

Adrian Cole

Partner

Trial and Global Disputes / International Arbitration and Litigation

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Adrian Cole focuses on disputes relating to energy and infrastructure development. A partner in our Projects and Construction, and International Arbitration practices, Adrian leads our Middle East Dispute Resolution area. He represents clients in a variety of construction and engineering matters.

Before becoming a lawyer, Adrian was already a qualified engineer and quantity surveyor. With wide experience in the construction and engineering industries, he brings a pragmatic approach to representing clients in an array of construction-related disputes.

Mr. Cole has been lead Counsel and or has sat as Tribunal (chairman, institutional or party appointed) under most of the major arbitral rules including: UNCITRAL, ICC, LCIA, DIAC, SIAC, HKIAC and CIArb. An experienced arbitrator and adjudicator, Adrian is a Fellow of the Chartered Institute of Arbitrators and a member of the Chartered Institute of Building. He is also engaged to train UAE Judges on best practice in construction law and dispute resolution.

Adrian is listed by *Who's Who Legal* as one of the top 25 construction dispute resolution lawyers in the world. He has also been recognized by *Legal 500*, *Chambers Global*, *Who's Who UAE Legal*, *PLC Which Lawyer* and *Euromoney*. Chambers Global, 2017 states that, "He's the kind of guy you want with you rather than against you."

A frequent guest speaker, Adrian presents at international conferences and events on international arbitration and dispute resolution in the energy and infrastructure sectors.

Matters

DEVELOPMENT DISPUTE RESOLUTION

Arbitration Tribunal – Chairman, Sole Arbitrator or Co-Arbitrator in over 40 significant construction related disputes including claims relating to breach and termination of contracts, extensions of time and variations or otherwise in respect of final accounts; claims relating to defective design and construction including catastrophic collapse; claims relating to development permits and zoning. Sectors include energy, petro-chem and other process plant; commercial, residential, leisure, education and healthcare

Dispute Adjudication Board (DAB) – In connection with various claims referred arising out of a

dispute between a master developer and contractor relating to a significant real estate construction project

Significant Waterfront City – Advising a major UAE developer in connection with the dissolution of its joint venture with an international contractor and management of disputes arising out of the exit arrangements relating to a multi billion UDS mixed use development of over 5.7m sqm accommodating 120,000 residents

Hotel and Resort Complex – Advising a major UAE developer in connection with termination of contractors and consultants contracts arising out of delays and defective performance for a leisure resort in the UAE

Contractor Payment Claims – Advising a contractor in recovering sums due arising out of construction of a significant labour camp in the UAE

DIFC Development Dispute – Successfully defending major UAE development company in high profile claims brought by international investor including allegations of fraud, deceit and money laundering. This is a leading case on the DIFC Court’s jurisdiction

Iconic High Rise Building in Qatar – Advising developer of high rise building in Doha in claims against contractor for defective work and poor performance and ultimately resolving the dispute amicably

Urban Redevelopment Scheme – Advising major UAE developer in connection with disputes arising out of the development of a 5.0 hectare prime city space mixed use development in the UAE

New City Development – Advising designers and their insurers in connection with claims arising out of damage caused by ground de-watering to important public building

Iconic Hotel Development – Advising designers and their insurers in connection with claims arising out of the construction of an iconic hotel development in the UAE

Prestigious Hotel Development – Counsel to insurers in connection with claims following inundation of creek into basement of large hotel and 80 storey residential development including maintaining a “watching brief” on the legal work being carried out by an international law firm

High Rise Tower Development – Respondent’s counsel in a series of arbitrations brought under ADCCAC Rules relating to delayed development of a significant real estate project

High Rise Tower Development – Respondent’s counsel in connection with dispute with joint venture contractor relating to the development of a significant real estate project

Mixed Use High Rise Tower Development – Claimant’s counsel in ADCCAC arbitration under ICC Rules relating to claims for extension of time and variations relating to prestigious high rise tower development in Dubai

Tower Development – Respondent’s counsel in a series of arbitrations under DIAC rules in a dispute between a main contractor and principal subcontractor’s relating to the construction of a series of high rise towers in Dubai and the subsequent termination of contracts

Architectural Practice – Claimant’s counsel in a series of arbitrations in Dubai and Turkey relating to unpaid fees for carrying out master development design

International Aid Agency – Respondent’s counsel in English court proceedings relating to claims

brought by international contractor following reconstruction of Indian Ocean island after the Boxing Day Tsunami

CONTENTIOUS ENERGY / PROCESS PLANT CONSTRUCTION

Energy Dispute – Sole arbitrator in a dispute arising out the construction of energy infrastructure in the UAE

Energy Dispute – Co-arbitrator in ICC arbitration concerning construction of 95km of nitrogen gas pipeline in the Middle East

