



Arbitration

Mediation

Adjudication

Adrian Cole

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Arbitrator, Mediator and Adjudicator

KEY AREAS OF EXPERTISE

Adrian is a construction law specialist and an expert in resolving energy, infrastructure and real estate development disputes. Prior to becoming a lawyer, Adrian studied engineering and construction and practiced as a quantity surveyor and has first-hand experience of the practical issues in the engineering and construction industries. He led King & Spalding's Middle East Dispute Resolution Team until December 2020.

Adrian is a trained and experienced arbitrator, mediator and adjudicator / DAB member and is a member of the Chartered Institute of Building and a Fellow of the Chartered Institute of Arbitrators. Adrian has worked both in-house (International Counsel to Vinci in Hong Kong and Paris) and in private practice in the UK, Singapore, Hong Kong and the Middle East. Adrian's wide experience in domestic and international arbitration allows him to bring a commercial and pragmatic approach to the resolution of disputes.

Adrian is ranked by Who's Who Legal as one of the top 25 construction dispute lawyers in the World.

Chambers Global ranks Adrian as Tier One for Construction who "*stands out as a strong expert in construction-related dispute resolution*" and "*is noted for his arbitration skills*" and is "*strongly rated as an excellent professional by his peers*".

Legal 500 describes him as “*excellent in arbitration, with a deep understanding of the [construction] industry*” and is rated for “*expertise on construction aspects of major projects*”.

Adrian is “*highly recommended*” by PLC Which Lawyer.

Adrian was awarded a Gold Award by the Dubai International Arbitration Centre for Arbitral Chairman of the Year in 2018.

Adrian has sat as Tribunal or has been instructed as Counsel in arbitrations under most of the major arbitral rules including; UNCITRAL, ICC, LCIA, DIFC-LCIA, DIAC, ADCCAC, CRCICA, SIAC, HKIAC, BCDR-AAA, CIArb and IICRA.

PRACTICE AREAS

- Energy and Infrastructure
- Real Estate
- PPP / PFI / Concession Contracts
- Transport
- Shipbuilding / refurbishment

ARBITRATION TRIBUNAL EXPERIENCE INCLUDES:

- Chairman Arbitrator under DIAC Rules seated in Dubai concerning a substantial dispute relating to the construction of a large residential real estate project (2,200 residential units and associated buildings and supporting infrastructure) in Dubai. Sum in issue approximately USD 113m
- Co-Arbitrator under ICC Rules seated in Dubai under DIFC law concerning claims of approximately USD 35m relating to wrongful termination, unpaid variations, defective works and extensions of time relating to 38 storey mixed use development in Dubai
- Chairman Arbitrator under DIAC Rules seated in Dubai under UAE law of 12 separated but related arbitrations relating to dispute concerning completion of residential real estate development
- Co-Arbitrator under ICC Rules seated in Qatar under Qatar law relating to claims of approximately USD 17m relating to the construction of airside facilities for the New Doha International Airport. Issues relating to defective design and construction and responsibility for delays
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to a dispute of approximately USD 12m relating to the development of a multi-storey property

- Chairman Arbitrator under DIFC-LCIA Rules seated in DIFC concerning dispute under Saudi Arabian / Shari'ah law relating to shareholder agreement to develop large scale development projects in KSA
- Co-Arbitrator under CRCICA Rules seated in Egypt under Egyptian law relating to a very substantial retail development and claims of approximately USD 25m relating to issues arising with the design of its district cooling plant
- Co-Arbitrator under DIAC Rules seated in Dubai in a dispute under UAE law concerning performance and completion of civil infrastructure works on a high profile elevated rail project. Procedural documents and award drafted in substitution of Chair.
- Co-Arbitrator under DIAC Rules seated in Dubai in relation to claims under UAE law of approximately USD 10m concerning the design and construction of a new hospital in the Gulf
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 10.5m arising out of a MOU regarding supplemental payments and rescheduling of construction programme relating to the construction of a 72 storey high rise residential building in Dubai Marina
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 15m in a second arbitration relating to the construction of a 72 storey residential building in Dubai concerning quality issues, non-payment, delays and variations
- Co-Arbitrator under DIAC Rules seated in Dubai in relation to claims under UAE law of approximately USD 5.5m concerning respective obligations between a Master Developer and Sub-Developer and in particular the provision of civil infrastructure in connection with a substantial real estate project in the UAE
- Sole Arbitrator under DIAC Rules seated in Dubai in connection with a dispute under UAE law concerning the supply of energy services and provision and operation of a waste-water treatment plant
- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 3m by international engineering consultants against developer for relating to substantial shopping mall and mixed use multiple tower development for wrongful termination of appointment and non-payment of fees. Corresponding counterclaims for professional negligence
- Sole Arbitrator under DIAC Rules seated in Dubai concerning claims under Omani Law by government intermediary for unpaid fees from event organiser arising out of a high profile political event

