



“Excellent, competent and extremely efficient.. in complex and large-scale international proceedings”

WWL UK Bar 2022

Lindy Patterson QC specialises in international commercial arbitration and dispute boards across the world. She is recognised as a “go to” arbitrator for complex infrastructure, energy and construction disputes in both civil and common law systems.

She has extensive experience both as arbitrator and counsel in handling large scale disputes. She also arbitrates on many commercial contract and real estate disputes.

She is on the Standing Committee for ICC ADR Centre; a member of ICC Commission on Arbitration and ADR and a member of the ICC Task Force on “ADR and Arbitration” convened during the global pandemic to assist in the efficient resolution of disputes through the study of how different ICC ADR services are being used and by evaluating practices of settlement within the arbitration process. She is on the FIDIC President’s List of international Adjudicators and has been since 2012. She chairs one of the Committees established by FIDIC in Geneva to assess and certify those applying to join the FIDIC President’s List.

She brings added experience and knowledge of civil law traditions from her qualification in Scots law and practice in Scotland for many years

Lindy is a Chartered Arbitrator, and immediate Past President of the Dispute Resolution Board Federation (DRBF) Region 2 – and former director. To see further information on Lindy’s dispute board experience see [here](#) .

Within the UK Lindy is hugely experienced in large scale domestic adjudication disputes (having acted as counsel in one of the first adjudication cases in the UK in which enforcement was tested in 1998) and gives talks and papers on the subject both within the UK and internationally, where adjudication is under consideration or has now been introduced. She is on the following adjudication appointment panels – RICS; TecSA and RIBA.

PRACTICE AREAS

- International Arbitration
- Commercial / PPP
- ADR / Adjudication

SECTORS

- Construction
- Energy & Natural Resources

PRACTICE AREAS

INTERNATIONAL ARBITRATION

Lindy is a Chartered Arbitrator, 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 Past President of the Dispute Resolution Board Federation (DRBF) Region 2 – and former director. She is a Fellow of the Chartered Institute of Arbitrators. She is a Member of ICC Commission on Arbitration and ADR. She sits on the ICE Dispute Resolution Panel. She is a member of the programme committee for ICCA 2022 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 and Adjudication Appointments:

ENERGY

- Arbitration concerning construction of chemical complex in MENA region (ICC)
- Arbitration re oil drilling contract subject to Egyptian law seated in Cairo(ICC Chair)
- Arbitration re EPC Contract for LNG Terminal in Scandanavia (ICC)
- Arbitration re construction and operation of biomass power plant(ICC)
- Disputes re Major interconnector project with fitness for purpose issues of plant and equipment; and commissioning issues (Counsel)
- 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 (Counsel)
- Claims under EPC contracts for major on-shore windfarms based on FIDIC (Silver Book); including milestones; delay damages and interface agreements (Sole Adjudicator)

- EPC contract for a nuclear power plant in Scandinavia. (Dispute Board Chair) (ICC)
- Civils contract for nuclear power plant in Scandinavia (Dispute Board Chair) (Ad hoc)
- Gas storage scheme under FIDIC yellow Book – issues of fitness for purpose (Counsel)
- Disputes concerning EPC contracts for waste to energy schemes with performance issues (Adjudicator)
- 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, seated in Singapore (LCIA Chair)
- Arbitration on disputed ownership of oil, seated in DIFC (DIFC-LCIA sole arbitrator)
- Interpretation of joint venture agreement between two oil companies and associated construction and service contracts (Counsel)
- Claims for post trenching operations and backfilling works in Caspian Sea(Counsel)
- Disputes concerning Charter of FPSO in South East Asia (Counsel)
- Arbitration re design of jacket lifting system for removal of off shore platforms/pipeline installation- (NAI Chair)
- Adjudicator on Disputes re Lump sum design and build contract for multi fuel power plant
- Adjudicator on disputes re installation of power lines for onshore windfarms
- Adjudicator on interpretation issues re process framework contract between utility company and contractor
- Adjudicator on disputes re availability of energy recovery facility.
- Arbitration on claims arising from IT Systems Installation Agreement subject to the law of the Sultanate of Oman seated in Oman (ICC Chair)

MARINE

- Arbitration re design and construction of cruise ship terminal in the Caribbean, including geotechnical, hydrographic, dredging, civil engineering and environmental issues (LCIA- Chair)
- Arbitration subject to law of Somalia re: claims under a Concession Agreement to operate and maintain a port in an African state (LCIA)
- Adjudicator re piling design in harbour expansion project

REAL ESTATE / DEVELOPMENT / CONSTRUCTION

- Arbitration subject to UAE law re: claims arising from construction of Shopping Mall in the MENA Region(DIFC- LCIA)
- Arbitration subject to Omani law re hotel contracts and claims arising from these (ICC Chair)
- Arbitration on claims arising from tourism and residential complex subject to Omani law (ICC)
- 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. (ADCACC Chair)

