

Dr Cyril Chern, FCI Arb

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"He is in his element in complex international construction arbitrations."

- Chambers & Partners

Dr Cyril Chern as a Barrister, Structural Engineer, and Chartered Architect specialises in complex engineering and construction projects.

With over 40 years' experience in construction at all levels including designer, project manager, Barrister, and adjudicator/arbitrator he has been involved in some of the world's largest construction projects which include public buildings, hospitals, port facilities, hydroelectric and nuclear power plants, road and rail projects, bridges, dams, airports, and tunnels.

In addition, he is the author of some of the construction industry's leading publications dealing with both the law, claims and delay, dispute resolution and major project construction.

Recent quotes from the Directories include:

"Unparalleled advocacy and cross-examination skills, extensive knowledge of engineering all coupled with a very sound business judgement and tactical skill." - Legal 500, 2019

"Pre-eminent in arbitration both as counsel and as an arbitrator." - Legal 500, 2019

"He possesses the highest abilities and is a real master of the international construction arbitration circuit." - Chambers & Partners UK Bar, 2019

"Highly regarded in adjudication boards." - Chambers & Partners UK Bar, 2018

"Absolutely superb in complex international high-value matters... His superb depth of knowledge and cross-examination skills put him in the upper echelon of barristers." - Legal 500, 2017

Privacy Policy

Click here for a **Privacy Policy** for Dr Cyril Chern.

Areas of Expertise



NEW SQUARE

Construction & Engineering

“His scalpel like cross-examination and advocacy have often won the day” – *Legal 500, 2020*

“Very experienced, persuasive and an absolutely excellent strategist.” “He has specific talents in complex construction and heavy engineering.” – *Chambers & Partners UK Bar, 2020*

“Unparalleled advocacy and cross-examination skills, extensive knowledge of engineering all coupled with a very sound business judgement and tactical skill.” – *Legal 500, 2019*

His expertise is in construction matters with complex infrastructure and construction issues. His principal field of work is in complex claims arising out of major nuclear and infrastructure projects such as in PPP development, dispute prevention, as well as related financing and in delay analysis.

In addition, he is an arbitrator of mega-construction, and engineering claims, chairs dispute boards, and acts as mediator and/or dispute resolver, specifically on complex construction/engineering projects. He currently chairs the Dispute Boards for the resolution of all disputes on the building of the Marmaray Rail Project in Istanbul Turkey which is currently the world’s largest light rail project, serves on the Chernobyl Nuclear Power Plant Clean-up and Decommissioning Dispute Board; is the Chair of the South Africa’s Medupi Power Station Project’s DAB and is considered an expert on infrastructure development and PPP projects by the World Bank and its International Finance Corporation. In addition, he is frequently selected by the ICC as an Expert Reviewer of construction disputes involving complex delay and construction claims.

The basis for Dr Chern’s specialisms comes from his actual construction experience where he has been involved in the design, project management, and claims on various international projects including hospitals in Iran, China, the USA; the Guangzhou Wharf facility in China, and the Shanghai Convention Complex as well as several transportation facilities.

Dr Chern is author of construction related books:

- The Law of Construction Disputes (1st Edition 2010 Informa Publishing London, 2nd Edition Informa – Taylor & Francis, London 2016, and 3rd Edition Autumn 2018)
- Chern on Dispute Boards (Wiley, 1st Edition 2007, 2nd Edition 2011, 3rd Edition, Informa – Taylor & Francis, London 2015, and 4th Edition Spring 2019)
- The Commercial Mediator’s Handbook (Informa – Taylor & Francis, London 2014)
- Emden’s Construction Law – Co Author and ADR Editor (Butterworths LexisNexis, London 2011-2016)
- International Commercial Mediation (Informa, London 2009)
- The Issue of Time in Construction Claims (Autumn 2019)

Selected Cases

- EUR 1.6 Billion roads project in South America for the construction of a hydroelectric facility and transformer housing facility including the upgrading of the existing Bridges, Overpasses and Lighting systems.
- EUR 1.3 Billion roads project in Serbia including the construction of highway of 68.7 km and including construction of roads, bridges, tunnels and interchanges.
- EUR 560 Million Research and Development facility construction in Germany involving new processes for the computer industry.
- EUR 12 Billion light-rail project Turkey including an undersea rail tunnel as well as the modernization of suburban rail lines connecting the European side to the Asian side.
- EUR 4.5 Billion Port and wharf development project in Asia.
- EUR 1.2 Billion Hospital Development Project in China.
- EUR 25 Billion river diversion and hydro project China with total generating capacity of 25,150 MW and encompassing dams on 3 rivers.
- EUR 15.5 Billion de-commissioning and re-building of nuclear facility and related works in Central Europe.
- EUR 15 Billion Light rail and Harbour Project in the Middle East.



