



ArbDB Chambers

ARBITRATORS, MEDIATORS
& DISPUTE BOARD MEMBERS

Andrew Burr

Call Date: 1981 (Inner Temple)

ADJUDICATION AND ARBITRATION

MEDIATION

PRACTICE

Andrew was a member of Atkin Chambers from 1983 until 2016, specialising primarily in construction and technology matters. He is also an affiliated foreign lawyer with Primus (Vilnius, Lithuania), focusing upon international dispute avoidance and resolution. Andrew was on an extended editorial sabbatical between 2014 and 2015 writing the fifth edition of *Delay and Disruption in Construction Contracts* (informa law by Routledge), and writing various other publications and pursuing educational projects. He has developed his third party neutral practice with ArbDB Chambers, through which, he acts as adjudicator, arbitrator, dispute board member and mediator.

He is presently acting as Team Leader/Legal Expert in EU-funded arbitral proceedings (seated in London) involving Nigeria and is a party-appointed arbitrator in a substantial *ad hoc* arbitration on a commercial matter, involving the supply of pharmaceutical equipment by a UK-based company to an Israeli corporate entity.

ADJUDICATION AND ARBITRATION

DOMESTIC

- Represented parties as counsel in a wide range of arbitrations under CIMAR, the ICE *Arbitration Procedure*, the JCT *Rules* and various *ad hoc* references. Has sat as arbitrator under the *Electricity Industry Rules* and otherwise;

- Appeared in a reported TCC case involving the enforcement of a domestic arbitral award against an off-shore company: see the first case listed below;
- TECBAR and TeCSA qualified adjudicator, who has conducted several adjudications per year since the coming into force of the *Housing Grants, Construction and Regeneration Act 1996* (the *HGCRA*). Has appeared in various TCC cases involving the enforcement of adjudicators' decisions under the *HGCRA*.

INTERNATIONAL

- Acted as co-counsel in Germany in various English language DIS arbitrations, involving substantial commercial disputes between major international hotel chains; German law applied;
- Sat with Swiss co-arbitrators as a party-appointed arbitrator on a complex ICC dispute between a Spanish sub-contractor and a German principal contractor, involving the replacement of a Caribbean electricity supply system and the analysis of culpability for delay to completion; Swiss law applied. Previously represented Caribbean resort owners on the enforcement in England of an LCIA award;
- Acted for an Italian sub-contractor and its parent company in preparations for an ICC arbitration, involving substantial claims against a Portuguese main contractor, concerning the Dolphin underwater gas pipeline in the Gulf of Arabia, along with the prevention of calls on performance bonds. Previously represented Eastern European clients in significant disputes relating to an oil refinery and pipeline in the Baltic States before an ICC tribunal in London;
- Acted as co-counsel for an American heavy earth-moving equipment supplier in a *Swiss Rules* arbitration regarding a substantial canal project in Pakistan. Swiss law applied and a jurisdictional defence succeeded. Previously advised Pakistani highway authorities regarding disputes with a Turkish engineering main contractor;
- Represented a sub-contractor in proceedings against an Italian joint venture, involving a substantial hospital project on Malta; Maltese law applied before an UNCITRAL tribunal seated in London;
- Acted in an ICC arbitration for contractors claiming against an Egyptian financial institution in respect of the construction of a 30-storey office building in Cairo; after

hearings in Paris and several interim awards, substantial recovery was achieved. English law applied;

- ☐ Represented American employer in London ICC arbitration concerning the supply of medical goods by a Scandinavian company; dispute resolved by negotiation;
- ☐ Andrew is listed on the panels of arbitrators at the Beijing Arbitration Commission (BAC) and the Vilnius Court of International Arbitration (VICA). He has served as arbitrator at numerous Vis pre-moots in Riga (Latvia), Tbilisi (Georgia), Prague (Czech Republic), Ljubljana (Slovenia) and at the ICC in Paris;
- ☐ Andrew was appointed to the Practice and Standards Committee of the Chartered Institute of Arbitrators in September 2015, having previously chaired the European Branch thereof;
- ☐ Moderated at Chartered Institute of Arbitrators' European Branch (EB) meetings at which various Eastern European and Russian Federation States have been represented. Has spoken at EB meetings in Istanbul (Turkey), Vilnius and Druskininkai (Lithuania), Liepaja and Riga (Latvia), Timisoara (Romania), Florence, Milan, Rome and San Miniato (Italy), Stockholm (Sweden), Paris (France), Salzburg and Vienna (Austria), Ankara and Istanbul (Turkey) and Beijing (China). Tutor on EB courses on cross-examination in international commercial arbitration in Paris (France) and Rome (Italy);
- ☐ Acted as co-counsel with one of the largest Spanish firms in a complex dispute involving a solar power plant in the Sahara between a Spanish joint venture and a North African government entity: English law applied and the case was settled by negotiation.

