



## Professor Nicholas Gould

### Mediation Biography

**Partner, Fenwick Elliott LLP**  
**Visiting Professor, King's College London**

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### Overview

Nicholas Gould is a very experienced and highly regarded mediator. He is a dual qualified solicitor-advocate and chartered surveyor, and a specialist mediator in the construction sector. He has acted as lead mediator in more than 90 mediations since 1997, conducting substantial multi-party high value mediations. Most mediations are carried out in one day, although he also conducts multi-day and time-limited mediations.

He has particular expertise in construction and engineering as lead mediator dealing with delay and money claims, defects, public sector PFI/PPP, professional negligence, property, dilapidations, planning, transport, energy, and insurance. He has particular international expertise, including in the Middle East, Africa and Asia. He has mediated under the Central London County Court Mediation Scheme and mediated *pro-bono* neighbourhood disputes as a community mediator in Manchester. He has acted as a project mediator, early neutral evaluator, adjudicator and arbitrator, and is a registered legal practitioner, DIFC Court, Dubai (UAE) 2016.

Nicholas is a partner in the leading construction law firm Fenwick Elliott LLP. He is a visiting professor at King's College London, vice-president of the ICC's Arbitration Commission, and past chairman of the Society of Construction Law. He also trains mediators in the UK and internationally for CEDR and the IFC (World Bank). He was a judge and mediator for the ICC's 2009-2013 Mediation Competitions in Paris. He has completed research and published widely on the subjects of mediation, ADR, arbitration and construction law.

Nicholas Gould, Claire King and Philip Britton received a CEDR Award for Excellence in 2010 at the 20<sup>th</sup> anniversary CEDR awards as finalists for the research led by Nicholas.

*"We have appointed Nicholas a number of times to act as mediator. We cannot fault him in this role and will be using him again."*

**In-house Counsel**  
Major Contractor

*"Commendably, a solicitor, Nicholas Gould has now with the assistance of a team of supporters completed research for King's College London ... As I would expect, the survey showed that the process led to a saving of time and cost in a significant number of cases. I warmly congratulate Mr Gould and his team on the empirical data that they have assembled."*

**Rt. Hon. the Lord Woolf**  
House of Lords

*"This publication by Fenwick Elliott LLP and the Centre for Construction Law & Dispute Resolution, King's College London, is a very thorough and impressive look at mediation activity within the sphere of the Technology and Construction Court."*

**Judges**

CEDR Awards for Excellence 2010

**Experience*****Sectors:***

- Construction and engineering
- Highways, bridges, tunnels
- Power plants, oil, gas, hydro and nuclear
- Property, planning and environment
- Public sector, health, education
- PFI, PPP, BOT and concession
- Transport, rail and airports
- Energy and renewable energy
- Insurance and reinsurance
- Data centres
- IT, ICANN, internet protocol
- Process engineering and secondary industries
- Water treatment, desalination, sewage and water storage facilities
- Waste treatment plants, waste to energy plants
- Commercial, retail
- Sports stadiums, leisure and theme parks

***Dispute types:***

- Delay, variations, money claims
- Defects, dilapidations
- Standard form contracts, JCT, NEC, PPC, FIDIC, ICE, EPC, EPCM etc.
- Supply of goods and services
- Utility service charges
- Professional negligence
- Design and structure liability
- Land and property
- Landlord and tenant
- Boundary claims
- Party Wall Act
- Rights of light
- Development agreements
- Sections 106, 278 and related agreements
- Partnership and shareholder
- Finance, bonds and guarantees

**Key Experience**

Nicholas has acted as a lead mediator since 1998 conducting a substantial number of mediations including complex high value multi party technical mediations. He also advises parties in respect of disputes and acts as project mediator, early neutral evaluator, statutory and contractual adjudicator as well as international arbitrator and dispute board member. Examples of experience include:

***Construction and Engineering***

- Mediating a dispute in respect of liability and quantum for the costs of substantial flood damage to a property. Dealing with the CCFA implications of the settlement. Multi-party dispute between insurers of the property owners (subrogated claim), the contractor, mechanical subcontractor, the supplier and manufacturer (again with insurers).
- Acting as the mediator for a multiparty specialist contractor, supplier and manufacturer dispute in respect of a manufacturing defect with valves in the fan coil units of an HVAC system. The dispute concerned the liability for and cost of replacing the valves after the ceilings had been installed, re-balancing the system and the associated delay and disruption.