Petro-chemical Plant – Respondent’s litigation counsel for the construction of the world’s largest new build petro-chemical plant in KSA with 26 integrated world scale manufacturing plants (that will produce more than 3 million tons of products per year); claims relating to EPC contract claims, defective design and performance and full range of commercial issues

Petro-chemical Plant – Respondent’s counsel in investigating and defending a series of claims arising out of adverse ground conditions in respect of a substantial extension to a petro-chemical plant in Ruwais in the UAE

Fluorine Process Plant – Claimant’s counsel in ICC arbitration relating to delays and variations to construction of significant new chemical plant in the UAE

Carbon Monoxide Plant – Claimant's counsel in connection with claims arising out of defective design and construction of new petro-chemical plant in KSA

LPG Trains – Claimant’s counsel in complex and high value dispute arising out of damage to compressors on two LPG trains in Qatar; adhoc arbitration under UNCITRAL rules

Strategic Oil Pipeline – Employer’s counsel in ADR in connection with defending substantial claims arising out of the construction a strategically significant Middle East Oil Pipeline

BTC Oil Pipeline (Baku, Tbilisi, Ceyhan) – Claimant's counsel in connection with claims arising out of the construction of 1737 km pipeline crossing Turkey, Georgian and Azerbaijan

Off-shore Gas Field – Defendant's counsel in connection with high value claims arising out of the construction of a significant energy asset

Oil Production Platform – Claimant's counsel in significant multi-jurisdictional dispute concerning the supply of equipment to an African production platform including instigating and supervising proceedings in Canada

LNG Terminal – Claimant’s counsel in connection with claims arising out of the construction of substantial LNG terminal on the Isle of Grain in the UK

Gas Production Platform – Advising in connection with claims arising out of the refurbishment of jacket and topsides of gas production platform for the Southern North Sea

FPSO – Advising in connection with claims relating to the conversion of a VLCC to a FPSO

Drilling contracts in Oman – Claimant’s counsel in respect of claims for payment arising out of suspension of services due to industrial unrest arising out of the “Arab Spring”

Drilling platform – Claimant’s counsel in respect of claims arising out the defective construction and collapse of drilling derrick

Drilling contracts – Claimant’s counsel in a series of disputes relating to on-shore drilling contracts in Algeria, Oman and KSA

Potash Mine – Claimant’s counsel in respect of claims arising out of the provision of technical services to an extension to a potash mine

Potassium Mine – Respondent’s counsel in connection with claims relating to the construction of new facilities at significant mine in the Middle East

Gold Mine – Respondent’s counsel in relation to contractor performance issues and claims for extensions of time relating to significant gold mine

Cement Process Plant - Claimant’s counsel in substantial dispute referred to ICC arbitration relating to the construction and operation of a large scale plant and subsequent multi-jurisdictional enforcement proceedings

Tank Farm – Respondent’s counsel in a series of disputes referred to ICC arbitration relating to construction of a tank farm in the UAE and latent defects

NGL Processing Plant – Respondent’s counsel in a dispute concerning performance of cryogenic plant to remove natural gas liquids from on-shore gas stream in Egypt

Gas Processing Plant – Respondent’s counsel in series of disputes concerning delays to construction of plant to process natural gas arriving on shore to supply new power plant

Initial Production Facilities – Claimant’s counsel in respect of delays to construction for IPF for new oil field in Iraq

Independent Power Plant – Counsel to US contractor constructing new USD 500,000,000 755MW CCGT IPP in Spain; resolving complex contractual claims; proceedings in Spain’s insolvency courts and proceedings in the Technical and Construction Court in England (TCC)

Independent Power Plant – Advising Korean contractor in respect of claims for extension of time and loss and expense arising out of the construction of new 4000 MW CC power plant in KSA

Independent Water And Power Plant - Advising Korean contractor in connection with claims relating to alleged defects arising following completion of construction to 893 MW / 100 MIGD IWPP in the UAE

Independent Water And Power Plant – Counsel to US contractor in contractual disputes concerning the construction of an integrated USD 1.5 bn water and power project with a capacity of 2520MW / 136 MIGD in Qatar

Independent Power Plant – Chairman of a DAB in relation to disputes concerning the construction of a significant 4800 MW coal fired IPP in Africa

CONTENTIOUS CIVIL INFRASTRUCTURE CONSTRUCTION

Waste water tunnelling project – DAB member in relation to substantial PPP project constructing network of tunnels in the UAE

Inner City Ring Road - Respondent's counseling connection with a substantial dispute concerning the construction of a major tunnelling project

Port Facilities – Respondent's counsel in arbitration under UNCITRAL rules in Qatar arising out of defective port design and associated mediation

Power And Water infrastructure – Counsel in a series of disputes concerning the provision by master developer of regional infrastructure for new city development