MEDIATION

DOMESTIC

- ☐ Member of the ResoLex Construction Panel. Andrew has acted as counsel in a number of TCC cases which have been successfully mediated;
- ☐ First mediator appointed by the Bar Pro Bono Unit.

INTERNATIONAL

- ☐ Member of the group of experts advising the task force on the revision of the ICC *Dispute Board Rules* and co-chair of the sub-committee advising on the revision of the BAC *Construction Dispute Board Rules*;
- ☐ Member of the Independent Standards Commission of the International Mediation Institute and discussion group rapporteur at various annual congresses at Villa Plantamour, Geneva (Switzerland).
- ☐ Participated in the 2008 Advanced Mediator Retreat, organised by Mediation and Training Alternatives (MATA) in Umbria, Italy;
- ☐ Organised and spoke at the Spring 2007 meeting of the European Branch in conjunction with the Academy of European Law, Trier (Germany), at which the primary focus was on leading edge mediation techniques. He has participated in mock mediations in London (England), Rome (Italy), Stockholm (Sweden) and Zagreb (Croatia), where he has also helped organise and moderate at a mediation moot competition at the University of Zagreb.

REPORTED CASES

G Middleton Limited v Berry Creek Overseas Development Limited [2007] EWHC 318 (TCC)

Michael John Construction Limited v Golledge [2006] TCLR

Hadley Design Associates Limited v Westminster City Council [2004] TCLR

Harvey Shopfitters Limited v ADI Limited [2004] 20 Const LJ 291

Hortimax Limited v Hedon Salads Limited [2004] Adj LR 1

Comsite Projects Limited v Andritz AG [2004] 20 Const LJ 24

Fence Gate Limited v NEL [2002] 82 Con LR 41

Carillion Limited v Felix AG [2001] CILL 1693

IJS v Dew [2001] 17 Const LJ 274



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Motherwell Bridge v Micafil [2002] Con LR 44

Serck Controls v Drake and Scull (2000) CILL 1643

Pacific Associates v Baxter [1990] 1 QB 993

Kelly v Norwich Union [1989] 2 All ER 888

LEGAL TEXTS

- ☐ Author of *International Contractual and Statutory Adjudication*, (informa law by Routledge): 2017
- ☐ Author of the fifth edition of *Delay and Disruption in Construction Contracts*, (informa law by Routledge): 2016
- ☐ General editor of *European Construction Contracts* (Wiley Chancery Law): 1994-2000
- ☐ Founder editor of *Arbitration and Dispute Resolution Law Journal* (Lloyds of London Press): 1992-2002
- ☐ Founder editor of *Construction Law Journal* (Sweet and Maxwell); now general and articles editor: 1984-date

ARTICLES AND PUBLICATIONS

“Chess Clock” Arbitration and Time Management Techniques in International Arbitration (with Pierre Karrer), (2010) 26 Const LJ 53

The Use of Visualisations in Case Presentation and Evidence (with Keith Pickavance) (2010) 26 Const LJ 3

Papers from a Joint Meeting of the European Branch and the Swiss Arbitration Association, Villars sur Ollon, Switzerland, Arbitration (November 2006)

Papers from the Joint Meeting in Dublin of the European and Irish Branches, Arbitration (February 2006)



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ARBITRATORS, MEDIATORS
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The Consideration of Critical Path Analysis in English Law (2005) 21 Const LJ 222

ENDR's Fast Arbitration Rules: a Comparative View, Arbitration, (May 2005)

Med-Arb: A Viable Hybrid Solution? Les Arbitres Internationaux, (2005)

QUALIFICATIONS AND AWARDS

2008	Affiliated foreign lawyer: Primus (Vilnius, Lithuania)
1981	Inns of Court School of Law, Gray's Inn, Bar Finals
1980	MA (Law), Trinity Hall, Cambridge

OTHER PROFESSIONAL INTERESTS

- ☐ AFAVE (Master)
- ☐ Associate of the Chartered Institute of Arbitrators: member of the London Branch, past Chairman of the European Branch and member of the Professional Standards Committee
- ☐ Chair of various conferences on dispute avoidance and resolution in construction and technology matters throughout Europe and the United Kingdom
- ☐ Dispute Resolution Board Federation member
- ☐ General editor of a special issue of *Construction Law Journal* on dispute boards
- ☐ Lecturer to the Beijing Arbitration Commission on the ICC's *Revised DB Rules*
- ☐ SCL member
- ☐ TECBAR accredited adjudicator
- ☐ TeCSA accredited adjudicator
- ☐ Tutor on various expert witness courses and participant in mock arbitrations and mediations
- ☐ Tutor on Hill International masterclasses on the analysis of delay and disruption in construction contracts, both in the UK and in Ankara and Istanbul (Turkey)
- ☐ Tutor to various Baltic States and other teams at the Vis Arbitration Moot



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RECOMMENDATIONS

“A highly experienced junior with breadth of experience across all venues.”
Construction, Legal 500 2015

“He has a strong international practice”
Construction, Legal 500 2014