



Nicholas Gould, Esq.
United Kingdom

Primary Areas of Expertise

Construction
Engineering
Energy and Power
Oil and Gas

Professional Summary

A Partner in the international specialist construction, engineering and energy law firm Fenwick Elliott and Visiting Professor at King's College London, conducting a mix of international dispute resolution and projects work. Dual qualified as a chartered surveyor which provides a layer of expertise and practical approach to complex construction disputes.

Acts for contractors, employers and governments in a wide range of technically complex construction sectors internationally including; energy, infrastructure, rail and metro, communications, industrial, waste, water, desalination, process plant, oil and gas, and petrochemical as well as defects, collapse and fire safety.

Profession

Lawyer, Arbitrator, Adjudicator, Mediator, Professor, Chartered Surveyor, Dispute Board Member

Work History

Partner, Fenwick Elliott, 2022-Present; Visiting Professor, King's College London, 1999-Present; Solicitor, Forsters, 1999-2002; Trainee Solicitor, Pinsent Masons, 1997-1999; Senior Lecturer, University of Westminster, 1993-1997; Quantity Surveyor, including self-employment and work at London QS practices, 1987-1993.

Experience

Primarily focused on international arbitration, dispute boards and mediation for construction and energy projects worldwide.

Wide ranging FIDIC experience, including advice in respect of design and build and turnkey contracts for highways, bridges and tunnels, waste processing, water treatment and general construction.

EPC/EPCM experience includes gas to liquid plants, pipelines, tank farms and pumping stations, desalination plants, PTA process plants, data centres, and a paper mill. PFI/PPP experience includes hospitals and courts.

Has advised in respect of airport infrastructure, terminals and integrated building management systems, including advising BAA in respect of T5 (£4.2billion). Rail and metro experience includes contracts and frameworks for tunnelling, track, stations, electrification, catenary, SCADA systems and communication, as well as

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locomotives. Leisure facility experience includes sports stadia, hotels, cinemas, theme parks aquariums and attractions. This work often includes advice on consortium joint ventures, warranties and direct agreements, bonds and guarantees.

Lectures regularly around the world on topics relating to construction law, international arbitration, dispute boards and ADR. Is a Visiting Professor at the Centre of Construction Law and Dispute Resolution, King's College London. Lectures on the CIARB's prestigious International Arbitration Diploma at Oxford and IBC's Cambridge Summer School. Was a member of the Policy Subcommittee of the CIARB, and has advised and drafted guidance notes and protocols for the RICS, CIARB, and other ADR's. Is a past Chairman of the Society of Construction Law, and past President of the Dispute Resolution Board Foundation.

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 the book *Dispute Resolution in the Construction Industry* published by Thomas Telford. Is lead author of the report *Mediating Construction Disputes: An Evaluation of Existing Practice* published in February 2010, it received a finalists CEDR Award for Excellence in 2010.

Alternative Dispute Resolution Experience

DAB member for the ITER (International Thermonuclear Experimental Reactor) nuclear fusion plasma power project in France.

Chairman of the five member panel of adjudicators for the CERN High Luminosity Large Hadron Collider Project (Switzerland/France). Project value Euro 900 million.

DAB member for a major airport development in Oman. Project value around US\$ 4.2 billion.

Appointed as arbitrator for a property development dispute in the UAE, under UAE law.

Appointed as sole arbitrator in relation to a supply and services contract with disputes in relation to invoicing, VAT, withholding tax, cross border shipping issues.

Mediator between JV partners (Russian/Netherlands) for the development of a 300MW combined cycle gas power generation plant concerning the JV asset conversion financial model dispute, a plant energy model, financial model and risk analysis arising from a disputed energy asset conversion calculation arising from gas unit purchase cost estimations.

Member of an arbitral tribunal for a telecoms dispute relating to IP (Internet Protocols), data exchange and broadband services between a USA and Singapore company. UNCITRAL Rules, substantive law of Singapore, seat in London.

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Member of an arbitral tribunal for a construction dispute between a Dubai developer and a contractor. Seat in Dubai, UAE.

Appointed sole mediator for a cross border gas supply concession agreement dispute of US\$ 4.8 billion between a UAE company and the Iraq Government.

