



## Professor Nicholas Gould

Partner

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Nicholas conducts a mix of contract drafting, strategic project advice and dispute resolution work. He acts in a wide range of construction sectors in the UK and internationally, including general construction, transport, communications, industrial, process plant, petrochemical and energy. A solicitor advocate and chartered surveyor, his dual qualifications provide a layer of expertise that adds a practical level to his work.

Nicholas is noted by *Chamber & Partners UK* as “very energetic”, “a very charismatic lawyer”, “a strong practitioner with impressive market presence”, and according to sources is “rated highly within the industry” and has an “ability to pre-empt potential problems and provide advice in a clear manner that maintains the individual needs of clients”. In addition he is credited for his strong market presence in the Middle East and his talent for both contentious and transactional work.

*The Legal 500 UK 2016* lists Nicholas in two sections: Power (including electricity, nuclear and renewables) and as Mediator. The publication notes that “clients recommend the ‘eloquent’ Nicholas Gould, who has ‘excellent advocacy skills’”. According to the IBA’s *Who’s Who Legal Construction* he is “revered for his ‘excellent mind’”, is “extremely well known” and is an “excellent construction lawyer” whose practice covers the gamut of contentious and non-contentious work. The IBA’s *International Who’s Who of Business Lawyers Today* listed Nicholas as one of the ten most highly regarded individuals internationally for construction law, and in the top five for Europe. He regularly works in Europe, Asia, Africa and the Middle East.

Nicholas has considerable experience dealing with contracts, subcontracts and procedural rules of various forms, and led the drafting of CEDR’s Project Mediation Procedural Rules.

### Specialist expertise

Nicholas is an expert in dispute resolution where his experience spans litigation, arbitration (domestic and international), adjudication, DAB/DRB, mediation, early neutral evaluation and expert determination. He has also conducted government-funded research into construction dispute resolution. He regularly acts as a mediator in construction, engineering and commercial disputes, sits as adjudicator on international Dispute Adjudication Boards and as arbitrator, and is a registered legal practitioner, DIFC Court, Dubai (UAE), 2016.

*Examples of Nicholas' expertise include:*

- advising an EPC contractor in respect of the largest gas combined cycle power plant completed in Europe in 2012; £1 billion contract sum. See *Alstom Power Ltd v Somi Impianti SRL* [2012] EWHC 2644 (TCC);
- providing contractual and claims advice in respect of a JV agreement and EPC turnkey agreement for a 900 MW oil-fired steam power plant and desalination plant. Project cost US\$1.8 billion, with claims circa US\$ 300 million;
- acting for one of the world's largest specialist power station contractors in respect of a substantial extension of time and prolongation claim under a bespoke EPC contract. Advice in respect of the dispute resolution provision comprising mediation, contractual adjudication and High Court litigation;
- acting for a joint venture contractor in relation to a potential high value (circa £150 million) dispute arising from a UK offshore wind farm project. Advising on various contractual issues, entitlement to extensions of time and associated additional costs as a result of variations and developing overall strategy;
- acting for the National Energy Authority of a government to advise on and defend an ICC arbitration for the construction of a hydroelectric dam in Nepal;
- appointed as mediator for a gas supply concession agreement, cross-border dispute of US\$4.8 billion in the Middle East;
- advising in relation to an EPC contract for a liquid to gas plant in Nigeria (LCIA Arbitration);
- advising in relation to new and refit pumping stations, related SCADA systems and associated pipelines, including contract drafting, limitation of liability, defects in welding, testing, handover, and professional negligence in relation to defects in design;
- advising in relation to FIDIC Orange DAB proceedings and court injunctions for a waste management plant in the Caribbean;
- advising an airport owner regarding a £4.2 billion airport development in respect of claims under bespoke NEC-based partnering packages for the building management system and related claims;
- highway and bridges, Romania, under ISPA and EU funding of FIDIC Red and Yellow books and amended contracts. Claims for delay arising from design approvals, variations, land appropriation, archaeological findings, related money claims for prolongation and price escalation in DAB, ICC arbitration, and the Romanian High Court, Appeal Court and Supreme Court;
- advising in relation to a swimming pool roof collapse, PAP for professional negligence and multi-party TCC litigation;
- DIAC arbitration for civil engineering contractor relating to deep sewage pipework and pumping facilities, enforcing award in Dubai;

- acting for the second largest entertainment company in the world, and drafting and advising them in respect of new developments in the UK and around the world. Establishing a suite of construction precedents and negotiating new developments in the UK, as well as roller coaster rides, sea life centres, cinemas and other projects in various countries. Advising the client in respect of the construction documentation for its successful IPO;
- Canary Wharf development, negotiating construction documentation with trade contractors, agreements for lease, fit-out works for various towers (BP1 Barclays Tower, BP2- BP4, HQ2, HQ3 Cabot Hall and DS7).

### Other activities

Nicholas is a Visiting Professor and an Executive Committee Member at the Centre of Construction Law, King's College, London, and an assessor for the Commercial Management MSc at UMIST. Nicholas regularly lectures at King's College London, for ICC, DRBF, IBC at their summer school at Cambridge University, ICE, RICS, UMIST and CEDR, together with a variety of in-house and ad hoc lectures. Videos include *Einstein Network and Mediationfirst*, and he has made a live radio appearance on BBC Southern Radio. Nicholas chaired IBC First Construction Law Web Congress.

He has published widely in the area of construction law and dispute resolution, and won a Silver Award at the CIOB Literary Awards in 2000 for his book *Dispute Resolution in the Construction Industry* published by Thomas Telford. The Rt. Hon. Sir Philip Otton described the book as "the most fascinating publication to come across [his] desk for many a year".

Nicholas was also lead author of *Mediating Construction Disputes: An Evaluation of Existing Practice* (2010) which received a CEDR award for excellence. The Rt. Hon. Lord Woolf commented in the House of Lords in January 2010 that: "Mediation is no longer a novelty in the UK. ... Commendably, a solicitor, Nicholas Gould, has now with the assistance of a team of supporters completed research for King's College London ... As I would expect, the survey showed that the process led to a saving of time and cost in a significant number of cases. I warmly congratulate Mr Gould and his team on the empirical data that they have assembled."

### Nicholas' memberships/positions include:

- vice president, ICC's Arbitration Commission (since 2008);
- member, CI Arb's Policy Sub-Committee (since 2010);
- chairman, ICC's ICANN gTLD primary internet address dispute resolution expertise service (2013-2015);
- past chairman of the ICC's International Sub-Committee for Expertise (2008-2015);
- member of the Dispute Resolution Board Foundation (DRBF) and President of Region 2 of the DRBF;

- past chairman of and current case editor for the Adjudication Society;
- fellow of the Royal Institute for Chartered Surveyors (RICS) and the Chartered Institute of Arbitrators (CI Arb);
- member of King's College Construction Law Association (KCCLA);
- member of International Chamber of Commerce (ICC);
- member of the London Court of International Arbitration (LCIA);
- member of the International Bar Association;
- member of the International Construction Law Association;
- member of The Technology and Construction Solicitors' Association (TeCSA);
- publicity officer of the CCG;
- former chairman of the Society of Construction Law;
- freeman of the Worshipful Company of Arbitrators;
- accredited arbitrator for DIFC-LCIA Arbitration Centre, Dubai.