



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

Alternative Dispute Resolution

"A hands-on, commercial and strategic individual ... who is ... very passionate about arbitration ... and ... really excellent in the field." Who's Who Legal 2022

David has been appointed as sole, party-appointed and presiding arbitrator in over 60 arbitrations in addition to his practice as counsel. Those arbitrations have been ad hoc and for all of the major arbitration institutions. He has also acted as an emergency arbitrator and conducted arbitrations on an expedited basis. He is a member of the LCIA and of the Panel of neutrals of the ICDR.

David served on Working Group II of UNCITRAL for around a decade in relation to the Arbitration Model Law and Arbitration Rules, attending on behalf of the CIArb. He was subsequently Chair of the Board of Trustees of the CIArb. David teaches at post-graduate level at Queen Mary University of London, where he is an honorary professor in the School of International Arbitration.

David is also a qualified mediator with the Centre for Effective Dispute Resolution (CEDR) and has conducted expert determinations, most recently on the nomination of the Law Society of England and Wales.

Cases of note:

- Party appointed arbitrator in an ICC arbitration subject to the English law, Paris seat, arising from the construction, commissioning and operation of a major solar power plant in North Africa.
- Party appointed arbitrator in an LCIA arbitration subject to English law, London seat, as to time and cost overruns and their recovery on the construction of a gas production platform.
- Party appointed arbitrator in a Singapore international Arbitration Centre (SIAC) arbitration, subject to Singapore law, Singapore seat, arising from the construction of an infrastructure project in the Middle East, including claims and counterclaims for agency fees and misrepresentations in the formation of the project agreements.
- Presiding arbitrator in a Stockholm Chamber of Commerce (SCC) gas price redetermination arbitration, subject to the laws of Sweden, Stockholm seat.
- Presiding arbitrator in an ICC arbitration subject to the laws of Pakistan, London seat, as to the acquisition and transfer of corporate holdings in licenses for the exploration and production of gas in Pakistan.
- Presiding arbitrator in an LCIA arbitration subject to English law, London seat, arising from alleged breaches of warranty and consequent refusal to pay deferred consideration on the sale and purchase of shares in companies holding assets in Eastern Europe.
- Presiding arbitrator in an ICC arbitration subject to the laws of Barbados, seat Bridgetown, Barbados, arising from the repudiation of an agreement for the sale and purchase of shares in a privately held telecommunications company.

Recommendations

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

- 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 (CIArb)
- Commercial Bar Association (COMBAR)
- Worshipful Company of Arbitrators (WCoA)
- International Council for Commercial Arbitration (ICCA)
- American Arbitration Association
- Editorial Board, Global Arbitration Review

Qualifications

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

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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