

NICHOLAS FLETCHER QC

Educated at Balliol College, Oxford (B.A. (Hons) Jurisprudence, 1980) and the London School of Economics (LLM, 1981). Called to the Bar of England and Wales in 1983 and undertook 12 months' pupillage at the Chambers of Michael Thomas Q.C. In October, 1983 joined Haight, Gardner, Poor & Havens in New York. Admitted as an attorney in the State of New York in 1985. In October, 1986, joined Clifford Chance and spent 23 years' experience with the Firm litigating and arbitrating complex international and domestic commercial disputes (the last 11 years of which was as a partner in Clifford Chance's highly-ranked International Arbitration Group). In 2009, joined Berwin Leighton Paisner LLP as Head of International Arbitration practice. In April 2014, appointed Queen's Counsel on the recommendation of the Lord Chancellor. In November 2014, joined 4 New Square chambers as an independent arbitrator.

Nic has experience as presiding arbitrator, sole arbitrator and panel member in arbitrations conducted under a variety of institutional and procedural rules (ICC, LCIA, AAA, SCIA, SCC, UNCITRAL, LMAA, SMA and DIAC) and on an ad hoc basis. As arbitrator and previously as counsel, Nic has particular experience of corporate investment disputes, financing disputes, energy disputes, offshore engineering and construction matters. He is a member of the executive committee of the Foundation for International Arbitration Advocacy, of the executive committee of the Financial Services Branch of the Arbitration Club and of the ICC Task Force on the New York Convention. He is the rapporteur for England for the Institute of Transnational Arbitration. He is a member of the LCIA, the ICC, the IBA and ICCA.

Recent experience as arbitrator:

Investment and Financing Disputes

- Member of a three-person tribunal hearing an investment-banking dispute (LCIA).
- Member of a three-person tribunal hearing a dispute between shareholders concerning investment in a television station in Eastern Europe (ICC).
- Sole arbitrator in two related arbitrations concerning fraud in the financing of the purchase and sale of consignments of copper ingots (LCIA).
- Sole arbitrator in a breach of warranty dispute under a share sale agreement (LCIA);
- Chairman of a three-person tribunal hearing a dispute between joint venture partners concerning real estate investments in Eastern Europe (LCIA).
- Sole arbitrator in respect of two arbitrations concerning investment in an infrastructure project vehicle in West Africa (UNCITRAL).

- Chairman of a tribunal hearing a claim under a corporate guarantee governed by Cyprus law (LCIA).
- Chairman of tribunal appointed to hear dispute arising from share-sale agreement (DIAC).
- Member of a three-person tribunal hearing a complex breach of warranty dispute arising out of the sale of an aviation service business (ICC).
- Member of an ICC tribunal considering a dispute between a joint venture partners concerning the establishment of a pharmaceutical manufacturing plant in the Middle East (ICC).
- Sole arbitrator determining a dispute over a share sale and purchase governed by New York law (LCIA).
- Chairman of a tribunal hearing a dispute arising out of a corporate transaction relating to a real estate development in Moscow (LCIA).

Energy & Offshore Engineering Disputes

- Sole arbitrator of a dispute concerning sums due under a contract for the sale and purchase of carbon credits governed by New York law (ICC).
- Chairman of a tribunal hearing disputes under a settlement agreement relating to an oilfield services agreement (LCIA).
- Member of an UNCITRAL tribunal appointed to hear three consolidated arbitrations concerning disputes over oilfield licences in Eastern Europe.
- Member of a three-person tribunal appointed to hear a dispute over the development of power transmission facilities in West Africa (LCIA).
- Member of an UNCITRAL tribunal appointed to hear disputes governed by Alberta law between investors in an oilfield project in Central Asia.
- Member of an ICC tribunal hearing a dispute under an oilfield services agreement (ICC).

Construction Disputes

- Member of a three-person tribunal hearing claim for circa \$70 million for delay, disruption, prolongation and breach of contract under a project agreement for the construction of an oil processing facility in the Middle East (LCIA).
- Member of a three-person tribunal hearing a dispute in respect of a supply and construction contract for gas facilities (ICC).
- Chairman of tribunal appointed to hear a construction dispute arising under a steel structure subcontract relating to a racecourse in the Gulf (DIAC).
- Sole arbitrator in a dispute concerning the construction of a luxury yacht (LCIA).

