



## Lindy Patterson QC

Year of call: 2017  
Silk: 2010  
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*“Quick thinking, innovative with focused quality advice”* Legal 500

Lindy Patterson QC specialises in international arbitration, adjudication and other forms of ADR. She operates in the construction, energy and natural resources and general commercial sectors.

She acts regularly as arbitrator and adjudicator and has extensive experience as counsel and as tribunal member/chair. She operates in many jurisdictions, both civil and common law, and with a variety of governing laws.

She has chaired a number of dispute boards, both ad hoc and standing, across the world and plays an active role in promoting dispute avoidance by these means. She is currently President of DRBF (Region 2).

She is also qualified in Scots law and having practiced there for many years is well versed in civil as well as common law systems.

Lindy Patterson QC was a partner/solicitor advocate with CMS Cameron McKenna until April 2017 heading up a team of dispute lawyers.

## Practice Areas

- International Arbitration
  - Commercial / PPP
  - ADR / Adjudication
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## Sectors

- Construction
  - Energy & Natural Resources
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## Practice Areas

### International Arbitration

Lindy is a member of the London Court of International Arbitration and ICC. She chairs the domestic Arbitral Appointments Committee of the Scottish Arbitration Centre. She is Immediate President of the Dispute Resolution Board Federation (DRBF) Region 2 – and ongoing board member. She is a Fellow of the Chartered Institute of Arbitrators. She is a Member of ICC Commission on Arbitration and ADR. She is on the programme committee for ICCA 2020 which is being held in Edinburgh, Scotland. She teaches on the International Arbitration Masters Course at the University of Edinburgh.

Lindy is appointed by many of the major institutions as well as for ad hoc arbitrations.

Recent international Arbitration Appointments:

- Chair in LCIA Arbitration re claims and counterclaims for extensions of time; prolongation costs and delay damages arising from EPC contract for construction of Bulk Liquid Terminal and Jet Fuel Pipeline to one of UAE's international airports, subject to laws of UAE, seated in Singapore
- Chair in ICC Arbitration on claims arising from IT Systems Installation Agreement subject to the law of the Sultanate of Oman seated in Oman
- Chair in ADCACC arbitration on claims for damages arising from alleged wrongful termination of contract re hotel development subject to law of Abu Dhabi seated in Abu Dhabi.
- Co- arbitrator in LCIA arbitration seated in London subject to law of Somalia re claims under a Concession Agreement to operate and maintain a port in an African state
- Co-arbitrator in ICC arbitration between government body and contractor subject to Romanian law re extension of time and monetary claims from road project, seated in Paris

- Co-arbitrator in ICC arbitration subject to Kazakh law on construction claims for delay; disruption; termination losses arising from major commercial development, as well as performance bond call, seated in Stockholm
- Co-arbitrator in DIAC arbitration subject to UAE law on construction claims re hotel development seated in Dubai
- Sole arbitrator in DIFC- LCIA Arbitration on claims arising from Mechanical, Electrical and Plant Works at Coil coating Plant subject to the law of the Sultanate of Oman seated in DIFC.
- Sole arbitrator in DIFC- LCIA arbitration re claims and counterclaim arising from structural steel sub-contract at one of UAE Airport terminals for damages for delay; extensions of time and additional costs subject to law of Dubai Emirates and UAE law, seated in DIFC

Recent Counsel arbitration appointments include the following:

- Waste recycling agreements with issues of out of scope waste
- Interpretation of joint venture agreement between two oil companies in MENA region and associated construction and service contracts
- LCIA administered arbitration under UNCITRAL Rules subject to English law on claims in the region of \$55 million for post trenching operations and backfilling works in Caspian Sea
- Charter of FPSO in South East Asia
- Ad hoc arbitration under UNCITRAL Model Law between bridge operating company and contractor claims on a major road bridge
- Ad hoc arbitration subject to Scots law between rail company and contractor on claims under NEC Contract
- Ad hoc arbitration under UNCITRAL Model Law re claims for out of scope works arising from roads maintenance agreement
- Ad hoc arbitration on claims arising from construction/refurbishment of naval base subject to Scots law
- Ad hoc arbitration on disputes as to extent of real estate co-proprietors' obligations regarding repair and maintenance
- Ad hoc arbitration on re liquidated damages claim on major on-shore wind farm subject to Scots law

