



## Jeremy Winter

**Independent arbitrator, adjudicator and  
dispute review board member**

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Jeremy Winter is an independent arbitrator, adjudicator and DRB member. He was previously a partner in the London office of an international law firm; he left in 2015, having completed thirty-five years of practice there. He is currently sitting as arbitrator, adjudicator and DAB chair in a number of cases, appointed both by institutions and at the recommendation of major international law firms. He has had over 40 appointments to date, of which over 25 have been as chair or sole arbitrator/adjudicator. Examples include:

- A very large ICC arbitration between a design consultant and a contractor joint venture, relating to civil works design for a rapid rail transit system in a Middle Eastern capital city; he was a party nominated arbitrator;
- Appointment as chair of a DAB under a FIDIC contract for the construction of two pavilions, forming part of an important development in Dubai;
- A LCIA arbitration related to entitlement to FEED documentation under a contract for the construction of a gas pipeline in Ghana (sole arbitrator);
- An ICC arbitration, seated in Zurich, related to a contract for the modernisation of a coal-fired power plant in a part of former Yugoslavia (party nominated arbitrator);
- A DIFC-LCIA arbitration between a contractor and employer relating to ground conditions encountered in the laying of a pipeline in the UAE, in which he is a party-nominated arbitrator;
- An ICC arbitration seated in Rotterdam, Netherlands, between two jv partners regarding their entitlement to the proceeds of an earlier NAI arbitration (in which he was also an arbitrator). It concerned offshore oil rig decommissioning;

- A DIAC arbitration between a sub-contractor and contractor jv relating to claims for variations, delay and disruption under an MEP sub-contract for an airport expansion project in the UAE;
- A number of UK statutory adjudications on a variety of different types of claim, where he has been appointed by both TeCSA and the LCIA.

During his law firm career, Jeremy's practice was heavily focussed on the resolution of disputes on construction and engineering projects around the world. Predominantly, this was by means of international arbitration, but also by litigation, adjudication, DRBs and other forms of dispute resolution process. He knows the major forms of engineering and construction contract well, particularly FIDIC, the ICE/NEC forms, and the IChemE forms. He is also experienced with the rules and procedures of the major arbitration institutions, particularly the LCIA, ICC and DIAC.

He graduated with an LLB in law from the University of Warwick in 1975. He was admitted as a solicitor of the Supreme Court of England and Wales in 1979, and then to the Supreme Courts of New South Wales and Victoria in Australia. He was one of the first solicitors to be admitted as a Solicitor Advocate in the higher civil courts of England and Wales. He is also a registered practitioner of the Dubai International Financial Centre Court in the UAE.

He was made a Fellow of the Chartered Institute of Arbitrators in 2014. He is also a Fellow of the Chartered Institution of Civil Engineers, a Fellow of the Chartered Institute of Civil Engineering Surveyors, a Fellow of the Geological Society, a member of the Society of Construction Law and a member of the Technology and Construction Solicitors Association. He has sat on committees of several of these institutions.

He was an early mover within the legal profession in recognising that litigation and arbitration are projects, which need to be managed and controlled like a construction project, as to duration, cost and quality. This experience makes him determined to ensure that arbitrations for which he is responsible are conducted as quickly, efficiently and cheaply as is consistent with producing an enforceable award.

### **Geographical experience**

Jeremy Winter's experience has covered work for clients and projects in over 30 countries around the world. He has worked throughout Europe, the Middle East, the CIS and Africa. Further details are contained in the appendix.

### **Industry / sectoral experience**

Jeremy has experience of a wide range of technical disputes in the construction and engineering business. This knowledge and experience puts him in a good position to grasp quickly technical

issues he has not encountered before. His experience covers, for example, power generation, M&E, oil and gas processing and water treatment. Further examples are in the appendix.

### **Delay and quantum**

A substantial proportion of disputes on construction and engineering projects result from time and cost overruns, and contractual responsibility for them. Jeremy's career has given him a great depth of experience of the issues that arise in these cases. That experience led him to conceive the idea of, and then to chair the drafting of, the SCL Delay and Disruption Protocol, which was published in 2002. He was also closely involved in the 2017 revision to the Protocol.

Jeremy is familiar with the operation of project management software such as Primavera and MS Project, and the need to inspect and understand the logic and dependencies of all programmes/schedules, including those used to support claims for extension of time.

Quantum - while legal, contractual and technical issues may take centre stage in construction disputes, they are nearly always about money. Jeremy's lengthy career has led him often to look first at the quantum of the claim, and certainly never to leave it as an afterthought. He engages himself deeply in the quantum of claims, and does not simply turn this over to experts. He is comfortable using reasonably complex spreadsheets, which seems to be rare among arbitrators.

### **Writing and speaking**

Jeremy has been speaking and writing on developments in law and practice relating to construction contracts for his entire career. For many years, he was a legal contributor to Construction News. He has lectured widely in the UK and abroad, including in Brazil, India, Russia, Central Asia and Korea. He has conducted numerous in-house training courses.

### **Recognition**

Jeremy Winter has achieved recognition in the respected directories (Chambers and Legal 500) since their inception.

