

Nicholas Fletcher QC

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Nicholas Fletcher QC is held in "very high esteem" for his impressive arbitration practice, having been active in the field of international commercial arbitration for over 30 years.

- Who's Who Legal

Nicholas Fletcher QC is a specialist in International Arbitration and now sits exclusively as an arbitrator.

Ranked as a "Leading Individual" in International Arbitration by The Legal 500, Chambers and Who's Who Legal, Nic is described as "*confident and knowledgeable*" and "*praised for his ability to stay on top of the detail*". Appointed Queen's Counsel in 2014, he has been active in the arbitration of international commercial disputes for over 30 years. He is admitted to practice in England and Wales and in New York.

Having trained at the Bar, Nic practised for several years at Haight, Gardner, Poor & Havens in New York before joining Clifford Chance, where he became a partner in the firm's highly-ranked international arbitration practice. In 2009, he took over as Head of International Arbitration at Berwin Leighton Paisner LLP, developing and leading that firm's international arbitration practice.

Nic has experience of arbitrations conducted under a wide variety of institutional and procedural rules. He has handled numerous LCIA and ICC disputes, as well as matters under the rules of the AAA, SIAC, SCC, DIFC and the DIAC. He has also acted as arbitrator on an *ad hoc* basis under the UNCITRAL Rules and the Arbitration Act, 1996. He has dealt as both arbitrator and counsel with cases involving a range of national laws, including those of England, New York, France, Spain, Hungary, Romania, Russia, Ukraine and the UAE. He has particular experience of acting as arbitrator in energy disputes, corporate investment, joint venture and financing disputes, offshore engineering and technology and construction matters.

Nic has served extensively as chair and as sole arbitrator, as well as a party-nominated arbitrator.

Areas of Expertise

International Arbitration

Cases as Arbitrator

Shareholder/Investment

- Chairman of a tribunal hearing a claim under a corporate guarantee governed by Cyprus law (LCIA).
- Chairman of tribunal appointed to hear dispute arising from share-sale agreement under UAE law (DIAC).
- Chairman of a tribunal hearing claims against a borrower and guarantor for non-payment of bank loans (LCIA).



NEW SQUARE

- Sole arbitrator in a breach of warranty dispute under a share sale agreement (LCIA).
- Sole arbitrator in respect of two arbitrations concerning investment in an infrastructure project vehicle in West Africa (LCIA).
- Sole arbitrator determining a dispute over a share sale and purchase governed by New York law (LCIA).
- Sole arbitrator in dispute concerning sums owed under loan agreements (LCIA).
- Member of a three-person tribunal appointed to hear a dispute concerning a guarantee agreement relating to an aircraft loan (LCIA).
- Member of a three-person tribunal hearing a dispute over alleged breaches of a facility agreement governing the loan of several hundred millions of dollars to a Central Asian copper mine (LCIA).
- Member of a three-person tribunal hearing an investment-banking dispute (LCIA).
- Member of a three-person tribunal hearing a dispute over loans to a hotel development project in East Africa (ICC).
- Member of a three-person tribunal hearing a dispute between shareholders concerning investment in a television station in Eastern Europe (ICC).
- Member of a three-person tribunal hearing a complex breach of warranty dispute arising out of the sale of an aviation service business (ICC).

