

SHARPE & JAGGER_{LLC}

ADVOCATES & SOLICITORS

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Biography

Samuel R. Sharpe is an experienced advocate and solicitor in Singapore and the UK who practices commercial, insurance, company, regulatory and employment law and is a specialist in dispute resolution (including mediation, Singapore commercial litigation and international arbitration) and white collar criminal investigations and defence work.

Mr Sharpe advises clients in a wide range of industry sectors across Asia.

Mr. Sharpe is an advocate and solicitor of the Supreme Court of Singapore, a solicitor in England and Wales, and a solicitor in the Republic of Ireland (non-practising).

Areas of Practice

Hospitality & Leisure; Construction; Insurance; Employment; General Commercial Disputes; Trade & Commodities; Regulatory and Corporate Criminal Defence (including Data Protection, Anti-Bribery, Anti-Money Laundering, Anti-Fraud Investigations and Compliance).

Recognition

Mr. Sharpe is ranked as a recommended lawyer for Singapore in the 2019 Legal 500 rankings and a “Dispute Resolution Star” by Benchmark Litigation.

Representative Matters

General Arbitration and Litigation

- Advising a hotel owner based in Phuket, Thailand, in an ICC arbitration brought by a major international hotel operator arising from a dispute under a hotel management agreement. Successfully negotiating a settlement of this dispute.

- Advising a hospitality management services company in an ICC arbitration arising from a dispute under a services agreement with a Thai entity. Successfully negotiating a settlement of this dispute.
- Acting for a major international hotel operator in achieving a mediated settlement of a negligence claim (before the Thai courts) against a major international law firm.
- Advising a Dubai based resource trading company in an international arbitration (administered by the SIAC) concerning non-delivery of coal under a coal sale and purchase agreement with an Indonesian based coal producer.
- Advising a major global engineering and design company on preparation for a SIAC arbitration concerning a dispute involving the design and construction of a ground breaking and high-profile water retention and treatment infrastructure project in Singapore.
- Advising a firm of Singapore based architects in a Singapore Institute of Architects arbitration in relation to multi-million Singapore Dollar negligence claim by a developer concerning the design of a mixed use commercial and residential building in Singapore.
- Advising a regional reinsurance broking firm in proceedings before the Singapore High Court against a major US based international insurance and reinsurance broking company and 3 individuals, including obtaining an ex parte interlocutory injunction against the defendants in the proceedings.
- Successfully, representing a prominent Mexican conglomerate in Singapore High Court proceedings in claiming the return of a deposit paid to a major Singapore shipyard for an investment into two jackup rigs.
- Advising a fund in ongoing litigation before the Singapore High Court against various individuals arising out of a fraudulent bitcoin transaction.
- Advising a prominent investor in a South Asia country in a London Court of International Arbitration administered arbitration with respect to a USD 95m claim against an international telecommunications company.
- Advising an MNC oil and gas company in a USD 35 million UNCITRAL arbitration in Singapore in relation to a dispute with a shipyard concerning the construction, design and commissioning of a semi-submersible drilling rig.
- Advising a prominent Indian investor and his family in relation to an application in the Singapore High Court to set aside the award of an arbitration tribunal (constituted under UNCITRAL rules) arising from an arbitration concerning a multimillion USD investment in a pharmaceutical company.