- Co-Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law of approximately USD 53m by Sub-Developer against Master Developer for non-provision of infrastructure and utilities relating to an iconic offshore real estate development
- Sole Arbitrator under DIAC Rules seated in Dubai concerning claims under UAE law for professional negligence of project manager relating to the design and construction of a substantial building in the UAE and counterclaims for professional fees
- Co-Arbitrator under DIAC Rules seated in Dubai of a dispute under UAE law of approximately USD 18m relating to a substantial waterside residential real estate construction project in Dubai
- Co-Arbitrator under DIAC Rules seated in Dubai of a substantial construction dispute under UAE law concerning waterfront real estate. Sum in issue approximately USD 32m
- Co-Arbitrator under DIAC Rules seated in Dubai and under UAE law, in substantial and complex high value construction arbitration with USD 575m in dispute. Case concerned diligence of contractor and claims of wrongful termination, design defects and delays to 70 storey towers and podium structure for mixed use buildings and hotel
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to the construction of 28 storey hotel, apartments and retail development in Dubai. Sum in dispute approximately USD 15m arising out of termination of contractor and defects in the works
- Co-Arbitrator under DIAC Rules, seated in Dubai, under UAE law relating to claims by design consultant for professional fees and counterclaims of professional negligence relating to the design and construction of 3 number 45 storey towers in Dubai
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi and under UAE law relating to unpaid professional fees for designing new indoor ski slope, hotel development and solar farm
- Co-Arbitrator under DIAC rules and UAE law seated in Dubai relating to the construction of substantial residential development and claims of approximately USD 123m relating to entitlement to extensions of time, variations and termination of the contractor
- Co-Arbitrator under DIAC Rules and UAE law seated in Dubai relating to the construction of new airport terminal in substantial new airport in the Middle East. Sums in issue approximately USD 44m

- Co-Arbitrator under ICC arbitration Rules seated in Abu Dhabi under English law relating to a substantial dispute between joint venture partners concerning financing of joint venture and the carrying out a complex underground civil engineering project in the UAE. Sum in dispute approximately USD 3.5m
- Co-Arbitrator under ICC Rules seated in Abu Dhabi relating to a substantial dispute under UAE law concerning the design and construction of a gas pipeline and related infrastructure
- Sole Arbitrator under CRCICA Rules seated in Egypt under Egyptian law relating to a substantial real estate development
- Co-Arbitrator under ICC Rules seated in London in complex dispute of approximately USD 61m under English law relating to iconic mixed use residential, commercial and 7 star luxury hotel complex, constructed partly in the sea, in Asia concerning claims for professional fees and counterclaims of professional negligence
- Co-Arbitrator under DIAC Rules seated in Dubai relating to claims of approximately USD 20m under UAE law for variations and extensions of time relating to the design and conversion of a ship into a state of the art vessel with subsequent proceedings to determine counterclaims relating to defective equipment and workmanship
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi between international investor and UAE commercial agent relating to termination of the agency arrangement
- Co-Arbitrator under ICC Rules seated in Abu Dhabi under English law relating to claims of approximately USD 60m arising out of the design and construction of mixed use development consisting of four substantial towers and podium structure and disputes concerning structural defects and defective cladding and contractual entitlements following termination of contract
- Co-Arbitrator under ICC Rules seated in Bahrain under Bahrain law relating to disputes of approximately USD 3.1m with engineer arising out of a significant real estate development
- Co-Arbitrator under ICC Rules seated in Bahrain under Bahrain law relating to disputes with main contractor arising out of a significant real estate development
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to alleged failure of significant mechanical works forming part of a marine construction project. Claim value USD 19.6m
- Co-Arbitrator under ADCCAC Rules seated in Abu Dhabi under UAE law relating to a dispute concerning a hotel management agreement for the development of a significant hotel. Claim value USD 29.6m