- Ad hoc arbitration under Arbitration(Scotland) Act 2010 between local authority and waste recycling company on claims for increased payments

## Commercial / PPP

Lindy has acted as counsel or arbitrator in the following:

- Interpretation of joint venture agreements in MENA Region subject to English law
- Claims between oil Services Company and sub-contractor including re termination
- Major roads PPP project in UK including issues re availability deductions; defects; interpretation of settlement agreements; interface issues; operation and maintenance
- FPSO charter in South East Asia
- Development agreements for residential and commercial use
- Hotel operator agreements
- Waste recycling agreements inc issues of out of scope waste
- Advising project companies and operation and maintenance contractors in PFI contracts in the health and education sectors
- Concession agreement re operation and maintenance of African port
- Termination of hotel development contracts across MENA region
- Major rail hub in UK
- PPP waste water scheme with design of plant and equipment issues

## ADR / Adjudication

Lindy is an international adjudicator sitting on one and three person Dispute Boards usually as chair. She is Immediate Past President of the Dispute Resolution Board Foundation (DRBF) a body formed to educate and promote the use of dispute boards as a means of dispute avoidance in the construction and related sectors.

Recent and ongoing dispute board experience as Chair includes the following:

- Dispute Review Board for EPC Contract in nuclear new build;
- Dispute Review Board under heavily amended FIDIC contract for civils work in construction of a nuclear power plant in Scandinavia subject to local law

- Dispute Adjudication Board under FIDIC Contract re claims arising from construction of an economic centre and business park subject to Albanian law
- Ad hoc Dispute Review Board in claims on European Metro project (civils) subject to Danish Law
- Former member of CERN Panel of adjudicators for the High Luminosity Project for the Hadron Collider, Switzerland.
- Dispute Adjudication Board under FIDIC Contract subject to Serbian law on claims arising from the Trans-European Motorway (E80)
- Dispute adjudication Board on claims on motorway projects in Eastern Europe

Lindy is also a UK adjudicator on the following panels TecSA; RIBA; RICS; and the FIDIC International List of Adjudicators. She has acted as adjudicator for over 15 years on all standard forms of contract but particularly NEC; JCT; FIDIC and ICC.

She was counsel in one of the first cases involving enforcement of adjudicators decisions in Scotland Homer Burgess v Chirex ( Annan ) Limited (<https://www.scotcourts.gov.uk/search-judgments/judgment?id=101c87a6-8980-69d2-b500-ff0000d74aa7>).

She is on the Conflict Avoidance Panel (CAP) constituted by RICS for Transport for London.

Adjudications in which she has been involved include:

- Issues of contract interpretation at all levels of the contractual chain in the construction, energy, rail, health and education sectors
- The adequacy of payment mechanisms within the contract
- Delay and disruption claims
- Liquidated damages;
- The appropriate method of valuation under the contract
- Final account disputes
- Cladding defects
- Design defects
- General defects
- PFI/PPP disputes
- Adjudication on claims for delay on waste to energy plant under bespoke contract subject to English law

- a number of related adjudications arising out of a programme of water infrastructure works under a framework agreement
  - Adjudication on claims arising from construction of major public entertainment arena subject to Scots law
  - Adjudication on claims in construction of a major railway hub subject to Scots law
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## Sectors

### Construction

- EPC contract (FIDIC Silver Book as heavily amended) for major interconnector project with fitness for purpose issues of plant and equipment; rights of access; weather and commissioning issues
- Major hydro power plant under NEC 3 with issues of ground conditions risk; rights of termination; insurance risk; liability for defects post completion and bond call
- EPC contract for major windfarm based on FIDIC (Silver Book); including milestones; delay damages and interface agreements
- EPC contract for a nuclear power plant in northern Europe with issues of design changes; delays; and impact on price adjustment and cost
- Gas storage scheme under FIDIC yellow Book – issues of fitness for purpose
- Design, Build and Operate sewerage treatment scheme with alleged defects including increased maintenance costs
- The High Luminosity Project for the Hadron Collider, Switzerland.
- Balance of Plant contract with performance issues in MENA Region
- EPC contracts for waste to energy schemes with performance issues
- PPP waste water scheme with design of plant and equipment issues
- A series of litigations and adjudications arising out of a programme of water infrastructure works under a framework agreement
- A number of road projects across Eastern Europe and the UK inc on FIDIC pink Book
- Metro rail project in Europe