Other Commercial Disputes

- Sole arbitrator in ad hoc arbitration between a firm of lawyers and Leading Counsel in respect of allegations of professional negligence.
- Sole arbitrator in a dispute concerning sums owing to merchants from a credit card company (LCIA).
- Member of a three person tribunal hearing a claim between an agent and a football player under the Football Association's Rule K.

Experience as Counsel

Investment and Financing Disputes

- Shareholder dispute under UNCITRAL Rules involving the major shareholder in a major Eastern European steel company.
- Representing a joint venture partner in a dispute over the development of a port project in Turkey. UNCITRAL Rules.
- Major ICC arbitration for significant European-based financial institution concerning wide-ranging breach of warranties and fraud by the seller of a major U.K. company under contract governed by New York law.
- Dispute between the buyer and seller of an Indian telecommunications company in connection with the former's alleged obligation to bring about an IPO (SIAC).
- Represented Spanish entity in dispute with international film distribution company over breaches of warranty in contract, governed by Spanish law, for sale of Spanish film distribution company (ICC).
- Representing Swiss financial institution in claims against customer for fraud in connection with the trading of oil cargoes.
- ICC and ad hoc arbitrations involving investment disputes in mobile telephone companies in India and the operation of mobile telephone technology.

Energy & Offshore Engineering Disputes

- Representing major U.S. energy company in US\$1 billion LCIA dispute over tolling agreement and liability for EU emissions allowances.
- Representing major U.S. energy company in US\$350 million dispute under UNCITRAL Rules over inadequate design of a 600 MW coal-fired power station in Eastern Europe and impact on power purchase agreement. The dispute involved factual and technical evidence of open-cast mining operations, coal chemistry, the operation of distributed control systems, combustion technology, computational fluid dynamics computer modelling and delay analysis.

- ICC arbitration involving breach of joint venture agreement governing the mining of ilmenite in Western Australia and its subsequent smelting in Western Europe.
- Defending Eastern European electricity provider against a claim for commissions arising out of the negotiation of a long-term off-take agreement.
- Advice on dispute concerning development and operation of gas fields in Bangladesh.
- Advice to oil major on day-to-day management of disputes arising under PSA with Russian partner.
- Counsel for U.S. institution in disputes with state-operated utility, Government and interested third parties concerning the operation of a power-generation facility and associated PPA in Pakistan.

Construction Disputes

- Acting for state power and water company in a dispute under UAE law concerning the construction of a power and desalination plant in the Middle East.
- UNCITRAL arbitration concerning costings and price payable in respect of a major international leisure complex and associated facilities in the U.A.E. (UAE law).
- UNCITRAL arbitration concerning disputes arising under production-sharing contracts and gas transportation agreements governing the exploitation of gas fields and the transportation of gas in Malaysia.
- Acted for large multinational contractor on dispute over delays to steel fabrication and construction on major international sports stadium.
- Acted for large multinational contractor on dispute with developer of hotel and apartment complex in London's docklands.
- Acting for the developer in disputes arising out of delays in the construction of an iconic office building in Moscow.
- Represented Canadian company in dispute regarding defects, variations and extension of time claims in connection with the construction of a petroleum process plant in South America.
- Represented operator of rail terminal in a claim against contractor for damages for failure of toughened glass roof panels.
- Counsel in two ICC disputes concerning delays in the construction of two power plants and one desalination plant in a Gulf state. UAE law.

Other Commercial Disputes

- Advising on an insurance dispute concerning a consignment of emeralds stolen from a U.S. airport.

- Acting for the world's largest tourism group in a dispute governed by UAE law concerning the termination of two hotel projects in a Gulf state.
- Advising U.S. based military and security systems provider in relation to a dispute concerning the supply of border security hardware and software systems.
- AAA arbitration involving revenue sharing mechanism for internet advertising software delivered by means of peer-to-peer software.
- LCIA arbitration for national airline concerning termination of aircraft leases and multi-million dollar claim for damages.
- Represented a national government in UNICITRAL arbitration proceedings against the developer of a significant hotel and casino complex in the Caribbean.

Nicholas Fletcher QC

September, 2016