- Advising a medical devices company in litigation in South Korea (working with local South Korean counsel) in respect of a dispute under a distribution agreement with a local South Korean distributor.
- Advising a major Mongolian conglomerate in preparing for an ICC arbitration in relation to a dispute with a contractor arising out of the design and construction of power plant in Mongolia.
- Advising a major international hospitality and gaming company in a SIAC administered arbitration in relation to claim against their architect regarding the design of a landmark building in the region.
- Advising a major Korean multinational cosmetics company in Singapore High Court proceedings against four contractors in relation to the design and interior fit out of retail outlets in shopping centres across Singapore.
- Advising a prominent Indonesian investor in relation to a dispute concerning a USD180 million facility agreement with respect an investment in a prominent resources company and preparing to file proceedings before the Singapore High Court in relation to the same.
- Advising an MNC telecommunications balance of payments service provider in arbitral proceedings (UNCITRAL Rules) in relation to a dispute with a prominent national telecommunications company of a Southeast Asian country.
- Advising a major hospitality company in respect of a multi-million US dollar negligence claim (in mediation) against the Thai office of an international law firm.
- Advising a multinational toy company in relation to a dispute with creditors concerning alleged breaches of various facility agreements.
- Advising, on a pro bono basis, the family of two of the victims of the 28 December 2014 crash of AirAsia Flight QZ8501 in managing litigation proceedings in Indonesia, France and the United States.
- Advising a major Philippine Bank (a member of a consortium of creditor banks) in preparing for a SIAC administered arbitration concerning the liquidation of a large company in the Philippines.
- Advising on a multi-million-pound sterling claim in the Technology and Construction Court in London arising from the construction of the London Fire Brigade's training centre in Southwark (*London Fire and Emergency Planning Authority v. Halcrow Gilbert Associates Ltd* [2007] EWHC 2546 (TCC)).
- Advising a major middle-eastern oil company in relation to an adverse judgment on liability in proceedings before the English High Court (*Masri v. Consolidated Contractors International UK Ltd and others* (No 2)[2007] EWHC 3010 (Comm)).

- Advising the Government of Barbados on Barbados' maritime boundary dispute with Trinidad and Tobago under part XV of the United Nations Convention on the Law of the Sea (UNCLOS).
- Advising Telekom Malaysia Berhad in its dispute with the Government of Ghana in relation to a multi-million USD telecommunications investment.

Insurance

- Advising a major Singapore listed mining company in a SIAC arbitration concerning a US\$50 million claim against the company's insurers in relation to a structural failure of a coal handling facility in Indonesia caused by a landslide.
- Advising a prominent multinational information technology services company in a claim against insurers for losses incurred under a directors' and officers' liability insurance (D&O) policy arising from an investigation by the Singapore Ministry of Manpower into the insured's directors and officers in Singapore.
- Advising insurers in respect of a claim by an insured firm of Singapore based architects for an indemnity for a multimillion SGD negligence claim by a developer against the insured concerning the design of a mixed use commercial and residential building in Singapore.
- Advising insurers in a SIAC arbitration relating to a multimillion USD claim by a prominent international construction company arising out of the design and construction of a major highway in the Philippines.
- Advising insurers in respect of a multimillion USD claim by an insured power company arising from damage to heat exchangers at the insured's plant in Vietnam.
- Advising insurers in respect of a subrogated claim against the manufacturer of printing presses in relation to defects in the design and installation of printing presses at a large printing company.
- Advising a P&I Club in relation to long running litigation surrounding the sinking of the Hyundai 105 Car Carrier in the Singapore Straits on 22 May 2004.

Regulatory and White Collar Criminal Defence Matters¹

- Conducting an international investigation for an oil and gas services company and advising it in respect of its liability arising from a suspected multimillion USD bribery and kickback scheme involving its CEO and COO in India, Malaysia, Singapore and Abu Dhabi (covering liability under the Foreign Corrupt Practices

¹ Please note that all advice provided under US law, such as the Foreign Corrupt Practices Act 1977, was provided with the input and signoff of US qualified counsel.

Act (“**FCPA**”), UK Bribery Act 2010 and the Singapore Prevention of Corruption Act).