- Mediator in respect of a dispute in relation to an extension of time and payment claim under an amended JCT contract.
- Contract damages claim against a subcontractor by the contractor in respect of cladding renovation to a tower block.
- Mediating a dispute between a contractor and subcontractor in respect of delay, payment, variations, prolongation and disruption costs, together with interest under the “Blue Form” of contract.
- Mediating a valuation dispute between a contractor and subcontractor in relation to interim payments under an amended CECA contract.
- A dispute in respect of a final account, with extension of time and claims, and cross-claims for liquidated damages and substantial defects to a city centre redevelopment (five parties).
- Mediator for a five-party construction defects dispute involving insurance issues, arising from the substantial flooding of a city bank and computer server centre.
- Mediator for a substantial multi-party construction dispute concerning defects, delays and money claims in respect of the redevelopment of a town centre. The high value claim was settled over a two-day mediation resulting in two separate settlement agreements resolving all interrelated and inter party issues.
- Mediator in respect of a specialist metalwork and atrium glazing dispute.
- Mediator in respect of a substantial value five-party dispute for damages and financial loss arising from water damage caused by bursting pipes at commercial premises during construction work.
- Mediating a dispute in respect of the termination of a design and build conversion project, the final account and cross-claims.
- Mediating a dispute concerning the quality of tarmac, and financial claims.
- Dispute concerning delay, disruption, loss and expense in respect of a mechanical and electrical installation (to a performance specification) at a PFI hospital project.
- A *quantum meruit* claim for work done by a developer/management contractor at the request of the purchaser of the land.
- Mediating a claim between an owner and a contractor for work carried out at a supermarket development under a bespoke contract.
- Claim regarding quality and quantity of alleged defective roof slates to a major residential development under a DOM form of contract.
- Mediating a defects claim in respect of a new residential apartment between a home-owner and a national house builder.
- Mediating a variations, loss and expense, overheads and profit claim under a term maintenance facilities management agreement, including issues of termination and repudiation.

- Mediating an architect's fee (RIBA form with dispute about incorporation and amendment) claim in respect of a substantial mixed use development.
- Mediating a dispute in Jersey relating to certain walling, windows and doors to a hospital.

#### ***Energy and Power, Solar and EFW***

- Mediating an EOT and final claim for US\$84 million between an American and Israeli company in relation to a power plant.
- A claim arising from a solar park in respect of delays, money claims and breaches of the funding agreement.
- Acting for a joint venture contractor in respect of a substantial off shore wind farm under an amended FIDIC 1999 Yellow Book. Providing advice in respect of design obligations, extensions of time, disruption, money claims and dispute resolution procedures.
- Dispute concerning one of the world's largest power station contractors in respect of a substantial extension of time and prolongations claim under EPC contract.
- Claims in respect of a Joint Venture Agreement and EPC Turnkey Agreement for an oil-fired steam powered plant and deceleration plant. Bespoke dispute resolution procedures and ICC arbitration.
- A force majeure claim under a bespoke EPC FIDIC-based contract for a combined cycle power plant. ICC dispute resolution procedures.
- Money and time claims in relation to an IWPP project in Saudi Arabia. EPC contract with ICC dispute resolution procedures.

#### ***Waste, Water and Process Plant***

- A dispute between a Caribbean Government and a Canadian contractor for delays and money claims in relation to a waste management plant. FIDIC Orange Book with dispute adjudication board and ICC procedures.
- Claims in relation to a desalination plant (multi stage flash plant) under an EPC contract in Kuwait with ICC dispute resolution procedures.
- Claims in relation to a PTE process engineering plant constructed in Indonesia under an EPC contract and separate Concession Agreement, with UNCITRAL dispute resolution procedures in Singapore.

