



Nicholas A. Brown

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Nicholas is a multi-jurisdictional commercial lawyer with 21 years of dedicated experience in advising and representing project participants in the resolution of commercial disputes arising on infrastructure and energy projects across the Asia Pacific (incl. Australia), Southern Asia, the Middle East, and Africa, including as counsel in international commercial arbitrations.

His honours and awards include rankings in *Chambers Global, Dispute Resolution* (Expertise Based Abroad) – Japan; *Chambers Global - Construction* (Leading Practitioner and Experts Based Abroad); *Who's Who Legal*, Leading Practitioner – Construction; *Chambers & Partners*, Dispute Resolution: Arbitration – Japan (Foreign Expertise); and *Legal 500, Dispute Resolution: Arbitration* (International Firms); Asia Pacific - highly respected figure.

Nicholas has links with a range of high-level Japanese enterprises, speaks conversational Japanese, and is a regular contributor to the Overseas Contractors Association of Japan Inc. quarterly newsletter, and a seminar trainer.

Relevant Experience

- **Disputes on South African Power Projects:** Leading three cross-office teams on upstream and downstream disputes arising from two massive power projects situated in South Africa, involving (among other things) defending claims brought under a cost-plus-fee subcontract, and counter-claiming for very extensive defects on another subcontract.
- **Port Development Project, Republic of Mozambique:** Advising a bidder on pre-contractual negotiations.
- **Refinery disputes, Vietnam:** Advising EPC consortium on large time and money claims arising on a multi-billion-dollar petrochemical refinery complex.
- **Geothermal dispute, Indonesia:** Advising a Japanese trading company in a dispute with specialist subcontractors over delays in the construction of a geothermal and FCRS project arising from a devastating landslide. ENAA-based contract conditions.
- **The Matarbari Port, Cox's Bazar, Bangladesh:** Advising in connection with the Matarbari Port, a proposed deep sea port for Maheshkhali island (Moheshkhali upazila) in Cox's Bazar District in the Division of Chittagong, Bangladesh.
- **River bridges, Bangladesh:** Preparing contract documentation for the management of risk on this very large and long-lasting civil engineering project. Then advising the contractor on time and money claims arising on the project, including in DAB proceedings.
- **MRT Jakarta, First Phase:** Advising an Indo-Japanese construction joint venture on their contract for the design and construction of a section of the first phase of the Jakarta MRT project, to link Lebak Bulus in South Jakarta with Hotel Indonesia Traffic Circle in Central Jakarta (the north-south phase).
- **MRT Purple Line, Bangkok:** Advising a contractor in connection with operational issues.
- **Subaqueous tunnel project, Abu Dhabi:** Advising a main contractor in relation to the failure of a subaqueous tunnel lining
- **Cross harbour rail tunnel tender, Hong Kong:** Advising a pre-qualified party in advance of a bidding process for a cross-harbour immersed tube rail tunnel to be constructed in Hong Kong. Involving market entry, consortium arrangements and tender conditions
- **DBFO Airport in Myanmar:** Advising a bidding sponsor group on their proposal for the DBFO investment in a greenfield airport to be situated in Myanmar
- **WTO AGP tender challenge, Hong Kong:** Advising tenderer on available avenues of review under the WTO AGP
- **Major south Asian metropolitan motorway system:** Advising and representing a foreign contracting party in dispute adjudication proceedings

- **Major metropolitan motorway system, Vietnam:** Advising and representing a civil engineering contractor in an international commercial arbitration to resolve issues arising on a major metropolitan motorway system situation in Viet Nam
- **Ichthys LNG Project, Australia:** Advising and representing in negotiations a co-contractor on the engineering, procurement and installation of major plant installations at the onshore terminal
- **Jakarta MRT North-South Phase tender, Indonesia:** Advising a bidding consortium on the bidding documents for the design and construction of the first phase of the Jakarta MRT project, to link Lebak Bulus in South Jakarta with Hotel Indonesia Traffic Circle in Central Jakarta (the north-south phase). Drafting documentation and advising the consortium on their engineering services agreements
- **High olefin fluid catalytic cracking unit complex, Saudi Arabia:** Lead counsel for an EPC consortium in pre-arbitral proceedings under the LCIA Rules, seated in London, relating to claims arising out of a design and construction of a high olefin fluid catalytic cracking unit complex forming part of an integrated petroleum refinery and petrochemical complex situated in the Kingdom of Saudi Arabia
- **Sofia Metro, Republic of Bulgaria:** Lead counsel for a principal contractor in anticipation of arbitral proceedings under the ICC Rules, seated in the Republic of Bulgaria, concerning a dispute with a Bulgarian municipality arising out of a contract for the drilling of rail tunnels and the construction of metro stations in central Sofia
- **Sabiha Gökçen Airport, Turkey:** Advising a member of the international sponsor consortium in relation to the concession for the upgrading, maintenance and operation of the international airport, handling 25 million passengers annually. The new terminal was inaugurated on 31 October 2009. In September 2010, the airport was voted the World's Best Airport at the World Low Cost Airlines Congress in London
- **Slovak Highway:** Adviser to principal contractor in dispute adjudication proceedings and ICC arbitration proceedings, seated in the Slovak Republic, concerning disputes with a Slovak developer over currency losses arising in the construction of a motorway situated in the Slovak Republic.
- **Construction arbitration over subaqueous tunnels, Hong Kong:** Assisting as a member of a team drawn from both Pinsent Masons and Keating Chambers, representing a Franco-Japanese civil engineering construction joint venture in ad hoc arbitral proceedings in Hong Kong and London against the Government of Hong Kong, relating to the design, excavation and construction of multiple rock tunnels and associated works beneath and adjacent to Victoria Harbour.