Sitting as one of three arbitrators in an arbitration in respect of a power generation plant in Asia.

Sitting as sole arbitrator in a power/energy and property dispute, subject to English law.

Appointed as sole adjudicator in relation to the modernisation of Oxford Circus Underground Station.

Appointed jointly by parties as mediator for a unit service charge claim in relation to asylum seekers' accommodation throughout the UK, for substantial sums of potentially £30 million.

Serving on several dispute adjudication boards in Romania under Adjudication Procedure.

Mediator for a five party insurance, property and construction defects dispute arising from substantial flooding of a city bank and computer server centre. Settled on the day.

Mediating a dispute in respect of liability and quantum for the costs of substantial flood damage to a property. Dealing with the CCFA implications of the settlement. Multi party dispute between insurers of the property owners (subrogated claim), the contractor, mechanical subcontractor, the supplier and manufacturer (again with insurers).

Mediator for a substantial multi-party construction dispute concerning defects, delays and money claims in respect of the re-development of a town centre. The 4 parties attended a two-day mediation resulting in two separate (a two party and a three party) settlement agreements resolving all of the inter-related, and inter-party disputes.

Mediating a property related dispute of approximately £1.2 million arising from the removal of "fixtures and fittings" at a chemical process engineering plant.

Acting as mediator in respect of a substantial value five party dispute arising from water damage caused by bursting pipes at a commercial premises during construction work. Successfully resolved in a one-day mediation, with two separate settlement agreements spanning all parties.

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Mediator for a defects/property dispute where the claim value was £450,000. A settlement was reached on the day of mediation.

Mediator for a property dispute between a property investment company and the tenant (a substantial charity) involving a schedule of dilapidations. The parties were about £200,000 apart. A settlement was reached at the end of a one-day mediation.

Technology Proficiency Fully proficient in all ADR related technologies, including communications software, e-disclosure and AI-supported tools for document analysis.

Education University College London (LLM. Masters Degree in Laws - 1997); College of Law, Store Street, London (Diploma in Legal Practice, Awarded a Commendation - 1996); University of Westminster (Post-graduate Diploma in Law - 1995); BSc (Hons). First class Honours Degree in Quantity Surveying (Royal Institution of Chartered Surveyors Prize for best student and a prize-winner of the KPMG Faculty Award for major project cost planning – 1992).

Higher Right of Audience Certificate (Civil Proceedings), College of Law (March 2012); Dispute Resolution Board Foundation's DRB/DAB practices and procedures training and the advanced chairing workshop (October 2004, San Francisco).

Professional Licenses Admitted as a Solicitor of the Supreme Court (1999) Solicitor-Advocate 2012.

FIDIC Certified Trainer (since 2002); FIDIC Certified Adjudicator Assessor (since 2019); Vice President, Arbitration Commission, ICC International Chamber of Commerce (from 2007); Honorary Member, Adjudication Society (from inception 1999).

Professional Associations Fellow, Royal Institution of Chartered Surveyors (2000 FRICS, ARICS since 1994).
Fellow, Chartered Institute of Arbitrators (FCI Arb 2007, MCI Arb since 2003).
Honorary Member, Croatian Mediation Association (March 2012).
Member, British Tunnelling Society (BTS part of the ICE)
Member, International Chamber of Commerce (ICC).
Member, London Court of International Arbitration (LCIA).
Member, International Bar Association (IBA).
Member, Technology and Construction Solicitor's Association (TeCSA).
Member, Society of Construction Law (SCL).
Member, Dispute Resolution Board Foundation (DRBF 2003).
Member, Adjudication Society (since formation 1999).
Member, Chartered Institute of Building (1996 MCI OB, Associate since 1990).
Freeman, Worshipful Company of Arbitrators (2007).
Member, NEC User's Group (from inception to 2011).
Member, British Tunnelling Society, part of the ICE (from 2021).
Member, FIDIC NET (from inception).

