



Andrew Burr

Occupation: Barrister

Address: Atkin Chambers. 1 Atkin Building. Gray's Inn. London. WC1R 5AT. UK

Nationality: British

Current Position: Barrister

Professional Experience

Andrew has been a member of Atkin Chambers, Gray's Inn, since 1983, specialising primarily in construction and technology matters. He is also an affiliated foreign lawyer with Varul (Vilnius, Lithuania), specialising in international dispute avoidance and resolution. Andrew is currently on an extended editorial sabbatical until 1 April 2015, pursuing various publications and educational projects, although he is still accepting appointments as arbitrator and adjudicator and via the Bar's Public Access Rules. He has recently achieved substantial success for clients under a domestic CIHAR arbitration and at the Technology and Construction Court (TCC) in Leeds

Arbitration Experience

(a) Domestic

o Represented parties as counsel in a wide range of arbitrations under CIMAR, the ICE procedure, the JCT Rules and various ad hoc references. Has sat as arbitrator under the Electricity Industry Rules and on other ad hoc references.

o Appeared in a reported TCC case involving the enforcement of a domestic arbitral award against an off-shore company: see reported case 1 below.

o TeCSA qualified adjudicator, who has conducted several adjudications per year since the coming into force of the Housing Grants, Construction and Regeneration Act 1996 (the HGCR). Has appeared in various TCC cases involving the enforcement of adjudicators' decisions under the HGCR: see reported cases 2, 4 and 5 below.

(b) International

o Acted as co-counsel in Germany in various DIS arbitrations, involving commercial disputes between major international hotel chains; German law applied.

o Sat with Swiss co-arbitrators as a party-appointed arbitrator on a complex ICC dispute between a Spanish sub-contractor and a German principal contractor, involving the replacement of a Caribbean electricity supply system and the analysis of culpability for delay to completion; Swiss law applied. Previously represented Caribbean resort owners on the enforcement in England of an LCIA award.

o Acted for an Italian sub-contractor and its parent company in preparations for an ICC arbitration, involving substantial claims against a Portuguese main contractor, concerning an underwater gas pipeline in the Gulf of Arabia, along with the prevention of calls on performance bonds. Previously represented Eastern European clients in significant disputes relating to an oil refinery and pipeline in the Baltic States before an ICC tribunal in London.

o Moderated at Chartered Institute of Arbitrators' European Branch meetings at which various Eastern European and Russian Federation States have been represented. Has spoken at meetings in Istanbul (Turkey), Vilnius and Druskininkai (Lithuania), Liepaja and Riga (Latvia), Timisoara (Romania), Florence and Rome (Italy), Stockholm (Sweden), Paris (France), Salzburg and Vienna (Austria), Ankara and Istanbul (Turkey) and Beijing (China): see articles 3, 4 and 7 below.

o Acted as co-counsel for an American heavy earth-moving equipment supplier in a Swiss Rules arbitration regarding a substantial canal project in Pakistan. Swiss law applied and a jurisdictional defence succeeded. Previously advised Pakistani highway authorities regarding disputes with a Turkish engineering main contractor.

o Represented a sub-contractor in proceedings against an Italian joint venture, involving a substantial hospital project on Malta; Maltese law applied before an UNCITRAL tribunal seated in London.

o Acted in an ICC arbitration for contractors claiming against an Egyptian financial institution in respect of the construction of a 30 storey office building in Cairo; after hearings in Paris and several interim awards, substantial recovery was achieved. English law applied.

o Represented American employer in London ICC arbitration concerning the supply of medical goods by a Scandinavian company; dispute resolved by negotiation.

Education Background

2008: Affiliated foreign lawyer: Varul (Vilnius, Lithuania)

1983 : Tenancy: 22 Old Buildings, Lincoln's Inn (prior to chambers' transfer to Atkin Building)

1980 : MA (Law), Trinity Hall, Cambridge

Expertise

Construction Law and Technology matters. Following reported cases:

1. G Middleton Limited v Berry Creek Overseas Development Limited [2007] TCLR T4
2. Michael John Construction Limited v Golledge [2006] TCLR T3
3. Hadley Design Associates Limited v Westminster City Council [2004] TCLR T1
4. Hortimax Limited v Hedon Salads Limited [2004] Adj LR 1
5. Comsite Projects Limited v Andritz AG (2004) 20 Const LJ 24
6. Fence Gate Limited v NEL (2002) 82 Con LR 41
7. Carillion Limited v Felix AG (2001) CILL 1693
8. IJS v Dew (2001) 17 Const LJ 274
9. Motherwell Bridge v Micafil [2002] Con LR 44
10. Serck Controls v Drake and Scull (2000) CILL 1643

Practice Location/ Jurisdiction

England and Wales: Atkin Chambers, as above.

Vilnius, Lithuania: Varul.

Working Languages

English

Italian

French

Other Relevant Experience

o TECBAR accredited adjudicator

o TeCSA accredited adjudicator

o Associate of the Chartered Institute of Arbitrators: member of the London Branch and Past Chairman of the European Branch

o Member of the Swiss Arbitration Association

o Member of the British Italian Law Association

o Tutor on various expert witness courses and participant in mock mediations and arbitrations

o Tutor on Hill International masterclasses on the analysis of delay and disruption in construction

contracts

- o Chair of various conferences on dispute avoidance and resolution in construction and technology matters throughout Europe and the United Kingdom
- o Tutor to various Baltic States and other teams at the Vis Arbitration Moot