#### ***Oil and Gas***

- Claim for breach of natural gas supply contract. Claim value of US\$1 billion and counterclaim of US\$ 4.5 billion between a Dubai entity and the Iraq Government.
- Claims for project delays and cost overruns for the upgrading of a tank farm, new pipework installation and pumping systems.
- Claims relating to defective welding and pipework.

- A bio diesel process plant in the UK with European contractors (NEC Option F, FIDIC EPC/Turnkey Silver Book, security documents and letters of credit).

#### ***Transport, Rail and Airports***

- A dispute in respect of a new metro system including tunnelling, track, stations, electrification, and systems and communication.
- Claims and termination of an EU-funded rail renovation project including civil and electrical engineering.
- A dispute concerning an international telecommunications company in relation to signalling, communication and train control systems.
- Troubleshooting for BAA in respect of T5, Heathrow, London.
- Train control systems for upgrading of a tube train system (NEC-based).
- Negotiating contracts for rolling stock for an overground rail system.
- A disruption claim (measured mile analysis) for works to a metro station.

#### ***PFI, PPP, Banking, Bonds and Guarantees***

- A unit service charge dispute under a PFI concession for asylum seekers' accommodation.
- A claim against a bondsman (Technical and General) and their ensuing insolvency.
- Issues arising under guarantees and a loan agreement in respect of insolvency of a developer in relation to an incomplete building with deep excavations (concerning a bank and insolvency practitioner).
- Call on a bond in respect of a defective bridge.
- Mediating insolvency claim arising from a failed development.

#### ***Roads, Bridges and Tunnels***

- A multiparty claim for design and workmanship in respect of a defective mechanical bridge.
- Claims for extension of time, disruption variation, loss and expense, and road widening and upgrading works project.
- Delay in money claims in respect of a motorway traffic control and communications system project.

#### ***Professional Negligence***

- Valuation claim for professional negligence between owner and valuation surveyor in respect of purchase of a substantial residential property and subsequent renovation of defects.
- Valuation claim in relation to a commercial property and related dilapidations.

- Architect's negligence in relation to design details, and relationship with workmanship issues.
- Claims relating to the design, contract administration, project management and quantity surveying of the renovation of existing hydrocarbon oil installation and pipework.
- Multiparty claims in respect of the design, engineering, project management and costs of a leisure park ride.
- Claims in relation to soil investigation and geotechnical design.
- Negligence of a civil and structural engineer as part of a multiparty claim in relation to the collapse of a flank wall to an adjoining property during construction work.
- Multiparty claim for negligent design of foundations and piling in relation to substantial settlement, structural failure and piling design of a pumping station and an oil refinery.
- Claim relating to architect's design and contract administration.
- Mediating a professional negligence claim against a Project Manager and a Mechanical and Electrical Consultant concerning design defects and contribution.
- A dispute between a valuation surveyor and an owner for professional negligence in a property valuation.

### *Insurance*

- Mediator for defects and remedial work claim arising from a fire to an adjoining building.
- Acting as mediator for a four-party dispute in relation to liability for damage to adjoining properties caused by a new hotel development in the Channel Islands. Claims arose between the developer, the contractor, and the insurers in respect of insurance cover under a public liability policy and non-negligent extension to the policy, as well as against the insurance brokers for professional negligence. It was settled on the day of the mediation.
- Resolving a dispute in relation to the contribution of three insurers (property, public liability, specified perils and contractor's all risk CAR insurance) in respect of a five-party action as a result of flooding during construction works.
- Contribution between two insurers in respect of the collapse of part of a building.
- Mediating at a multi party dispute involving an insurer under a public liability policy (contractor in liquidation) and the property insurers after rectification works were completed.
- A dispute in relation to the scope of a contractor's all risk (CAR) insurance policy as a result of fire damage to part of a building, and liability issues between the builder, the tenant and the landlord (and their insurers).

- A dispute concerning an employer/owner's liability and damages for failure to take out insurance for refurbishment works under a JCT standard form contract (option C applying) in circumstances where a fire destroyed much of the building.
- A defects dispute between a householder and an insurer.
- A dispute concerning construction and property and the scope of future insurance arrangements.

