

PAUL MERCER

Date of Birth: 6th December 1971

Nationality: British / Bahraini

Education: MA Law, Girton College, Cambridge University
Post graduate diploma in law, College of Law, Chester

Professional: Practising English law solicitor since 1997

Career: Macfarlanes (UK law firm) (trainee lawyer) 1995-1997

Norton Rose, London (UK law firm) (trainee lawyer) 1997

Norton Rose, Bahrain (UK law firm) (lawyer) 1997-2000

Law Firm of Yousef & Mohammed Al Jadaan, Saudi Arabia (Saudi law firm) and Clifford Chance (UK law firm) (senior lawyer) August 2000 – Dec 2003

Kuwait Finance House (Bahrain) (Bank) (head of legal department) - December 2003 – September 2019

Freelance English lawyer (solicitor) – October 2019 – to date

Mercer Consultancy W.L.L. (management consultant) – October 2019 – to date

British University of Bahrain (law lecturer) – August 2020 – to July 2022

ALAFCO (Kuwaiti aircraft leasing company) (general counsel) – January 2020 – to date

Arbitrator – Fellow of the Chartered Institute of Arbitrators - June 2021 – to date

Board experience: Amana Bank plc (Islamic retail bank) (member) Sept 2020 – to October 2022

Ibdar Bank (Investment bank) (Chairman) – Sept 2011 – April 2016

MenaTelecom (Telecoms) (Vice Chairman) – April 2012 – Dec 2017

Turkapital Holding (Investment company) (Chairman) – May 2008 – June 2017

Motherwell Bridge (Engineering company) (Member) – May 2008 – Apr

2014

Liquidity Management House (Investment Bank) (Member) – May 2018
– to September 2019

Languages: English

Experience:

Paul is an English law qualified lawyer and arbitrator with a focus on aviation, banking and financing, contract and commercial law and dispute resolution.

Aviation:

For the last 5 years Paul was the general counsel for Kuwaiti aircraft leasing company ALAFCO, managing the legal team and providing legal advice on all aspects of ALAFCO's aircraft leasing business including advising on (i) aircraft leases and general dealings with aircraft lessees; (ii) the acquisition and finance of aircraft; (iii) OEM contracts with Boeing, Airbus, cfm and Pratt & Whitney; (iv) the sale and purchase of aircraft with the most notable transaction being the sale of a portfolio of 77 aircraft to Macquarie AirFinance; and (iv) dispute resolution.

Dispute resolution:

Throughout his professional legal career Paul has worked on a number of litigious matters. He has advised clients in relation to their disputes and managed a number of litigious matters for Kuwait Finance House (Bahrain), providing strategic legal advice on court and arbitration cases, instructing legal counsel, both within Bahrain and outside Bahrain (specifically the USA and New Zealand) and has advised on a number of disputes.

More recently Paul has provided ALAFCO with strategic legal advice in relation to various claims related to ALAFCO's aircraft leasing business.

Arbitration:

Paul is a fellow of the Chartered Institute of Arbitrators ("CI Arb") and is on the roster of arbitrators at the GCC Commercial Arbitration Centre, The Dubai International Arbitration Centre, the International Islamic Centre for Reconciliation and Arbitration and the Saudi Centre for Commercial Arbitration. Paul is also on the roster of mediators at the Saudi Centre for Commercial Arbitration.

As an arbitrator, Paul is able to draw on his 25+ years of legal practice experience of negotiating and drafting a wide variety of commercial contracts, resolving contractual disputes and resolving differing interpretations of contractual terms all underpinned with an expert level understanding of contract and commercial law having taught contract law at undergraduate level.

Paul has recently advised on the following arbitrations:

Claim for payment of work – ad hoc arbitration – Bahrain law/UNCITRAL Model Law – Key features – set aside the arbitral award because the arbitration tribunal applied laws other than Bahrain law.

Claim for non-payment of rent relating to the lease of 3 aircraft – English law – ICC arbitration – Singaporean seat.

Claim for non-payment of manager's fees – Bahrain law – BCDR.

Claim regarding delayed delivery of aircraft – English law – ICC arbitration – Geneva seat.

Contract law expert:

Paul accepted an assignment as a “contract expert” for the International Monetary Fund and delivered a seminar to an audience of banking regulators on governance and Islamic banking.

Paul taught English contract law at the British University of Bahrain.

Project finance:

Whilst in Riyadh, Saudi Arabia from 2000 – 2003 Paul worked with the Law Firm of Yousef & Mohammed Al Jadaan in co-operation with Clifford Chance and was involved in a number of high-profile project financings.

Islamic finance:

Paul has advised on a full range of legal issues relating to Islamic finance and helped in the preparation of transactional documentation designed to comply with Islamic law.

In recent years Paul has been actively engaged on Islamic bank regulation in Bahrain and Kuwait and the implementation of Basel capital and governance requirements.

PE, VC, corporate governance and board experience:

Paul has extensive experience on working on private equity and venture capital transactions and related corporate governance issues and was heavily involved in KFH (Bahrain)'s direct investment business and represented the KFH Group on a number of KFH's investment companies.

Paul was the chairman of Bahrain investment bank, Ibdar Bank, and as chairman of the board, he oversaw a three-way bank merger involving Elaf Bank, Capital Management House and Capivest.

Paul was also the chairman of Turkapital, a KFH Group investment company with the objective of investing in private equity opportunities in Turkey.

Management consultancy:

As an Executive Manager at Kuwait Finance House (Bahrain) Paul headed the following departments, Legal, Compliance, Anti Financial Crime, Risk, Operations, IT, Strategic Planning, HR and Credit Administration.

Paul established Mercer Consultancy W.L.L. as a network of expert consultants with extensive experience across a range of industries with the objective of being a leading GCC based consultancy. www.mercerconsultants.com

English law practice:

Paul also has his own legal practice as a freelance English solicitor advising his clients on a full range of commercial, contractual, governance and banking matters.
www.mercerlegalchambers.com

Paul has a number of clients and has recently advised on a variety of legal issues including data protection rights, bank shareholder rights and a range of intellectual property issues for the Bahrain Institute for Pearls & Gemstones (DANAT).

Recommendation:

Whilst working in Saudi Arabia Practical Law Company listed Paul on their website as “recommended” and a “specialist lawyer in Saudi Arabia”.

Whilst working in Saudi Arabia Legal 500 rated Paul as “highly recommended” for banking and finance work in Saudi Arabia.

Hobbies:

Tennis, swimming, boating, golf and reading.