Honours and Awards

Ranked for Dispute Resolution: Arbitration - Singapore - Foreign Expertise

Ranked in Chambers Global: Dispute Resolution: Construction (International Firms)

Ranked in Chambers Global: Dispute Resolution (Expertise Based Abroad) - Japan

Publications

- Second Edition of the SCL UK Protocol - A Lawyer's Review, A paper delivered to the *Society of Construction Law*, Singapore on 17 May 2017
- Latent Conditions – of Sleuths and Clairvoyants, *Singapore Journal of Construction Law* | 4 May 2016
- Dabbling in DABs, *Singapore Institute of Arbitrators Newsletter* | September 2015
- Chasing Rainbow – Initial Vagaries in the FIDIC Book Claim Procedure, *The International Construction Review* | January 2015
- Care for Some Fresh Dim Sum? *The Vindabona Journal of International Commercial Law and Arbitration* (2014) | 1 December 2014
- Game of Thrones – A Narrowing Immunity? *Journal of International Arbitration* | 2013
- Standard Forms: Another Fly in the Ointment of Presumed Contractual Intent? *Society of Construction Law*, Hong Kong | February 21, 2013
- A Clash of Civilizations: Cross Border Construction Dispute Resolution Involving Emerging East Asian Societies *Society of Construction Law*, Australia | May 2012
- Changes to construction law in Vietnam *Out-Law.com* | August 2011
- Reasonably Foreseeable Uncertainty *Sweet & Maxwell Thomson Reuters (Professional) UK Limited* | 2011
- Investment Treaty Protections for International Infrastructure Contractors in the Asia Pacific Region *Society of Construction Law, Hong Kong* | November 5, 2009

- Global Diversity in the Enforcement of Liquidated Damages *Solicitor's Journal* | September 2005
- Pushing the Envelope – The 'Be' Collaborative Contract *International Construction Law Review*, LLP Limited | 2004
- The Contractor's Duty to Warn: Recent Developments, Present Scope And Some Future Possibilities *International Construction Law Review*, LLP Limited | 2002
- Liquidated Damages: Is one man's floor another man's ceiling? *Sweet & Maxwell* | 2001
- An Examination of the Ownership of Float Sweet & Maxwell, Vol 15(6) *Construction Law Journal* | June 1999
- Pyman & Brown, Annotated Subcontractors' Charges Act 1974 *Lawyers Books* | 1999

Education

Queensland University of Technology, LLB, 1997
 Queensland University of Technology, LLM, 2001
 Diploma in International Commercial Arbitration (CI Arb), 2014

Qualified

Admission as Solicitor, Queensland - 1996
 Admission as Solicitor, England & Wales - 2003
 Admission as Solicitor, Hong Kong - 2006
 Solicitor, High Court of Australia - 2014
 Registration with The Supreme Court of Singapore, Singapore International Commercial Court - 2015
 Chartered Institute of Arbitrators (East Asia Branch)
 Commercial Arbitrator
 Certified Mediator

Memberships and Associations

Kuala Lumpur Regional Centre for Arbitration
 London Court of International of Arbitration
 Singapore Institute of Arbitrators
 International Bar Association
 The Law Society of England and Wales
 Queensland Law Society
 Society of Construction Law Singapore

Career

1997 – 1999	Solicitor, McCullough Robertson, Brisbane, Australia
1999 – 2003	Associate, Masons, Hong Kong SAR
2003 – 2005	Senior Associate, Pinsent Masons, UK
2005 - 2007	Senior Associate, Pinsent Masons, Hong Kong SAR
2007 – 2015	Partner, Pinsent Masons, Hong Kong SAR
2015 – Present	Partner, Pinsent Masons MPillay LLP, Singapore