- Co-Arbitrator under DIFC-LCIA Rules seated in Dubai under UAE law relating to disputes arising out of the delayed construction of a significant real estate project. Claim value USD 17.4m
- Co-Arbitrator under ICC Rules seated in Dubai under UAE law relating to a dispute concerning claims for unforeseen ground conditions and variations and defective construction of piled foundations for three high rise towers. Claim value 19.6m
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law relating to a real estate dispute arising from the sale and purchase agreement of a development plot for a high rise building and the failure of the seller to provide infrastructure. Complex jurisdictional challenge. Claim value USD 8.7m
- Co-Arbitrator under DIFC-LCIA Rules seated in Dubai under UAE law relating to disputes arising out of the delayed construction of luxury villas, hotel and club in Dubai
- Co-Arbitrator under DIAC Rules seated in Dubai in dispute concerning final account for the construction of a “supertall” building in Dubai Marina, related delay, defects relating to cladding and performance bond issues with associated court proceedings. Claim value USD 50.4m
- Co-Arbitrator under DIAC Rules seated in Dubai under UAE law in a significant and high value dispute relating to construction works at the Dubai International Airport Expansion Project. Claim value USD 462m
- Co-Arbitrator under ICC Rules seated in the DIFC under UAE law relating to substantial claims by a contractor for additional payment for unforeseen ground conditions encountered whilst dredging for an extension to a deep water port. Claim value USD 19.2
- Co-Arbitrator under ICC Rules seated in the DIFC under UAE law relating to claims by owners of a power plant in Oman for defective generators
- Sole Arbitrator under ICC Rules seated in Qatar under Qatar law relating to contractor’s claims for extensions of time and variations and wrongful termination concerning the construction of high tec process plant. Claim value USD 45m
- Presiding Arbitrator under ICC Rules seated in Dubai under English law relating to claims arising out of the construction of an independent water plant in Oman.
- Co-Arbitrator under LCIA Rules seated in London relating to offshore resort development project in Asia and resulting shareholder dispute
- Co-Arbitrator under DIFC-LCIA Rules seated in DIFC relating to the termination of the international contractor constructing iconic residential development in the UAE

- Co-Arbitrator under DIAC Rules seated in the UAE relating to disputes arising out of the cladding of a luxury high rise development in the UAE
- Sole Arbitrator under BCDR-AAA Rules relating to claims under a public works framework contract and the expansion of Bahrain International Airport
- Chairman Arbitrator under DIAC Rules seated in Dubai under UAE law relating to disputes arising out of the construction of a significant hotel in the UAE
- Co-Arbitrator under DIFC Rules seated in the DIFC in a shareholder's dispute arising out of a joint venture agreement to commercialise IT technology
- Sole Arbitrator under UNCITRAL Rules, appointed by Permanent Court of Arbitration, in dispute relating to significant liquefied petroleum gas (LPG) project in Oman under Oman law
- Co-arbitrator in ICC arbitration seated in Oman under Oman law relating to disputes arising out of the construction of Salalah International Airport, Oman
- Co-arbitrator in UNCITRAL arbitration administered by the Cyprus Arbitration and Mediation Centre under Cyprus law relating to large marina development in Cyprus
- Co-arbitrator in ICC arbitration under Saudi law, seated in Riyadh, in significant dispute relating to the construction of the Riyadh Metro Project in KSA
- Chairman arbitrator in DIAC arbitration under UAE law, seated in Dubai relating to a dispute concerning failure to take over a real estate project in Dubai
- Sole and co-arbitrator in numerous arbitrations under ADCCAC or DIAC Rules between property developers and purchasers concerning sale and purchase agreements of real estate properties

MEDIATOR EXPERIENCE INCLUDES:

- Mediator of dispute between employer and contractor concerning alleged defects in electrical installations for dockside heavy lifting equipment; settled
- Mediator of dispute between real estate developer and disgruntled purchasers as to the terms of purchase and subsequent agreement to remedy defects; settled
- Mediator of dispute between professional services provider and customer concerning performance issues; settled
- Mediator of dispute between public authority procurer and engineering consultant relating to substantial infrastructure development; case subsequently settled

- Mediator of dispute concerning a substantial professional negligence claim brought against an International Engineering Consultancy relating to defective design of a new port in the Middle East; settled
- Mediator of dispute between developer and contractor concerning final account issues including claims for variations and delay damages; settled
- Mediator of dispute between signature architect and architect of record relating to prestigious high-rise hotel and mixed-use development in Dubai including claims for delayed and defective designs and disputed entitlements to payment; settled
- In addition, I have counselled and represented parties in many mediations, often with successful outcomes