### *Property, Land and Boundary Disputes*

- Acting as mediator for a multiparty class action involving a large number of claimants, a housing association, contractor and insurers. The claim concerned civil damages for personal injury stress and inconvenience arising from carbon monoxide poisoning within a residential block, which led to one death and an individual left in a permanent vegetative state. Difficult issues also included litigation funding, insurance and a claim for a success fee.
- Mediating a multi party dispute between an adjoining tenant, owner and contractor (in liquidation) and two insurers. Claims arose under the Party Wall Agreement, in negligence and nuisance (and an indemnity), for general and special damages including repair works, loss of enjoyment, loss of earnings and loss of rental income.
- A dispute involving the payments to be made or recuperated as a result of works carried out in relation to a Section 106 Agreement.
- Claims relating to damages in relation to the termination of a Development Agreement.
- Mediating a rights of light dispute.
- Mediating a boundary dispute between adjoining owners, and resolving the dispute, including guiding the parties to the production of a detailed drawing setting out the agreed boundaries.
- A dispute concerning Party Wall Agreements under the Party Wall etc. Act, as well as nuisance and negligence.
- Mediating a property-related dispute of approximately £1.2 million arising from the removal of "fixtures and fittings" at a chemical processing and engineering plant.
- Mediator for a defects and property dispute with a claim value of around £500,000.
- Mediator for a property dispute between a property investment company and the tenant (a substantial charity) involving a schedule of dilapidations.
- Mediating a payment claim in relation to property and the extent of a developer's obligations, and damages.
- Mediating party wall and nuisance claims arising for general and special damages (loss of enjoyment) in respect of a party wall dispute (time-limited mediation).

- Mediating a claim between property owners, a contractor and a telecommunications company for repairs to damaged fibre-optic and standard cables, including property and telecoms legislation issues.

***Landlord and Tenant***

- Mediating a property and construction dispute about the value of dilapidations at the end of a lease. Issues concerned the separation of the dilapidations rectification and betterment, as well as legal issues as to the applicable method and measure of damages. Settled on the day.
- Mediating a dispute involving lease covenants, termination of lease (timing and adequacy of notices) and damages.
- Mediating a dispute between a landlord and tenant in respect of a dilapidations claim.
- Mediating a property and dilapidations dispute between a commercial landlord and tenant.
- Mediating a property, lease termination and schedule of defects dispute.

***Commercial, Partnership and Shareholder***

- Mediating a dispute in respect of the manufacture of stainless steel components.
- Mediating an international air freight dispute (time-limited mediation).
- Mediating a partnership disagreement including the division of property.
- Conducting a Central London County Court time-limited mediation in respect of a commercial purchase agreement.
- Mediating a contractual dispute regarding the extent of consultancy services.
- Legal costs claim by solicitor defendant who used another partner at his firm to conduct the defence.

***Neighbour, Court Scheme and Community***

- Mediating neighbour disputes including issues of noise, interference with property and antisocial behaviour.
- Working in the *pro bono* neighbourhood mediation scheme (Mediation UK) in Oldham.
- Mediating 3 hour time limited disputes in the Central London County Court.

***Sports Stadiums, Leisure and Entertainment***

- Claims arising from a defective roller coaster structure.
- Claims in respect of a water theme park and hotel for defective pools and flumes.



- Financial claims arising from a defective chilled ceiling at a city centre headquarters for one of the world's largest entertainment companies.
- Claims for defects, time and money in respect of a 4D cinema and the London Eye.
- Termination of contracts together with damages claims in relation to a Sea Life centre.
- Contractual issues and indemnities in respect of a roller coaster ride manufactured in the USA and installed in Europe.
- Advice on substantial claims for delays under a construction management contract for a hotel (reported as *Great Eastern Hotel Co Limited v John Laing Construction Limited* (2005) EWH C 181 TCC).
- Dispute involving a specialist contractor and an Aparthotel in London, with enforcement proceedings in Europe under the New York convention 1958.