- Advising a prominent private equity fund (further to their acquisition of a multinational supply chain and manufacturing technology company) in respect of pre-acquisition anti-bribery due diligence and potential liability under relevant anti-bribery legislation (the FCPA, the UK Bribery Act 2010 and the Singapore Prevention of Corruption Act).
- Conducting an investigation into a UK based multinational marketing and communications company’s Vietnamese operations and advising on liabilities under the UK Bribery Act and UK anti-money laundering legislation.
- Leading an internal investigation into a suspected bribery scheme conducted by certain employees for a major hotel and leisure company in respect of its hotels in Southeast Asia (including advising on liability under the FCPA and the UK Bribery Act 2010).
- Advising the UK government and Towards Transparency (part of Transparency International) in a project to determine foreign investors’ experiences of high-risk business practices that may indicate bribery and corruption in Vietnam.
- Conducting an internal investigation for a prominent international corporate and financial services company and advising them in respect of their potential liability concerning advice and services provided to 1 Malaysia Development Berhad.
- Conducting an internal investigation for a Southeast Asia based MNC and advising on its liability arising from a suspected employment pass fraud scheme perpetrated by their local Singapore management. Liaising with the Singapore Ministry of Manpower in reaching a resolution of the case.
- Advising a group of Hong Kong based investors who were the victim of a USD 9m fraud arising from a purported over the counter bitcoin trade, including managing litigation in Hong Kong and an ongoing Singapore police investigation.
- Advising a Southeast Asia based fund (in a separate matter) on a USD 3m fraud perpetrated against them further to a purported over the counter bitcoin trade, including pursuing proceedings in the Singapore High Court and assisting in a Singapore Police investigation.
- Conducting an internal investigation for a multinational East Asian cosmetics company and advising them in respect of a suspected bid rigging scheme conducted by their head of procurement in Singapore concerning numerous contracts to fit out retail premises.
- Advising in relation to a Singapore Police (Commercial Affairs Division) investigation into our client, an international corporate services provider, in relation to allegations concerning contracts that may have been entered into in

the name of companies managed by our client (without our client's knowledge) with an entity subject to UN sanctions.

- Leading an investigation into money laundering allegations made with respect to our client, an international corporate services provider.
- Conducting an investigation into a USD 5.5 million value fraud committed against our client in Indonesia, including working with Indonesian police.
- Advising a Canadian based fund in respect of a fraud committed by a General Manager of one of their companies in China.
- Conducting an investigation into money laundering allegations made in a US indictment against individuals and companies connected to our client.
- Advising a former employee of a major MNC in relation to allegations against the company of bribery and fraud made against him.
- Reviewing anti-bribery policy and procedures to ensure UK Bribery Act compatibility for an international MNC flavour company.
- Drafting and preparing an anti-bribery compliance programme for a multinational engineering company for their international operations.
- Advising a Japanese manufacturing company on their anti-bribery policies and procedures for their Southeast Asia business.
- Advising a major international investment bank in carrying out a bribery risk assessment and drafting FCPA and UK Bribery Act compliant policies and procedures for a JV real estate holding company in China.
- Advising a UK JV property development company in carrying out a bribery risk assessment of its business and drafting FCPA and UK Bribery Act compliant anti-bribery policies and procedures.
- Advising an MNC property development company in carrying out a bribery risk assessment of its business and drafting FCPA and UK Bribery Act compliant anti-bribery policies and procedures.

Professional Training and Teaching Appointments

- Ethics & Compliance Leadership Programme. INSEAD.
- Internal training programmes on business ethics, corporate governance and regulatory and white collar criminal law. Various businesses and institutions.

Professional Memberships

- Member of the Singapore Institute of Legal Education.

- Member of the International Association of Defense Counsel.
- Member of the Criminal Practice Committee of the Singapore Law Society.
- Member of the Association of Certified Fraud Examiners.
- Chairman of the RegTech sub-committee at the British Chamber of Commerce, Singapore.
- Member of the Law Society of Singapore.
- Member of the Law Society of England and Wales.
- Member of the Law Society of the Republic of Ireland.

Admissions

- Advocate and Solicitor, Singapore.
- Solicitor, England and Wales.
- Solicitor, Republic of Ireland (non-practising).

Academic Record

- The London School of Economics and Political Science: BSc, International Relations.
- The London School of Economics and Political Science: MSc, International Relations.
- University of Law: Postgraduate Diploma in Law, Merit.
- BPP Law School: Legal Practice Course (LPC).