ADJUDICATION AND OTHER TRIBUNAL EXPERIENCE INCLUDE:

- Numerous appointments as Dispute Adjudication Board member for a variety of disputes in the infrastructure and engineering sector including:
 - Chairing a standing DAB relating to a series of high value and technically complex disputes arising out of the construction of a significant power plant in Africa
 - Ad-hoc Board member in a series of disputes relating to the construction of a significant tunnelling project in the Middle East
 - Ad-hoc board member in a dispute concerning the construction of a high-rise mixed use commercial building in Dubai
- Advising Dubai International Arbitration Centre (DIAC) arbitral tribunal on matters of law and procedure in connection with Conservatory Measures in connection with a USD 50m engineering dispute
- Expert Determination of ad-hoc commercial dispute between US and Middle East consortium in dispute with significant developer in Bahrain over the terms of their engagement relating to an off-shore construction project
- Appointed pursuant to ICC Expertise Rules to conduct Expert Determination relating to claims arising out of an energy project in Egypt
- Expert witness on UAE law in proceedings before the Irish High Court, Dublin, Ireland

PRESENTATIONS INCLUDE:

- Abu Dhabi Global Market Webinar: Arbitration Community Check In – 10 November 2020; ADGM
- “Getting Paid Under FIDIC Contracts”; Co-presentation with Nicholas Dennys QC from Atkin Chambers; Webinar hosted by Barton Legal, 24 September 2020
- “Unforeseen Subsurface Conditions”; IBA International Construction Projects Committee Webinar – 2 September 2020
- “Arbitration: Navigating the Pandemic Through Technology” – CI Arb Africa Webinar; 12 June 2020
- “Prague Rules?”; 27-28.1.20, World Litigation Forum, 10th World Litigation Forum, Hilton Jumeirah, Dubai, UAE <https://www.worldlitigationforum.org/10th-world-litigation-forum-2020-dubai-2/>
- “Managing Risk in Energy and Infrastructure Projects in the Middle East”; 16.12.19 Korean International Trade Association (KITA), Seoul, Korea
- “Construction update”; May 2019, IBA International Construction Projects conference, Athens, Greece
- “Real estate disputes – whose court is it anyway?”; 27-29.3.19, 11th Annual Real Estate Investments Conference, Fairmont, Dubai, UAE <https://www.int-bar.org/Conferences/Conf921/SpeakerList/Detail.cfm?SpeakerGuid=C1BFBFA1-56ED-44F4-95E1-CEA0DB76E9F0&Search=ProgrammeDetails>
- “An insight from experienced practitioners”; 5.2.19, Panel of leading arbitrators at GAR Live Abu Dhabi, UAE <https://gar.live/abudhabi2019>
- “Quantum Claims in Construction Disputes”; 16.10.18, Inaugural Conference of the Saudi Center for Commercial Arbitration (SCCA) in Riyadh, KSA
- “Civil and common law approaches to arbitration”; 6.10.18, The Civil Law Focus Group of the Arab Arbitration Forum; 4th Arab Lawyers Forum; Rome, Italy <https://www.arablawyersforum.com/previous-forums/>
- “Does the Dispute Resolution Culture Enable Inclusion And Diversity”; 18.9.18, Moderator at the Alliance for Equality in Dispute Resolution event; Dubai, UAE
- “Effective Case Management in the Middle East”; 22.4.18, An Introduction to the Procedural Aspects of GCC Construction Arbitration, International UK Society of Construction Law Event; Dubai, UAE <https://www.scl.org.uk/participate/events/astra-dubai-conference-2018>

- “Bonds and Guarantees - The enforceability of performance bonds and the use of arbitration to restrain wrongful calls on them”; 7.2.18, The 3rd Annual Global Arbitration Review Live event Abu Dhabi.
https://globalarbitrationreview.com/article/1159072/call-me-maybe-gar-live-abu-dhabi-puts-spotlight-on-bonds-and-guarantees?utm_source=Law%20Business%20Research&utm_medium=email&utm_campaign=9181838_GAR%20Headlines%2016%2F02%2F2018&dm_i=1KSF,5GSR2,ANAZ9,L6IQ4,1#.Wol-VJ0JXs0.mailto
- “Quantum claims in international arbitration”; 10.11 17, Irish Arbitration Association’s Dublin International Arbitration Conference, Dublin, Ireland
- “Managing Complex and Multi-party Arbitration: How Best to Herd Cats”; 26.10.15, Inter Pacific Bar Association (IPBA), Regional Conference, Dubai, UAE