He no longer seeks self-promotion in these directories.

### **Other interests**

Jeremy represented Great Britain in his age group at the ITU World Triathlon Grand Finals in Rotterdam, Netherlands in 2017, and at the Gold Coast, Australia in September 2018.

## **Appendix**

### **Languages**

As well as his native English, Jeremy has proficiency in French, German, Italian and Spanish, sufficient to read material in those languages.

### **Geographical experience - further details**

#### **Middle East**

Jeremy has acted in disputes concerning projects throughout the Gulf states, including:

- . Sporting complex in Dubai
- . Gas gathering centre in Kuwait
- . Oilfield security contracts in Iraq
- . Power and process plants in Saudi Arabia
- . Water and sewage treatment plants in Qatar
- . Power plants, hotels and other infrastructure projects in the UAE (Abu Dhabi, Dubai and Ras al Khaimah) and Bahrain.

#### **Africa**

- . Acting for contractor in arbitration concerning the construction of composting plants in Libya.
- . Acting for contractor in arbitration concerning water treatment plants on the Nile in Egypt.
- . Representing main contractor in arbitration with sub-contractor concerning gas pipeline project in Nigeria.
- . Arbitrations concerning road projects in Tanzania, Kenya and Lesotho.
- . Arbitration concerning sulphuric acid plant in South Africa.

#### **CIS**

- . Representing contractor in dispute arising from the collapse of cold storage warehouse in Moscow, Russia.
- . Acting for contractor in another case concerning a structural collapse, this time of a residential development, also in Moscow.
- . Acting for contractor in dispute concerning Baku-Tbilisi-Ceyhan oil pipeline from

Azerbaijan to Turkey.

- Representing contractor in arbitration concerning airport in Kazakhstan.

### **Europe**

- Many cases before the English court and in adjudication concerning commercial developments, ports and harbours, gas-fired power plants, waste to energy, mechanical and electrical installations, lifts and elevators.
- Advisory role in arbitration concerning the construction of a nuclear power plant in Finland.
- Managing numerous disputes with sub-contractors on major leisure project in France.
- Litigation concerning the use of back-up compressors for a gas pipeline between Algeria and Spain.

### **Asia/Australasia**

- Acting for supplier in arbitration relating to supply of marble processing plant in India.
- Dealing with dispute over power plant in Bangladesh
- Representing and advising Japanese, Korean and Chinese clients on their projects and investments in the Middle East and North Africa.
- Representing supplier of container cranes in arbitration with terminal operator in Australia

### **Latin and Central America**

- Representing port operator in arbitration against contractor concerning the construction of a container terminal in Panama.
- Acting for a state-owned oil company in litigation arising from the sinking of a semi-submersible rig offshore Brazil.
- Acting for the purchaser of oil and gas assets in Argentina.

### **Industry / sectoral experience - further details**

Jeremy has experience of a wide range of technical disputes in the construction and engineering business. This knowledge and experience puts him in a good position to grasp quickly technical issues he has not encountered before.

Examples include:

**Civil engineering** - he has handled many cases concerning unforeseen ground conditions, resulting in a good understanding of geotechnical issues. Numerous road-building cases made him familiar with heavy plant operation, crushing equipment, sourcing suitable base layer materials, achieving required levels compaction, the effect of adverse weather, cut to fill balance, concrete structures etc.

**Mechanical, electrical and plumbing** – he has acted for large UK M&E sub-contractors, handling their disputes with main contractors and sub-sub-contractors over workmanship, design, contracharges, payment etc.

**Power generation** - his experience includes the effects of catastrophic blade failure in a gas turbine, excessive noise levels in turbines, construction of steam turbine halls, welding of high-pressure pipelines, and boiler modernization in coal-fired plants.

**Ports and harbours** - he has acted in arbitrations and other disputes concerning: operation of container cranes and RTGs, construction (and collapse) of dock retaining walls, cathodic protection of steel reinforcement in marine environment.

**Rail** - he was party-nominated arbitrator in a very large arbitration concerning a metro light rail project in the Middle East. The subject matter of the arbitration was thousands of variations to design of viaducts, deep undergrounds stations and elevated stations.

**Water treatment** - he is familiar with water and sewage treatment processes, including reverse osmosis treatment of sea water, functioning of pumps, and failure of coatings on concrete tanks.

**Oil and gas** - his work has involved knowledge and understanding of gas compressors, oil and gas pipelines, offshore oil platforms, drilling rigs and platform decommissioning. Also contractual disputes under JOAs and PSAs. From this he has experience of welding issues.

**Cement production** - he has handled disputes concerning the failure of mechanical crushing equipment and the cause of an explosion in a cement plant.

### **Arbitration and other institutions**

Jeremy is on the panels/lists of and/or has been appointed by the following arbitral institutions: ICC, LCIA, the former DIFC-LCIA, DIAC, CRCICA (Cairo), Netherlands Arbitration Institute,

HKIAC, Mauritius Arbitration & Mediation Center and the Korean Commercial Arbitration Board. He is a member of the LCIA and a member of the TeCSA panel of adjudicators.