***Project Mediation and ENE***

- Acting as an early neutral evaluator for a mechanical and electrical dispute arising from a PFI hospital.
- Acting as a project mediator for a £35 million hospital development with a GMP contract and bespoke contract mediation procedure. First joint session attended by 47 people representing the right parties to the project mediation agreement.
- Drafting CEDR's project mediation procedures, launched in October 2006.

***Adjudicator, DB Member and Arbitrator***

- Advising contractors, employers, subcontractors and consultants in more than 100 adjudications.
- Sitting as an international Dispute Board member, including hearings and writing decisions.
- Sitting as sole adjudicator in two-party and multi party adjudications.
- Advising on and enforcing DAB decisions.
- Representing contractors and government authorities during DAB proceedings including hearings.
- Sitting as sole arbitrator in an LCIA arbitration in respect of a property claim.
- Sitting as arbitrator on a three-member tribunal in respect of an ICC arbitration between international contractors in relation to termination of a power plant contract.
- Past chairman of the ICC's International Sub-Committee for Expertise.

The International Bar Association's Who's Who Legal 2015 lists Nicholas Gould as one of the top 5 most highly regarded construction lawyers in Europe, stating:

*"At Fenwick Elliott, Nicholas Gould has an 'immaculate reputation' for construction work across a range of sectors including transport, communications, petrochemical and energy. He has experience dealing with all forms of contract and is praised for his 'client-focused approach'."*

**Who's Who Legal  
Construction 2015:**  
Analysis, May 2015

**Appointed exclusively by  
CEDR Chambers, also selected by**

CEDR  
ICC  
In Place of Strife  
Clerksroom  
City of London  
LCIA

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## **Personal Style and Feedback**

Client feedback for Nicholas, available at Clerksroom, records consistently excellent feedback with an average score of over nine out of ten for his preparation, communication skills, style, quality of input etc. Nicholas is listed as an Elite Mediator, and in March 2011 was ranked 5th out of the 79 certified mediators.

Nicholas listens carefully, but is able to maintain momentum towards settlement. Feedback independently reviewed by CEDR suggests that not only is he chosen for his expertise in technical construction matters, he is also an "efficient and calm" mediator who is able to "grasp the facts quickly" and guide parties through the often complex and difficult negotiations with a sense of ease. He is "very personable", "open and honest", "easy to deal with", "clearly conscientious", "committed to the task at hand" and "obviously reads the documents thoroughly and has a good measure of the dispute and the issues".

Pragmatic, committed and "very concise", Nicholas has received consistently excellent feedback, having helped parties "bridge impossible gulfs". Not afraid to test positions, he fully appreciates the commercial factors and drivers which can play a very important role in what are often multi-party, high value, high profile disputes. Recent feedback includes:

*"Nicholas acted very professionally at all times and was integral in ensuring that a settlement was achieved on the day. It looked unlikely at one stage however Nicholas kept the parties talking and in the end settlement was achieved."* Party representative, Nov 2015.

*"... thank you for your time yesterday – I found the session useful as well as interesting – which is in no small part testament to your style and approach."* Chief Operation Officer, Government Services, June 2014.

*"10 out of 10, he was excellent."* Lawyer and Partner, International Law Firm, April 2013.

*"Nicholas was a fantastic mediator and we were incredibly pleased with his calm attitude throughout the day."* Party representative, Oct. 2011.

*"I was particularly impressed with and comforted by the fact that Nicholas had a great degree of specialist knowledge about construction."* Director, Nov. 2011.

*"The whole mediation was handled very professionally with due regard for everyone's positions and feeling"* Party Representative, Oct. 2011.

has experience dealing with all forms of contract and is praised for his "client-focused approach".

**Who's Who Legal  
Construction 2015:** Analysis  
May 2015

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Clerksroom  
City of London  
LCIA

**He is selected by law firms  
such as**

Barlow Lyde & Gilbert  
Beachcroft LLP  
Beale & Co  
Bird & Bird  
BLM  
Charles Russell  
CMS Cameron Mckenna  
Denton Wilde Sapte  
DLA Piper  
Eversheds  
Fishburns  
Hammonds  
Manches  
RPC  
TLT  
Trowers & Hamlin  
Wragge & Co  
and others

**As well as barristers'  
chambers**

39 Essex Street  
4 Pump Court  
Atkin Chambers  
Falcon Chambers  
Keating Chambers  
King's Chambers

*"This was the first time that I had met Mr Gould and will be using him again, he grasped the case very well and listened to all parties!!"* Solicitor, 2011.