PUBLICATIONS INCLUDE:

- “Unforeseen Adverse Ground Conditions – a bad workman blames his tools?” – co-authored with G Hess, in Corporate Disputes Magazine December 2020
- “Expert Firm Services: Where does the duty lie?” – co-authored with G Hess, in Corporate Disputes Magazine July 2020
- “The Midnight Disaster of Defective Arbitration Agreements” co-authored with G Hess, in Corporate Disputes Magazine April 2020
- “Suitability of Arbitration Rules for Construction Disputes”, co-authored with David Kiefer, in The Guide to Construction Arbitration, published by the Global Arbitration Review (GAR) October 2019
- “Winning Construction Disputes in the Gulf: Some Strategic Considerations” in BCDR-AAA International Arbitration Review 2017
- “Dispute Resolution in the Middle East” in Corporate Disputes Magazine October 2017
- “Comparing Regional Arbitration Processes” in Corporate Disputes Magazine January 2014
- “Defects Liability under the FIDIC Red Book”: Society of Construction Law
- "The Interpretation and Application of Delay Clauses In International Construction Contracts Governed by UAE Law" in Delay Clauses in International Construction Contracts, Jacob Jorgensen Ed, Kluwer Law International, 2010
- "Alternative Dispute Resolution in the United Arab Emirates" in ADR Client Strategies in the Middle East and Africa", Thompson Reuters 2009

- "Construction and Projects Law in the UAE" in PLC Cross-border Construction & Projects Handbook, Practical Law Company, 2009

MEMBERSHIPS

- ICC Task Force on ADR and Arbitration (Co-Leader)
- UAE National Representative on ICC Commission on Arbitration and ADR
- ICC-UAE Arbitration Commission - Steering Committee
- Fellow of Chartered Institute of Arbitrators; UAE Committee Member
- Member of Chartered Institute of Building
- Society of Construction Law

AWARDS & RECOGNITION

- "top 25 Global Construction Lawyer" by Who's Who Construction
- Chambers Global (Tier One)
 - "I wouldn't even blink before recommending him."
 - "highly recommended"
 - "is noted for his arbitration skills."
 - "He's the kind of guy you want with you rather than against you."
 - "stands out as a strong expert in construction related dispute resolution"
 - "strongly rated as an excellent professional by his peers"
 - "he's a very good lawyer, he's got technical skills that help enormously with construction work."
 - "straightforward and to the point"
 - "a very bright man and a good team player with strong local knowledge."
 - "responsive and thorough - he's the kind of guy you want on your side."
 - "he is a well-respected lawyer who has extensive experience in the region"
 - "he is very proactive and answers questions you hadn't even thought about"
 - "one of the leading individuals and long term player on the construction side"
- Legal 500 (Tier One – a Leading Individual)

- “excellent in arbitration”
- “a deep understanding of the [construction] industry”
- “rated for expertise on construction aspects of major projects”
- “recommended”
- “Thought Leader” – Who’s Who Legal
- “Grade A lawyer with fantastic clients” and "praised for his contentious and non-contentious work on behalf of public and private companies" - Who’s Who Legal
- “highly recommended” - PLC Which Lawyer
- Listed as a "World Leading Construction Lawyer 2013 and 2014" - Euromoney

COURT ADMISSIONS

- Admitted as a solicitor in England and Wales (1993); Higher Rights of Audience (non-practicing)
- Admitted as a solicitor in the Republic of Ireland (1997) (non-practicing)
- Admitted as an advocate in the Courts of the Dubai International Financial Centre (non-practicing)

OTHER

- Engaged by the European Union to provide training in International Arbitration and Dispute Resolution to the Ministry of Justice of the Government of the Democratic Republic of Georgia
- Engaged by Ministry of Justice to train UAE judges on best international practice in construction law and dispute resolution including arbitration
- Training members of the Chartered Institute of Arbitrators on theory and practice of international arbitration
- Frequent guest speaker at many international conferences and events with particular focus on international arbitration and dispute resolution in the energy and infrastructure sector