



## David Brynmor Thomas KC

Year of call: 2011 | Silk: 2019

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*"His ability to identify flaws in the other side's case is marvellous."*

### The Legal 500 2022

David Brynmor Thomas KC is an advocate and arbitrator who specialises in high-value, complex commercial disputes domestically and internationally. Before he was called to the Bar, David had more than 20 years' experience as a solicitor. During a longstanding career at Herbert Smith, he was a litigation partner, focused on heavy construction and infrastructure disputes, and a founding partner of its international commercial arbitration group.

David's cases principally arise from the energy, infrastructure and construction and engineering sectors. He also has significant experience of shareholder and joint venture disputes, disputes arising from international investments and collaborations, aircraft leasing and maintenance, shipbuilding and offshore engineering and commodities.

In addition to his practice as counsel, David is recognised as an experienced international commercial arbitrator, having sat as sole, party-appointed or presiding arbitrator in more than 60 institutional and ad hoc arbitrations.

David is co-Chair of the Combar India subcommittee. He is an honorary professor of law in the School of International Arbitration, Queen Mary University of London where he teaches international construction arbitration, and co-edits Global Arbitration Review's Guide to Construction Arbitration. He regularly speaks on construction disputes in commercial arbitration and serves as an advocacy trainer for Middle Temple. He was Chair of the Board of Trustees of the Chartered Institute of Arbitrators and a member of Working Group II of the United Nations Commission on International Trade Law (UNCITRAL) for recent work on both the Arbitration Model Law and Arbitration Rules. His first degree was in medicine, which he practised for a short time before requalifying as a lawyer.



# Areas of expertise

Commercial

Construction

Energy and Natural Resources

Alternative Dispute Resolution

## Energy and Natural Resources

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David is identified by Who's Who legal as a leading practitioner for energy disputes, having conducted energy related disputes throughout his career, including those arising from:

- the oil and gas industry, in particular liquefied natural gas (LNG) and acting for operators under joint operating agreements
- electricity generation, including coal and gas fired power stations and renewable power, including wind and solar energy, and
- on the construction and failure of energy related infrastructure, in particular gas turbines, power plants and refineries, and floating production, storage and offtake (FPSO) facilities.

### Cases of note:

- Acted for an importer of liquified natural gas (LNG) on claims arising from the comingling of LNG cargoes from different sources and importers at an LNG terminal in Europe.
- Acted for the contractor in claims for very significant additional payments and extensions of time arising from the disruption caused by Covid-19 regulations to the construction of a new high-efficiency gas fired power station in England, expected to become the cleanest and most-efficient gas-fired power station in Europe. The claim was formulated successfully on the basis of a change of law rather than force majeure so as to recover money for the contractor as well as an extension of time.
- Acted for one of two joint-venture partners in parallel ICC arbitrations, subject to English law with London seats, against its partner arising from the supply and installation of desulphurisation technology at a major coal-fired power station.
- Acted for the contractor in an International Chamber of Commerce arbitration against its subcontractors, arising from the development of the first wind-turbine based power plant in a Middle East country. The claim involved the consequences of the catastrophic failure of transformers when the power plant was first connected to the grid. Subject to the laws of Jordan, London seat.
- Acted for the owner in disputes arising from the supply and installation of wind-turbines in India and issues resulting from the acquisition of the supplier by a competitor of the owner.
- Advising on claims, counterclaims and wider risks arising from the catastrophic failure of a gas turbine at a power plant in Europe.
- Acted for the owner in relation to defects, delays and cost overruns on the refurbishment and recommissioning of drilling vessels.

## Recommendations

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David is ranked as a leading practitioner by all of the major directories, including:

- Who's Who Legal – as a thought leader for arbitration, a global leader for arbitration, commercial litigation and construction, and as a national leader at the UK bar for arbitration, construction and

energy.

- The Legal 500 - for construction, international arbitration as arbitrator and international arbitration as counsel.

Chambers and Partners – as one of the most in demand arbitrators.

- *"His ability to identify flaws in other side's case is marvellous."*The Legal 500 2022
- *"... very experienced, cool, calm and collected throughout."*Chambers and Partners UK Bar 2022
- *"David is a very strong construction lawyer with excellent cross examination skills and can come up to speed in very short time."*The Legal 500 2022
- *"He is very bright and very hard-working."*Chambers and Partners UK Bar 2022
- *"A confident advocate and rises to the demands of complex cases with great charm."*The Legal 500 2022
- *"An insightful, practical arbitrator."*The Legal 500 2022
- *"A hands-on, commercial and strategic individual ... who is ... very passionate about arbitration ... and ... really excellent in the field."*Who's Who Legal 2022

## Memberships

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- Commercial Bar Association (COMBAR)
- Panel of neutrals of the International Centre for Dispute Resolution (ICDR)
- London Court of International Arbitration (LCIA)
- Chartered Institute of Arbitrators (CI Arb)
- Commercial Bar Association (COMBAR)
- Worshipful Company of Arbitrators (WCoA)
- International Council for Commercial Arbitration (ICCA)
- American Arbitration Association
- Editorial Board, Global Arbitration Review

## Qualifications

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### Education

- 1990–91 - College of Law – Law Society Finals – First Class Honours
- 1989-90 – College of Law – Common Professional Examination
- 1982–87 – University of Edinburgh – Bachelor of Medicine, Bachelor of Surgery (MB, ChB)

## Additional information

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### Appointments

- 2023 - Part II of the DIFC Courts' Register of Legal Practitioners
- 2015 to date – Honorary Professor of Law, School of International Arbitration, Centre for Commercial Law Studies, Queen Mary University of London
- 2016 – Chair, Board of Trustees, Chartered Institute of Arbitrators
- 2011-16 – Trustee, Chartered Institute of Arbitrators
- 2000 – 2011 – Partner, Herbert Smith solicitors

## Languages

- English
- Conversational French

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