- Arbitration on construction claims on major commercial development in Kazakhstan for delay; disruption; termination losses as well as performance bond calls, subject to law of Kazakhstan, seated in Stockholm (ICC)
- Arbitration subject to UAE law on construction claims re hotel development seated in Dubai (ICC-Chair)
- Arbitration on construction of major residential development in UAE subject to UAE law (DIAC- Chair)
- Arbitration on extent of real estate co-proprietors' obligations regarding repair and maintenance (non-institutional sole -arbitrator)
- Arbitration on claims arising from installation and commissioning of various systems at airport in MENA region (ICC Chair)
- Adjudication on liability of designers re cladding specification for hospital project
- 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 (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 (DIFC-LCIA)

TRANSPORTATION

- Arbitration between government body and contractor subject to Romanian law re extension of time and monetary claims from road project, seated in Paris (ICC)
- Dispute board chair on various roads projects in Serbia (Chair)
- Arbitration on claims arising from roads project in Kazakhstan (ICC)
- Claims re metro project in northern Europe (Dispute Board Chair)

COMMERCIAL / PPP

Lindy has acted as counsel or arbitrator in the following:

- IT services contract disputes
- disputes under Waste recycling agreements with issues of out of scope waste
- interpretation of joint venture agreement between two oil companies and associated construction and service contracts
- claims for post trenching operations and backfilling works in Caspian Sea
- disputes around Charter of FPSO in South East Asia
- claims between bridge operating company and contractor claims on a major road bridge
- disputes between rail company and contractor on claims under NEC Contract
- claims for out of scope works arising from roads maintenance agreement
- claims arising from construction/refurbishment of naval base
- Claims between oil Services Companies and sub-contractors 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
- 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 a UK adjudicator on the following panels TecSA; RICS, RIBA. 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](#).

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

Adjudications in which she has acted as adjudicator within the UK 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
- varying disputes on waste to energy plants; infrastructure framework agreements, wind power, nuclear power and grid connections

Lindy is also an international adjudicator. She is on the FIDIC President's International List of Adjudicators (2012) sitting on one and three person Dispute Boards usually as chair. She is 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 dispute board experience includes acting as chair in the following:

- 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
- ICC Dispute Review Board in turnkey project for nuclear power facility in Scandinavia
- Former member of CERN Panel of adjudicators for the High Luminosity Project for the Hadron Collider, Switzerland.
- Dispute Adjudication Boards under FIDIC Contract subject to Serbian law on claims arising from the Trans-European Motorway (E80)
- Dispute Adjudication Boards on claims on motorway projects in Eastern Europe

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
- Design, construction, commissioning and testing contract for an energy recovery facility
- EPC contract for major wind power project 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
- Turbine supply agreements
- 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 contract interpretation issues at SPV and sub-contractor levels as well as maintenance 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 wind energy project based on FIDIC (Silver Book); including milestones; delay damages and interface agreements
- Turbine supply agreement interpretation issues
- 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
- EPC Contract for energy recovery facility
- 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

“One of the foremost construction arbitrators at the English bar”

Excellent, competent and extremely efficient.. in complex and large scale international proceedings’

‘highly effective, responsible and personable’

‘first-class, razor-sharp legal mind’

‘expert knowledge and excellent professionalism’

‘confidence-inspiring and pragmatic’

‘a popular choice ..as arbitrator and adjudicator in complex energy and construction disputes “

Lindy is ranked in Chambers & Partners 2022, International Arbitration: Arbitrators, Band 1; Who’s Who Legal: Construction 2022 and Who’s Who Legal: Thought Leaders Global Elite 2022 – Construction

APPOINTMENTS

ICC International Centre for ADR Standing Committee

Past President of the Dispute Resolution Board Federation (DRBF) Region 2

FIDIC President’s List of International Adjudicators

FIDIC Credentialling Limited, Certification Board member and Adjudication Programme Committee Chair

ICC Taskforce on ADR and Arbitration

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

RICS President’s Panel of Adjudicators

TECSA Adjudicators’ Panel

RIBA Adjudicators’ Panel

Scottish Arbitration Centre, chair of domestic arbitral appointments committee

Fellow of Royal Institution of Chartered Surveyors

Chartered Arbitrator, Chartered Institute of Arbitrators

ICC Commission on Arbitration and ADR,

ICCA 2022 Programme Committee

ADDITIONAL INFORMATION

Publications

Chapter on **Dispute Boards** in The GAR Guide to Construction Arbitration – Third Edition 2019.

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

Regular columnist with Building magazine and contributor to industry publications.

Co-author of paper on Dispute Boards in PPP Projects for DRBF, 2016

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