

## **Non-contentious work**

- Negotiating and drawing up the contract for the sinking and development of a potash mine in Boulby, North Yorkshire, England by Thyssen (Great Britain) Limited, Taylor Woodrow Construction Limited (both of Britain) and Shaft Sinkers (Pty) Limited (South African) for Cleveland Potash Limited – a subsidiary of the Anglo-American group of South Africa – and Imperial Chemical Industries Limited of Great Britain. Negotiating and drawing up the contract for specialist design and construct specialist subcontractors for ground freezing ahead of excavation and the lining of the shafts. Negotiations were conducted with German and British specialist sub-contractors. The contracts, construction and development totally satisfied the client.
- Successfully implementing claims against both the employer and tunnel boring machine supplier in connection with a TBM excavated tunnel.
- Constructing a claim document leading to the recovery in the late 1970s of a £1m claim on a prestigious school built for the German Government under a FIDIC Contract.
- Devising a strategy involving a combination of varied construction methods and insurance to rescue a remote-controlled mole tunnel boring machine, allowing the tunnel to be completed on terms acceptable to the employer and the contractor.
- Facilitating the transfer of mining equipment from the Polish state mining company to the Chilean state through a British company. Achieved with funding raised in the Dutch Antilles. Dealing with English, Chilean, Dutch and Polish law issues.
- Developing and negotiating a cost-plus contract for the provision of design and construct services to a subsidiary of Rio Tinto Zinc to facilitate dewatering, rehabilitation and re-opening of Wheal Jane tin mine, and the further under-sea development of Geevor tin mine for Geevor Limited, in Cornwall, England.
- Drafting conditions of contract and associated documents to invite tenders for the construction of the last major coalfield in Britain. The coalfield consisted of one central and five satellite pits. Construction was completed to the client's satisfaction.
- Developing a form of consortium agreement between a British company and two French companies to provide appropriate cross-indemnities and payment apportionment provisions to complement an integrated jointly and severally binding contract with the Thai government to carry out a trial mining scheme in Thailand. Advising those companies on the contract. Visiting Bangkok to ensure (with local lawyers and accountants) that the companies were properly established to carry on business in Thailand.
- Drafting and negotiating the design and construct contract for declined drift tunnels by the New Austrian Tunnelling Method into gypsum deposits in Leicestershire, England, in co-operation with the Austrian consultant Sauer, a specialist Austrian membrane design and construct subcontractor and Charles Haswell & Partners.
- Negotiating the successful withdrawal of a claim brought in the official Referees Court (now the Technology and Construction Court) on the opening morning of a hearing into the cause of loss of a shaft. The shaft had been drilled by blind-shaft drilling methods in order to gain entry to a cavern to be constructed to store North Sea gas at South Killinghome, Humberside, England. Conducted to the satisfaction of the clients.
- The preparation and successful settlement of an £8m delay and disruption claim on a dispute arising under a defence contract.

- Preparing a claim for physical conditions which could not have been reasonably foreseen by an experienced contractor. Settled for millions of £/FF.
- Participating in the preparation of a multi-million £/FF claim in respect of highly sophisticated fixed equipment provided for a high profile mass-transit system. Settled for multi-millions of £/FF.
- Devising a strategy with Counsel for dealing with the costs of rectifying problems in relation to piping on an international mass transit project due to faulty design where the responsible party was insolvent. This involved insurers and the expertise process of the French court.
- Devising a strategy for the successful novation to the employer of a contractor's residual rights against the suppliers of locomotives and rolling stock on an international mass transit project.
- Negotiating a BOOT concession for a light railway with Italian Partners and the promoter of the scheme.
- Refining rules for ADR hearings of multi-US\$ disputes on dam and tunnel contracts and preparing the Employer's position papers in relation to the disputes.
- Developing a consultation process to conciliate a million Deutschmark dispute and processing the conciliation for the Employer.
- Preparing requests for proposals for consultancy services including, but not limited to, environmental, civil engineering, mechanical and electrical engineering, financial, legal and insurance-broking, specialist consultancy services. Evaluating the proposals received and negotiating the contracts emanating from them.
- Vetting invitations for tenders for advanced infrastructure work – mountain roads, power lines, telecommunications – for a 145m high dam, 32km tunnel and diversion weir and evaluating the tenders. Vetting pre-qualification documents and evaluating the applications to pre-qualify for the said dam, tunnels and diversion weir.
- Advising on and contributing drafting skills encompassing conditions of contract, environmental and socio-economic policies to documents relating to the dam, tunnel and weir including the tendering of foreign currency funding. Specifying the all-risks and third party insurances which would be provided by the employer, (to include flood cover at no extra premium to the employer) and with Aeon Lesotho (Pty) Ltd developing a suite of contract conditions appropriate for such insurance.
- Evaluating the tenders and negotiating the Contracts to the value of millions of US dollars for a dam, tunnel and weir.
- Negotiating funding finance documents.
- Negotiating a protocol to a treaty made between two governments.
- Analysing and negotiating Contractors' claims running to tens of millions of US\$ to reach sensible and satisfactory settlements where possible and achieving substantial success where this did not prove to be possible.
- Designing an ADR specification in the form of a dispute review board for the purposes of trying to resolve disputes amicably before arbitration
- Instructing two tunnel boring machine experts in relation to claims valued in millions of USD.

## **Contentious work**

- Attorney/Advocate in a building dispute arbitration on the JCT Form of Contract.
- Instructing Counsel to successfully resist the Plaintiff's applications in the official Referee's Court (now the Technology and Construction Court) and the Court of Appeal to remit to the arbitrator his award on costs.
- Instructing Counsel to successfully stay an action commenced by a subcontractor on disputes which he had agreed should be referred to arbitration. Instructing Counsel to successfully defend the stay granted by the lower court and in the Court of Appeal.
- Preparing all pleadings arguments and evidence on behalf of a building subcontractor in proceedings in the Construction Court. When the action did not settle, handing the papers to Counsel. Successfully conducted.
- Played a major role in preparing cases to be put before the Dispute Review Panel on major international mass-transit project and ICC arbitral tribunals.
- Played a major role in successfully resisting attempts up to the House of Lords by the employer under the same contract to bypass the dispute resolution processes of Dispute Review Panel and arbitration agreed to in the contract.
- Directing an international commercial arbitration held in London under the ICC Rules on disputes running into tens of millions of dollars. Resulted in substantial success.
- Instructing Counsel to successfully challenge parts of the Partial Award in the Commercial Court of the Queen's Bench Division by having the judge order the parts to be remitted to the arbitrators.
- Instructing Counsel to successfully resist the Respondent's appeal to the Court of Appeal against the judge's order in the Commercial Court.

