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Dr Satya Talwar Mouland

Call: 2022

Barrister

PhD, Law, Queen Mary University

Bar Practice Course, City University of London

Jules Thorn Scholar (The Honourable Society of the Middle Temple)

LLM, Commercial Law, University of Edinburgh

LLB (Honours), Law with German Law, University of Birmingham with year abroad at the Free University of Berlin

Practice Profile

Satya accepts instructions in all of Chambers' practice areas, including international arbitration, shipping, conflicts of laws, energy, property and international commercial disputes. She has gained significant experience in all these areas during pupillage, having worked closely with Charles Debattista on numerous arbitrations, both in Counsel and Arbitrator matters (GAFTA, LCIA, ICC, LMAA). Satya received repeat instructions from a number of solicitors during pupillage due to her "commitment to excellence" and "sound judgment" among other skills.

Satya holds a PhD in International Arbitration and has particular expertise in conflicts of laws as well as arbitration (both commercial and investor-State), having published widely and spoken at conferences in all these areas.

Satya is comfortable working independently or as part of a team. She received frequent instructions during second six pupillage across various areas (property, commercial disputes, contract, public law) and succeeded in achieving the client's objective in the lion's share of her cases. She also successfully assisted senior members of chambers in shipping, arbitration, conflict of laws, energy and commercial contract

disputes, by drafting submissions, skeletons, awards and procedural orders among other tasks.

Appointments & Memberships

- The Honourable Society of Middle Temple
- Student Member of the Chartered Institute of Arbitrators

Notable Cases

Notable Cases

During pupillage, Satya assisted in a number of high-profile and high-value shipping and arbitration disputes, including:

- Drafting submissions in a high-value and high-profile shipping dispute under the Arbitration Act 1996 involving the use of frustration and force majeure as a defence to a demurrage claim.
- Drafting an award decided under the Arbitration Act 1996 concerning the recoverability of loss under a charterparty including complex matters on quantification of loss and treatment of conflicting expert evidence.
- Appeal submissions in GAFTA arbitrations arising out of laytime and demurrage clauses in shipping sales contracts.
- Assisting on a complex conflicts of laws matter, drafting submissions on jurisdiction arising out of multiple jurisdiction clauses in arbitration agreements.
- Successfully obtaining permission to appeal a decision relating to the survival of a (letting) agent's fee post-termination of an agency agreement (own instructions).

International Arbitration

Satya accepts instructions in both international commercial and investor-State arbitration. In addition to her PhD, she has assisted in drafting submissions in complex arbitrations related predominantly to shipping and international trade disputes (GAFTA, LMAA, LCIA and ICC) and in managing cases and drafting awards. Satya also regularly arbitrates student competitions, including the Vis moot in Vienna.

Recent experience during pupillage includes:

- Drafting submissions in a high-profile shipping dispute under the Arbitration Act 1996 involving questions related to frustration of a charterparty and entitlement to demurrage, and concerning complex issues including subrogation.
- Drafting an arbitration award under the Arbitration Act 1996 on the recoverability of loss in a dispute concerning the re-delivery of bunkers and lost business opportunities, including complex issues relating to use of conflicting expert evidence and quantification.
- Drafting submissions concerning force majeure as a defence to demurrage under a sales contract subject to a GAFTA arbitration.
- Sending out Procedural Orders, managing an arbitration and understanding the arguments in an arbitration under German Law.
- Assisting on appeals against arbitral awards, including s. 57 and s. 68 challenges.

Shipping and International Trade

Satya accepts instructions in shipping and international trade. Her experience includes voyage-charterparty disputes (including laytime/demurrage disputes; NOR issues; and bunker disputes), cargo claims and claims for lost hire. She has detailed experience in relation to issues such as force majeure and frustration (see further in the 'international arbitration' section). Recent experience during pupillage includes:

- Drafting an award subject to the Singapore Arbitration Act concerning a claim for hire based on

- breaches under a charterparty (including hire, workability of Vessel, hull cleaning and off-hire costs).
- Drafting submissions concerning breach of various obligations in a sales contract on laytime and demurrage, including considering the issue “once on demurrage always on demurrage”.
 - Drafting submissions in a high-profile shipping dispute concerning whether a charterparty had been frustrated by force majeure and whether demurrage was due.
 - Drafting effective chronologies in shipping disputes which assist defences against demurrage in various force majeure situations.

Conflict of Laws

Given the detailed experience Satya acquired during her PhD in this area, she has been sought after in Chambers due to her conflicts of law knowledge. In this area, recent experience includes:

- Drafting submissions on jurisdiction in an arbitration with competing jurisdiction clauses, involving complex questions of conflict of laws.
- Assisting in jurisdictional matters relating to the service abroad in an application for a worldwide freezing injunction against a cryptocurrency exchange.

International Commercial Disputes

Satya accepts instructions in a wide variety of international commercial disputes, particularly given her common law and civil law background, as well as her fluency in German. Work during pupillage included:

- Advice on a devilling basis concerning the rule in *Henderson v Henderson* (related to *res judicata*) and how to get round it where a fresh claim appeared to be substantively similar to a previous claim.
- Advice on a devilling basis relating to the characterisation of a “contract for sale” as an “agreement to sell” under Sale of Goods Act 1979 and its impact (if any) on how to plead the case.
- Drafting skeleton concerning the enforcement of a high-value debt in the DIFC courts with parallel proceedings in the UK (cross-border enforcement).

Energy

Satya accepts instructions in all energy matters, experience during pupillage including:

- Grounds of Appeal and advices in relation to a HMRC decision on the taxation of a biofuel.