Contractor Termination – Advising international construction JV in claims against employer for wrongful termination following claims for extension of time and loss and expense

Contractor Payment Claims – Advising contractor in recovering sums due arising out of construction of a significant labour camp in the UAE

F1 Race Circuit – Advising main contractor in claims against sub-contractor for non-performance and delay; litigation in Abu Dhabi courts

UAE Hotel And Resort Complex – Advising major UAE master developer in connection with termination of contractors and consultant's contracts arising out of delays and defective performance for a leisure resort

Joint Venture Dispute – Advising on and restructuring construction and related contracts for a very significant waterside city development in the UAE

Middle East Metro Project – Co-arbitrator in a dispute arising out of the construction of a high profile rail project

Middle East Rail Project – Respondent's counsel in connection with claims relating to defective design of new metro system in Middle Eastern country

City Centre Highway Tunnel – Counsel to consortium of international contractors in significant arbitration concerning the design and construction of a multi-lane highway through major city in Asia

ANTI BRIBERY, CORRUPTION AND CRIME

World Wide Freezing Order – Successfully challenging a worldwide freezing order of 9.2 Billion USD (understood to be the largest in the world at that time) in connection with a substantial dispute between two very influential Saudi families concerning an alleged fraud and related investigations concerning over two hundred international banks adversely affected by two Bahraini banks owned by the Saudi families going into receivership

Fraud Investigation and related proceedings – Advising major Italian contractor in joint venture with UAE entity in connection with investigating and prosecuting substantial fraud committed by senior management; managing insolvency issues of joint venture including restructuring of loans and guarantees with banks; managing employment related claims; pursuing creditor employers under construction contracts and recovery sums due

Fraud Investigation and protection of company personnel – Advising major international energy services company in connection with prosecution of employee engaged in fraudulent action including liaison with prosecutor; developing associated strategy to protect senior management from related actions

Asset Tracing and Recovery – Acting in connection with tracing and recovery of substantial assets pursuant to a World Wide Freezing Order issued in England concerning the taking of secret profits and other fraudulent activity by senior management of company owned by major international hedge fund. Case concerned the design, build and operation of power generation barges

World Wide Freezing Order – Advising international bank in connection with compliance issues

relating to a Freezing Order issued in the UK

Criminal Damage – Acting for company executive accused of causing criminal damage to company property in the UAE relating to a shareholder dispute; hearings in Court of Cassation

Health & Safety – Advising and representing parties in court proceedings concerning prosecutions for breaches of health and safety legislation

Credentials

ADMISSIONS

Dubai International Financial Centre Courts
Law Society of England & Wales
Ireland

ASSOCIATIONS

Law Society of England & Wales (Admitted: 1/9/1993; Reg. # 160102)
Republic of Ireland (Admitted: 9/1997)

Recognition

Recognized as a “Thought Leader for Construction”
WHO’S WHO LEGAL 2018

Top 25 Global Construction Lawyer
WHO'S WHO CONSTRUCTION, 2015

"He's the kind of guy you want with you rather than against you"
CHAMBERS GLOBAL, 2017

“Strongly rated as an excellent professional by his peers”
CHAMBERS GLOBAL, 2017

"A very bright man and a good team player with strong local knowledge"
CHAMBERS GLOBAL, 2017

"Responsive and thorough...he's the kind of guy you want on your side"
CHAMBERS GLOBAL, 2017

“Noted for his arbitration skills”
CHAMBERS GLOBAL, 2017

“Excellent” and is rated for “expertise on construction aspects of major projects”
LEGAL 500

“Grade A lawyer with fantastic clients” and "praised for his contentious and non-contentious work on behalf of public and private companies"

WHO'S WHO UAE LEGAL

"Highly recommended"
PLC WHICH LAWYER

Recognized as a "Thought Leader"
WHO'S WHO LEGAL, 2017

Listed as a "World Leading Construction Lawyer "
EUROMONEY, 2013-2014

Insights

NEWSLETTER

December 17, 2018

Energy Newsletter - December 2018

March 1, 2018

Energy Newsletter – March 2018

November 1, 2017

Energy Newsletter - November 2017

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Events

CONFERENCE

September 18, 2018

The Dana Gas Dispute: Any Impact on the future of Islamic Finance?

SPEAKING ENGAGEMENT

October 16, 2018

Adrian Cole to Speak at SCCA 18 About Quantum Claims

October 6, 2018

Adrian Cole to Speak at the 4th Arab Lawyers Forum

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News

IN THE NEWS

November 13, 2018 • Source: SCCA

Adrian Cole discusses construction arbitration at the 2018 Saudi Centre of Commercial Arbitration International Conference

RECOGNITION

April 12, 2019

King & Spalding Once Again Earns Top Rankings in Legal 500 2019 EMEA Guide

February 19, 2019

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