Construction & Engineering

- Chairman of tribunal appointed to hear a construction dispute arising under a steel structure subcontract governed by UAE law relating to a prestigious sports facility in the Gulf (DIAC).
- Chairman of a three-person tribunal appointed to hear a dispute concerning an infrastructure project in the Gulf (LCIA).
- Chairman of a three-person tribunal appointed to hear a dispute concerning the design, construction, delivery and sale of four vessels from an Asian shipyard (LCIA).
- Sole arbitrator hearing a dispute involving US and Afghan law regarding sums paid under a final account in connection with an infrastructure project in Afghanistan (ICC).
- Sole arbitrator appointed to hear dispute concerning the provision of scaffolding services and supplies in a Gulf State (DIFC-LCIA).
- Sole arbitrator in a dispute concerning the construction of a luxury yacht (LCIA).
- Member of a three-person tribunal hearing claim for circa \$70 million for delay, disruption, prolongation and breach of contract under a project agreement for the construction of an oil processing facility in the Middle East (LCIA).
- Member of a three-person tribunal hearing a dispute in respect of a supply and construction contract for gas facilities in Iraq (ICC).
- Energy Chairman of a three-person tribunal hearing a dispute over a tender for an oilfield services contract in central Asia (UNCITRAL).
- Chairman of a tribunal hearing disputes under a settlement agreement relating to an oilfield services agreement (LCIA).
- Sole arbitrator of a dispute concerning sums due under a contract for the sale and purchase of carbon credits governed by New York law (ICC).
- Sole arbitrator hearing an ad hoc dispute concerning rental payments for temporary power generation facilities in East Africa (UNCITRAL).
- Member of an UNCITRAL tribunal appointed to hear three consolidated arbitrations concerning disputes over oilfield licences in Eastern Europe. Member of an UNCITRAL tribunal appointed to hear disputes governed by Alberta law between investors in an oilfield project in Central Asia (UNCITRAL).
- Member of an ICC tribunal hearing a dispute under an oilfield services agreement (ICC).
- Member of a three-person tribunal hearing a dispute concerning an oilfield services agreement (LCIA).

Pharmaceutical

- Sole arbitrator appointed to determine dispute concerning the alleged termination of a medical equipment patent license agreement (LCIA).
- Member of an ICC tribunal considering a dispute between joint venture partners concerning the establishment of a pharmaceutical manufacturing plant in the Middle East/North Africa (ICC).



- Member of a three-person tribunal hearing a dispute over breaches of a manufacturing and supply agreement in relation to pharmaceutical products (UNCITRAL Rules/LCIA administration).

General Commercial

- Chairman of a three-person tribunal hearing a dispute between joint venture partners concerning real estate investments in Eastern Europe (LCIA).
- Chairman of a tribunal hearing a dispute arising out of a corporate transaction relating to a real estate development in Moscow (LCIA).
- Sole arbitrator of a dispute seated in Dubai concerning alleged breaches of a joint venture agreement to build and operate a hotel in central Africa (DIFC-LCIA).
- Sole arbitrator in two related arbitrations concerning fraud in the financing of the purchase and sale of consignments of copper ingots (LCIA).
- Sole arbitrator in ad hoc arbitration between a firm of lawyers and Leading Counsel in respect of allegations of professional negligence. Sole arbitrator in a dispute concerning sums owing to merchants from a credit card company (LCIA).
- Sole arbitrator of an English law dispute relating to commission alleged to be payable under a brokerage agreement (Ad hoc).
- Member of a three-person tribunal sitting in 4 related arbitrations involving disputes over the acquisition of an agricultural products trading business in Europe and the Far East (LCIA).
- Member of a three-person tribunal hearing a claim between an agent and a football player under the Football Association's Rule K.

Qualifications & Memberships

Nic is a member of the ICC's Permanent Task Force on the New York Convention, of the United Kingdom's national committee to the ICC and of the board of trustees of the Foundation for International Arbitration Advocacy. He is the rapporteur for England and Wales for the Institute of Transnational Arbitration and is a member of the LCIA, the ICC, the IBA and ICCA.

Nic has an Honours degree in Jurisprudence from Balliol College Oxford and a Master of Laws degree from the London School of Economics & Political Science.

Publications

"A Guide to the IBA Rules on the Taking of Evidence in International Arbitration" - to be published by OUP in August 2019 - Consultant Editor. (R. Khodykin and C. Mulcahy authors)

Should ICSID have or not have a new appellate process - in Contemporary Issues in International Arbitration and Mediation