Property

Satya is frequently instructed in property and housing matters. Recent work on which she has been independently instructed includes:

- Advice and hearings relating to a claim for a rent repayment order under the Housing and Planning Act 2016.
- Regularly instructed to draft defence and counterclaims related to housing matters, including disrepair claims and agency agreements.
- Obtaining favourable outcomes both for landlords and tenants in possession hearings including outright possession orders and Tomlin Orders (succeeding the lion’s share of those cases).

Company and Insolvency

Satya is open to instructions in the areas of company and insolvency law, given the breadth and depth of experience she gained during pupillage. Recent experience includes:

- Providing support on a devilling basis to a senior member of Chambers in an arrest under s. 364 Insolvency Act.
- Drafting skeletons on s. 423 Insolvency Act concerning a transfer at an undervalue.
- Drafting particulars of claim concerning alleged professional negligence concerning solicitors’ advice on

entitlement to shares in a family company.

Civil Fraud and Asset Tracing

Satya accepts instructions in the area of civil fraud and asset tracing. Recent experience during pupillage includes:

- Assisting on obtaining a worldwide freezing injunction against a cryptocurrency exchange. She assisted particularly on research relating to conflicts of laws and jurisdiction.
- Assisting in drafting amendments to particulars of claim during a civil fraud trial concerning the “flat-packing” of a company and claims of fraud on both sides.

Contract

Satya is frequently instructed on contract law disputes including most recently:

- Obtaining permission to appeal decision that agent’s commission fee did not survive termination of an agency agreement. The judge commented that Satya’s skeleton was “extremely helpful” and the her Grounds “persuasive”, granting the appeal on both grounds which Satya had identified. Satya is now instructed on the appeal.
- Assisting in interpretation of shipping contracts, including laytime and demurrage, force majeure, delivery and documentary obligations.

Commercial Mediation

Satya has completed the Society of Mediators’ course on mediation.

Qualifications

- PhD, Law (Queen Mary University)
- Bar Professional Training Course (City University, London) (Very Competent)
- LLM, Commercial Law, University of Edinburgh (Distinction)
- LLB (Honours), Law with German Law, University of Birmingham with year abroad at the Free University of Berlin (First Class)

Awards and Prizes

- Jules Thorn Scholarship (Major Middle Temple Scholarship) (2022)
- City Law School Scholarship for Academic Excellence (2022)
- One Essex Court “Women at the Commercial Bar” Scheme (2019)
- Queen Mary University Research Scholarship (PhD) (2017)
- Third Best Speaker (of over 100 speakers), Edinburgh Pre-Moot to the Willem C Vis International Commercial Arbitration moot (2016)
- UK/EU Master’s Scholarship for Academic Excellence, University of Edinburgh (2015)
- Oral and Written Finalist in the Willem C Vis International Commercial Arbitration moot (being in the top 5% of all teams, 150 in Hong Kong and 300 in Vienna in respect of written submissions; 16th Finalist of 150 teams in Hong Kong) (2013)
- DAAD Scholarship for German Studies (2012)

Publications

- ‘Immunities and Arbitration: A New Lex Specialis Regime’ (2021) 22(8) (**German Law Journal**) 1555.
- ‘Enforcing International Arbitral Authority in National Courts’ (2020) 86 Arbitration 38 (**Chartered Institute of Arbitrators**).

- 'Rethinking Adjudicative Jurisdiction in International Law' (2019) 29 **Washington Law Review** 173.
- 'Comparing the Role of the Courts in English and German Arbitration Law: Should Party Autonomy or Certainty Be Preferred?' (2016) 1 The **European Law Students Association Law Review** 169 (re-published as best article in ELSA that year in **The Asian Law Students Association Law Review**).

Expert Speaker

Satya regularly writes and speaks about international commercial arbitration, private international law and public international law matters. She has a particular expertise in questions of jurisdiction which lends itself well to working on cross-border disputes.

Satya previously taught Equity and Trusts at Queen Mary University and was a Visiting Lecturer in Advocacy and Mooting at Westminster University.

Should you wish Satya to present on a topic at your organisation, please do not hesitate to contact her clerks on clerks@36stone.co.uk.

Conferences and Seminars

- 'The Scope of Authority of International Arbitral Tribunals: Consistent Principles in National Courts' (by **invitation to the Sorbonne**, PhD Conference between Queen Mary and Sorbonne, July 2019)
- 'Common Principles of Authority of International Arbitral Tribunals in National Courts: Normative Underpinnings and Pragmatic Realities', **Atlas Agora two-week competitive transnational law programme** at University College Dublin (June 2019)
- 'The Scope of International Arbitral Authority and National Court Enforcement Authority', paper presented at **Glasgow Postgraduate Conference** (Matthew Happold, Anni Pues) (May 2019)
- 'The Enrica Lexie and Judicial Deference in International Law', paper presented to the **Society of Legal Scholars Graduate Conference** (Sept 2018)

Wider Engagement

- Arbitrator at the Willem C Vis International Commercial moot for students (2022)
- Arbitrator at multiple pre-moots to the Willem C Vis Moot, e.g. Arbitrator at Edinburgh Vis Pre Moot (Mar 2019, 2017) (alongside Rt Hon Lord Hamilton in 2017)

Testimonials

"I frequently instruct Satya Moulant...Satya possesses sound judgment and regularly demonstrates this by displaying her ability to think a problem through to its conclusion to build a case and then present that logic in a practical and logical way to a judge."

"Satya possesses excellent communication and interpersonal skills which compliments her likeable personality. She has a sound educational background and a high level of commitment to excellence."