



Jeremy Winter

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

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Jeremy Winter is an independent adjudicator, arbitrator, 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 adjudicator and arbitrator in a variety of cases, appointed both by institutions and at the recommendation of major international law firms. Examples include:

- A UK statutory adjudication between a main contractor and sub-contractor involving numerous Compensation Events under an NEC contract (appointed by TeCSA).
- An adjudication between an employer and contractor relating to the construction of a ride at a UK theme park, where the parties have agreed to give him a broad brief to decide interrelated claims and counterclaims relating to delay, extensions of time, liquidated damages and repair of defects (appointed by TeCSA).
- An adjudication between main contractor and sub-contractor under an amended NEC sub-contract relating to deemed acceptance of a quotation for a Compensation Event on a major City of London project (appointed by LCIA).
- An ICC arbitration between a design consultant and a contractor joint venture, relating to civil works design for a rapid transit system in a Middle Eastern capital city; he is a party nominated arbitrator;
- An LCIA arbitration between contractor and employer relating to changes and delays on a pipeline and fuel storage tank construction contract in the Gulf;
- A DIAC arbitration, relating to a construction project in Dubai, where he was the chairman agreed by the party-appointed arbitrators (final award delivered);

- A DIFC-LCIA arbitration, relating to an oilfield services contract in Iraq, in which he is a party-nominated arbitrator;
- An NAI (Dutch) arbitration in which he was party-nominated arbitrator. It concerned offshore oil rig decommissioning (final award delivered);
- An ADCCAC (Abu Dhabi) arbitration concerning a development project in a Central Asian state, where he is party-appointed arbitrator; issues of jurisdiction and limitation have been addressed in a partial award;

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 and ICC.

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 Companion 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, oil and gas processing and water treatment. Further examples are contained 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.

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, recently in Brazil, India, Russia 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. The Chambers UK Directory - 2014 Edition said Jeremy Winter has "one of the sharpest and finest brains in the industry".

He is listed in Who's Who Legal 2018 as a leader in the field of construction law, and in Euromoney's Expert Guide to Commercial arbitration 2016 - The World's Leading Practitioners Chosen by Their Peers.

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 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.

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, and welding of high-pressure pipelines.

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.

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, DIAC, CRCICA (Cairo), Netherlands Arbitration Institute, Russian Arbitration Association, HKIAC and the Korean Commercial Arbitration Board. He is a member of the LCIA, ICCA and the DRB Forum. He is a member of the TeCSA panel of adjudicators.

Recognition - further details

The Chambers UK Directory - 2012 edition, states that “Clients appreciate his commercial approach and he is noted by sources to be amongst the most active and effective lawyers in the sector”

Legal 500 says he is ‘quick, sharp, amiable and diplomatic’.