- DBFO PPP project for major roads works in UK
- Roads maintenance agreement in UK
- FIDIC Pink Book roads projects in Eastern Europe
- NEC contract for construction of major rail hub in UK
- Airport terminal buildings in contracts across MENA region
- Hospital and school PPP contracts in UK involving building defects and operational issues
- A number of public arenas /sporting stadia engineering contracts and sub contracts in UK
- National museum and gallery refurbishments and fit outs in UK
- Building and engineering defects generally, including cladding; steel connections; fireproofing
- Commercial and mixed use developments involving multi building and fit out contracts including retail; entertainment and office across Europe and MENA region

## Energy & Natural Resources

- EPC contract (FIDIC Silver Book as heavily amended) for major interconnector project with fitness for purpose issues of plant and equipment; rights of access; weather and commissioning issues
- Major hydro power plant under NEC 3 with issues of ground conditions risk; rights of termination; insurance risk; liability for defects post completion and bond call
- EPC contract for major windfarm based on FIDIC (Silver Book); including milestones; delay damages and interface agreements
- Turbine supply agreement interpretation issues
- EPC contracts for a nuclear power plant in northern Europe with issues of design changes; delays; and impact on price adjustment and cost
- Gas storage scheme under FIDIC yellow Book – issues of fitness for purpose
- Design, Build and Operate sewerage treatment scheme with alleged defects including increased maintenance costs
- Balance of Plant contract with performance issues in MENA Region
- EPC contracts for waste to energy schemes with performance issues

- PPP waste water scheme with design of plant and equipment issues
- A series of litigations and adjudications arising out of a programme of water infrastructure works under a framework agreement
- Waste recycling agreements with issues of out of scope waste
- Interpretation of joint venture agreement between two oil companies in MENA region and associated construction and service contracts
- Contract for post trenching operations and backfilling works in Caspian Sea with termination and performance issues
- Charter of FPSO in South East Asia

## Recommendations

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*'highly effective, responsible and personable'*

*'first-class, razor-sharp legal mind'*

*'expert knowledge and excellent professionalism'*

*'confidence-inspiring and pragmatic'*

*'Quick thinking, innovative with focused quality advice'*

Lindy is listed in Who's Who Legal: Construction 2019 and Who's Who Legal :Construction – Thought Leaders 2019

## Appointments

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Immediate Past President of the Dispute Resolution Board Federation (DRBF) Region 2 and ongoing Board member

FIDIC President's List of International Adjudicators

Conflict Avoidance Panel administered by the Royal Institution of Chartered Surveyors (RICS) for Transport for London;

TECSA Adjudicators' Panel

RIBA Adjudicators' Panel



Fellow of Royal institution of Chartered Surveyors

Fellow of Chartered Institute of Arbitrators

Member of ICC Commission on Arbitration and ADR

Member of Programme Committee of ICCA 2020

RICS Adjudicators Panel

Fellow of Chartered institute of Civil Engineering Surveyors (CICES)

Member of Contract and Dispute Resolution Committee of CICES

Fellow of the International Academy of Construction Lawyers

Chair of Arbitral Appointments Committee (domestic) of the Scottish Arbitration Centre

Member of London Court of International Arbitration

Chair of DRBF taskforce on “Use of Dispute Boards in PPP projects” and author of white paper

Tutor on the International Arbitration Masters Course at the University of Edinburgh

Former committee member of Society of Construction Law

## Additional Information

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### Publications

Chapter on Scots Commercial Law (2015 Edition): Alternative Dispute Resolution.

Regular columnist with Building magazine and contributor to industry publications.

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