Adjudication

Dr Chern's major focus is in the field of dispute boards, which have covered the areas of heavy construction, infrastructure development, and civil engineering. He has also been instructed as counsel in ICC arbitrations and is frequently selected as a Panel Member on ICC Construction Arbitrations arising out of Dispute Board Decisions taken to the ICC. He has specialist knowledge of construction adjudication, acting either as a dispute board member, adjudicator or as counsel and is only one of 45 FIDIC President's List Adjudicators worldwide and only one of three who headed the Assessment Panel for the FIDIC President's List.

His experience in Dispute Boards (in particular, service on Dispute Adjudication Boards, DRB, CDB) on large infrastructure projects, hydroelectric facilities, facility development, roads, bridges, and tunnels – in Central Europe, Africa, the Middle-East, South America and China. He has served as member (19) and chairman (110) on dispute boards for contracts covering traditional, design and construct, and turnkey contracts and is familiar with all relevant Dispute Board Rules and procedures including the World Bank Harmonised, FIDIC, ICE, DBF and ICC Dispute Board Rules. These disputes include main contract, subcontract and claims disputes involving amounts up to EUR 18.5 billion arising under traditional, design/build and concession contracts. No decisions overturned on appeal.

Additionally, he is an instructor in the subject, author of *Chern on Dispute Boards* (1st Edition 2007, 2nd Edition 2011 Wiley-Blackwell Publishing, 3rd Edition Informa Publishing 2015) and is an accreditor of Dispute Board Members for both FIDIC and the DBF and is an instructor in the subject for FIDIC, the ICC, and the DBF.

In addition to his Dispute Board work he has acted as an adjudicator in over 230 decisions given (including 135 decisions given under UK statutory adjudication schemes as well as Hong Kong, China, India, Pakistan, Japan, South America, and elsewhere) he is familiar with ICE, TeCSA, JCT, ACE (CIC), Scheme for Construction Contracts and other Adjudication Rules. No decision overturned at arbitration. He is experienced as to World Bank/FIDIC conditions, Construction Act 1996, statutory schemes and associated amendments to most major standard form contracts. Additionally, he has experience in drafting and interpretation of contractual provisions and procedures for arbitration, adjudication and dispute boards.

ADR

Acting as arbitrator, he has in excess of 600 references (UK, USA, Canada, Hong Kong, South America, Middle East, China, Japan) under institutional and ad hoc procedures. These disputes include main contract, subcontract and professional services disputes involving amounts up to EUR 14.5 billion arising under traditional, design / build and concession contracts. No decisions overturned on appeal. Served as sole arbitrator and on tribunals (as party-appointed member and chairman) under ICE, ICC, AAA, UNCITRAL, LCIA and ad hoc arbitration procedures and is familiar with the arbitration rules and procedures of the ICE, ICC, LCIA, UNCITRAL, CIArb, CIMAR, HKIAC, RICS, and SIAC.

Selected Cases

- £180 Million construction arbitration over engineering issues on the construction of a 40 hectares free-span inter-connected truss design for a production facility in China. This matter involved UK engineers, a Japanese Contractor and German and South African suppliers.
- £335 Million commercial arbitration involving road construction project in China with issues relating to performance and extensions of time.
- £148 Million construction arbitration dealing with the construction of a naval docking facility and issues over delay in construction, and quality of workmanship issues involved claims.
- £679 Million arbitration regarding extensions of time, quality of work, delay claims involving a tunnel project in Asia.
- EUR €545 Million construction arbitration of delay and defects in the construction of a Nuclear Power Plant.