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Recent Publications & Speaking Engagements

JOURNALS

- Gould, N. (2022) "Em-Powering Perspectives in Electricity & Renewables Arbitration: Offshore Wind Particular Risks" Electricity and Renewables Arbitration Report 2022, Jus Mundi, (pages 24-27).
- Gould, N & Liang, O. (2021) "Dispute boards in international construction contracts: perspectives and observations" Construction Law Review, 25th Anniversary Issue 2021-2022, Chartered Institution of Civil Engineering Surveyors, pp19-22.
- Gould, N. (2021) "The Resolution of Outer Space Related International Disputes" IAC 2021 Congress Proceedings, 72nd International Astronautical Congress (IAC), Dubai, United Arab Emirates, October, Access on website of International Astronautical Federation (IAF).
- Gould, N (2021) "Carbon Neutrality and the Impact on the Construction Industry" Building, 20 May.
- Gould, N & Lockwood, C. (2020) "Dispute Boards" DRBF Publications, Paper DRBF 001.

VIDEO, RADIO AND INTERNET

- FIDIC webinar series (2020).
- Books, Chapters, Reports, Guidance Notes, Contracts
- Gould, N and Butler, K (2024) Chapter 11 Liquidated Damages: A Common Law Perspective, KCCLR Book, Construction Law in the 21st Century, Ed. Professor Renato Nazini, Routledge.

RECENT SPEAKING ENGAGEMENTS

2021

- DRBF/FIDIC 2021-Sat on FIDIC assessment Committee
- EPC Project and Contract Management Energy Sector Conference 2021-Speaker on behalf of Kings College
- CIArb Adjudication Event 2021- Panel Speaker-25 Years since the HGCRA
- FIDIC Legal Forum 2021- Key Note address- legal and risks facing infrastructure sector following COVID-19 and sustainability
- GAR Live: Construction Disputes-Speaker- Oops, I did it again-a conversation with contract managers
- ICC FIDIC Conference 2021-Panel Speaker
- Adjudication Society Annual Conference 2021- Workshop-Topic
- G&T 2021-Speaker-Construction Law Update

2022

- 2nd ICLI Tehran 2022-Speaker-DBs and claims
- Construction Law Winter School, Downing College Cambridge-Lecturer- Bonds and Guarantees
- PR and potential clients
- FTI Experts in Adjudication, FTI London-2022-Panelist-Strategy Issues
- GAR live, Paris 2022-Panelist-Construction

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Construction Law Seminar 2022, Accra Ghana-Key note speaker- Procurement and Contracts for Technically Complexed Infrastructure Projects
DRBF London Conference 2022-Key note speaker
CERN-Panel Chairperson-Dispute Resolution
FIDIC Summer school, King's London 2022-Course Director
CIARB- Speaker-Understanding the contractual provisions of a dispute board
King's 35 year celebration 2022-Panelist-A common law perspective on liquidated damages.

2023

EIC Conference in Wiesbaden 2023-Speaker-Avoiding Claims and Solving Disputes in the Gulf Region
DRBF Advanced Training Workshop, Indonesia 2023-Speaker- D&D and FIDIC
DRBF ASIA ADR conference Vietnam 2023-Speaker- Advancing towards Zero-Dispute: The Role of AIAC SFC(s) in Spearheading Dispute Prevention
King's - International Construction Arbitration Conference 2023-Speaker- The use of FIDIC and NEC forms from the point of view of the employer and contractor in the international market
Construction Law Cambridge Summer School 2023-Speaker- bonds and guarantees
ICCP Construction Conference 2023-Speaker- Essentials of a claim
ENGIE Community of Practice Contract Management 2023-Speaker- Bonds & guarantees
EPC Prospero, Amsterdam 2023-Speaker- EPC & 5 steps for success
Global EPC Contract & Project Management Summit, Lisbon 2023-Speaker- EPC & 5 steps for success

2024

And Critique of the FIDIC rainbow suite and international bespoke contracts
Prospero 3rd Decommissioning and Hazardous Waste Management for Power Plants 2024, Amsterdam-Speaker-5 steps for success or NEC
Nuclear Decommissioning & Waste Management Summit 2024-Speaker- NEC and FIDIC on 3rd
Engineering & Procurement in Energy Sector

Citizenship United Kingdom
Languages English

Compensation Comment:

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