK and EU sanctions against Russia and Libya and related licensing.
- Advising corporate and financial institution clients in relation to UK and EU sanctions against Russia, including in relation to transferable securities, imports/exports and asset freezes against designated persons.
- Investigating suspected bribery and corruption offences for a global telecoms equipment manufacturer.

Recognition & Accomplishments

Mark has written on various legal topics including collective actions, the English Arbitration Act and disclosure. He co-authored the UK Chapter in the 2022 “Private Competition Enforcement Review”, published by *The Law Reviews* and “Common Pitfalls of Arbitration in the UAE – Interference and Enforcement” published in the *Kluwer Journal of International Arbitration* in February 2016.

ADDITIONAL DETAILS

EDUCATION

University of Cambridge, M.A.

The University of Law, LLB

The University of Law, L.P.C.

ADMISSIONS

England and Wales

EXPERIENCE



FEATURED NEWS

UK Supreme Court Rules on the Enforceability of Litigation Funding Agreements:
Uncertainty for Existing Funding Arrangements and Obstacles Ahead

Putting the Carriage into Reverse: The CAT Resolves to Determine a Carriage Dispute
in 'Opt-Out' Class Action Proceedings as a Preliminary Issue

Milbank Advises Frigoglass Group in Its Transformative Restructuring

Milbank Contributes UK Chapter to the *16th Edition of The Private Competition
Enforcement Review*

Milbank Partners Discuss Evolving EU and UK Russian Sanctions with *S&P
Global Market Intelligence*