*"The discussions were based on the actual facts in combination with a degree of pragmatism"* Party representative, 2011.

*"There is literally no way we would have settled this without the proactive input from Nick"* Solicitor, Oct 2011.

*"It was a pleasure to work with Nicholas in a recent major Mediation session where his analysis and interpretation of the issues and his approach towards the solution were overwhelming."* Lawyer, India, 2010.

*"The mediation went very smoothly. I was impressed with how the parties were encouraged to get to a settlement. He ... managed to get the parties to reach a Settlement Agreement in such a smooth way ... I would use him again if necessary."* Solicitor 2010.

*"Nicholas managed a large number of parties very well."* Counsel for one party, 2011.

*"He has a good style and kept things moving. Would use him again"* In-house Counsel, major house builder, Jan 2011.

*"A very easy person to talk to, quick to pick up the facts, clearly competent."* Party representative, 2010.

*"The mediation went very well. NG was very concise. No complaints. Would definitely use him again."* Solicitor, 2009.

*"In general, Nick was a fantastic mediator and we were incredibly pleased with his calm attitude throughout the day and his facilitative approach."* Solicitor, 2009.

*"The mediator (Nicholas) gave everyone the chance to vent off a little steam but ultimately got the parties to agree on what was a reasonable middle ground from our perspective."* Party representative, 2010.

*"Would definitely use him again."* Chartered Insurer, Dec 2010.

*"He is a proactive mediator and a person with great skills and deep wisdom of solutions."* Lawyer, India, 2010.

*"The mediator's communications skills were excellent."* Director of a major contractor, Feb. 2009.

*"I was impressed with how he got a settlement. I think he has a very successful style! I would use him again."* Developer, Oct. 2009.

Maitland Chambers  
and others

**Insurance providers include**

Allianz  
Catlin  
Crawfords  
Farraday Reinsurance  
Hepburn Insurance  
Hiscocks  
Lloyds Underwriters  
Norwich Union  
Underwriters Insurance  
Zurich

He acts in a wide range of construction sectors including:

general construction  
office  
retail  
leisure  
hotels  
residential  
transport  
waste  
infrastructure  
rail  
communications  
industrial  
process plant  
power stations  
wind farms  
desalination plants  
airports  
telecommunications  
petrochemical  
oil and gas.

*Legal 500 UK 2012* lists Nicholas Gould in three sections: Construction (highly recommended), International Arbitration (esteemed practitioner), and as a Mediator. Listed as a Mediator since 2011 in *Legal 500* and the *International Who's Who of Commercial Mediators 2011*. Described by *Chambers and Partners UK* as "very well known in his field", with ADR very much contributing to his assent. The IBA's *Who's Who Legal Construction 2007* said he was "revered for his excellent mind". The IBA 2008 and 2013 editions of the *International Who's Who of Business Lawyers Today* listed Nicholas as one of the 10 most highly regarded individuals internationally for construction law. He is one of only two London lawyers to achieve that status.

Nicholas features as one of only five practitioners in Europe in the inaugural 2017 edition of *Who's Who Legal: Thought Leaders*: "In this extremely selective new guide, we feature only the most highly regarded lawyers according to our research – those who truly stand out in their field as being leaders and trailblazers, and who are held in the highest esteem by their clients and fellow practitioners."

Nicholas Gould is a prestigious practitioner with a particular emphasis on advising clients in relation to contracts and claims in the oil and gas industries. According to sources he is "at the top of his game" (*Who's Who Legal, Construction 2016*).

**Professional Skill and Background**

Nicholas conducts a mix of dispute resolution and non-contentious work. He predominately advises institutions and companies who own, finance, invest, build and facilitate development opportunities and construction projects.

