

## 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

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## 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*

**“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.



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## Qualifications & Memberships

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- 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