



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

Construction

"... a very strong construction lawyer with excellent cross examination skills and can come up to speed in very short time." The Legal 500 2022

David is a very experienced construction lawyer and teaches international construction contracts and arbitration as an honorary professor at Queen Mary University of London.

Cases of note:

- 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 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 contractor in claims for extensions of time and payment for loss and expense in an Abu Dhabi Commercial Conciliation and Arbitration Centre (ADCACC) arbitration, subject to the laws of Abu Dhabi, arising from the construction of a military facility in the Middle East.
- Acted for the operator in an LCIA arbitration with a shipyard as to delay and cost overruns and on the conversion of vessels for use in oil production facilities in the Caspian Sea.
- Acted for the owner in an expedited International Chamber of Commerce arbitration, subject to English Law, London seat, arising from a project for the supply of environmental cleansing plant and machinery for a plant in Eastern Europe.
- Advised the employer in relation to the termination of a project for an East African combined-cycle power plant, including exercise of "greenfield" rights on termination under the relevant FIDIC contract.
- Advised in relation to the application and recovery of sums for the remediation of cladding issues in London based high rise buildings.

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 (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

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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