International Arbitration

“An exemplary advocate as well as an absolutely excellent strategist.” – *Legal 500, 2020*

“A world-class chairperson of any arbitration tribunal who possesses a razor-sharp intellect and an encyclopaedic knowledge of construction and engineering.” – *Chambers & Partners UK Bar, 2020*



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“Pre-eminent in arbitration both as counsel and as an arbitrator.” – Legal 500, 2019

“He possesses the highest abilities and is a real master of the international construction arbitration circuit.” – Chambers & Partners UK Bar, 2019

Dr Chern is a recognised expert in construction and engineering mediation, its implementation both generally on an ad hoc basis as well as those mediations arising under a wide variety of standard forms (FIDIC, ICE (traditional and NEC), JTC, IMechE/IEE Model Form “A”, BPF/ACA, FCEC, GCWorks, ACE, HKGov, World Bank) and bespoke contracts as well. He is experienced in mediation claims dealing with structural engineering, bridges, tunnels, road works, aircraft hangers, life-safety systems, dams, hydro-electric facilities including differing site conditions, payment provisions, measurement, valuation, construction quality, design obligations, delay and disruption, time extensions, prolongation, prevention, breach of contract, contract interpretation, conflicting documentation, back-to-back agreements, scope of services, final account, price escalation, conflict of laws, concession agreements, and related matters.

Specifically as to mediations he has acted both on behalf of parties to mediations and also as mediator on over 312 complex construction and engineering disputes of which all were settled as a direct result of the mediation process, as well as many domestic and international disputes relating to construction and trade matters and he teaches and develops mediation systems, methods and techniques on behalf of the Bar Council of England & Wales, the World Bank, the IFC, and the Dispute Board Federation both in the UK, the EU, the Middle East and South America.

His book International Commercial Mediation (Informa Publishing 2009, London) is the leading text on the subject of commercial construction mediation and is joined by his second text on this subject The Commercial Mediator’s Handbook (Informa 2014, London).

Selected Cases

- Contractor and employer disagreement over the completion of a roads project – £128 Million at stake. The parties voluntarily agreed to try Mediation before resorting to arbitration. The matter was settled to everyone’s satisfaction after two days of Mediation and at a cost savings, estimated by the parties, at £1.5 Million.
- Construction of a Nuclear Power Plant – EUR 1.2 Billion at stake. Contractor claims for delay and unforeseen conditions. Counterclaims by the Employer over delay. The parties agreed to mediation after 2 years of litigation. Matter and all issues successfully resolved to the satisfaction of all parties. The construction of a light rail and roads network in Spain, which was stopped due to disagreement of the employer and the contractor over design details and costs – \$120 Million at stake. Here a language barrier impeded the progress of the matter until the parties agreed to voluntary Mediation in Spain. The UK contractor agreed to use a translator and after 2 days of intensive mediation the matter was resolved and work resumed. Neither Counsel nor Solicitors were used as both sides used party representatives who were knowledgeable in construction and the particular project. The construction of a tunnel and road project in India, disagreement as to the terms of instruction – £560 Million at stake. Litigation had begun in the Indian Courts and after one year and an impending trial the matter was sent to Mediation. The Mediation took 5 days and resulted in a complete settlement and the successful completion of the project. Both sides had Counsel.
- EUR 710 Million dispute over the fitness for use and structural engineering issues related to an international airport, aircraft repair facility and aircraft construction facility, which involved 5 parties and the concerned governmental authorities. After 3 days of intensive mediation the matter settled to the satisfaction of all parties and work resumed on the project resulting in a successful completion.
- EUR 950 Million dispute over the construction of a Port Facility and related infrastructure. 10 Day mediation resulted in full resolution of all issues.

Qualifications & Memberships

- Juris Doctor, Law
- BArch, Architecture & Engineering

Memberships



- Association of Consultancy & Engineering
- Civil Mediation Council
- FIDIC President's List Assessment Panel – Assessor
- FIDIC President's List of Approved Dispute Adjudicators
- Freeman City of London
- Institution of Civil Engineers – Dispute Board Panel
- International Chamber of Commerce, DBF & FIDIC – Dispute Board Trainer
- The Bar of England & Wales
- The Bar of the United States Supreme Court
- The Chartered Institute of Arbitrators – Fellow
- The Dispute Board Federation (Geneva) – Fellow
- Royal Institute of British Architects – Chartered Architect
- Society of Construction Arbitrators UK