Nicholas is the past chairman of the standing committee of the ICC's International Centre for Expertise, past chairman of the Society of Construction Law and past chairman of the Adjudication Society. He is a visiting professor at King's College London and also a visiting lecturer at the Postgraduate Centre at the University of Vienna, teaching part of the LLM/MLS in International Construction Law.

His dispute resolution experience spans:

- Litigation (especially the Technology and Construction Court)
- Arbitration (domestic and international): ICC, LCIA, SIAC, DIAC, IC-SID, LMAA, CIMAR, DIFC
- Adjudication
- Dispute Adjudication Boards
- Mediation
- Early Neutral Evaluation and other ADR techniques
- Expert Determination.

In 2010 Fenwick Elliott LLP received an award from CEDR for:

*“its commitment to the adoption of mediation in commercial disputes and for its long-standing support, through membership of CEDR, to the continuing innovation and development of ADR”.*

**Academic Qualifications**

- CEDR Advanced Certificate in Construction Mediation – course development in collaboration with CEDR, including mediator assessment (2009).
- Dispute Resolution Board Foundation’s DRB/DAB practices and procedures training and the advanced chairing workshop (October 2004, San Francisco).
- CEDR Mediation Training, 1994.
- UK Mediation, 10-week Mediation training course, 1998.
- LL.M. Masters of Laws degree, University College London (1996/97). Distinction for the London School of Economics Module on ADR.
- LPC. Diploma in Legal Practice at the College of Law, Store Street, London (1995/96). Awarded a Commendation.
- Dip Law. Postgraduate Diploma in Law from the University of Westminster (1993-95). Part-time student representative.
- BSc (Hons). First class Honours Degree in Quantity Surveying (1990-92). Royal Institution of Chartered Surveyors Prize for best student and a prize-winner of the KPMG Faculty Award for major project cost planning.

**Professional Qualifications and Memberships**

- Admitted as a Solicitor of the Supreme Court (1999), Solicitor Advocate (2012).
- Fellow, Royal Institution of Chartered Surveyors (2000 FRICS, ARICS since 1994).
- Fellow, Chartered Institute of Arbitrators (FCI Arb 2007, MCI Arb since 2003).
- Honorary Member, Croatian Mediation Association (2012)
- Member, International Chamber of Commerce (ICC).
- Member, London Court of International Arbitration (LCIA).
- Member, International Bar Association (IBA).
- Member, Technology and Construction Solicitors’ Association (TecSA).
- Member, Society of Construction Law (SCL).
- Member, Dispute Resolution Board Foundation (DRBF 2003).
- Member, Adjudication Society (since formation 1999).

- Member, Chartered Institute of Building (1996 MCIQB, Associate since 1990).
- Freeman, Worshipful Company of Arbitrators.
- Member, NEC Users' Group.
- Member, FIDIC NET.

**Official Positions**

- Vice President, Arbitration Commission, ICC (2007 – Present).
- Member, Policy Sub-Committee, CI Arb (2010 – 2016).
- Chairman, CI Arb Dispute Board Rules Drafting Committee (2013-2014)
- Past Chairman, Standing Sub-Committee of the International Chamber of Commerce's (ICC) International Centre for Expertise (Le Centre international d'expertise de la CCI), (2007).
- Past Chairman, CI Arb and Adjudication Society's Adjudication Committee (2010-2011).
- Past President, Dispute Resolution Board Foundation (DRBF) Region 2 (May 2010 - May 2011).
- Past Chairman, Society of Construction Law (Vice-Chairman 2005, Secretary 2004 Co-opted, from, 2001) and Chair of Junior Committee and Advocacy Training (2003).
- Past Chairman, Adjudication Society (Vice-Chairman 2006-2008) and case notes editor since inception (1999).
- Co-Chair, International Bar Association's International Projects and Dispute Conference, Brussels (2008).
- RICS Contracts Panel (2007-2010).
- RICS Dispute Resolution Faculty Board, co-opted (2004-2010).

**Publications**

Nicholas led the drafting of CEDR's Model Project Mediation Agreement and Model Project Mediation Protocol (2008). He writes or edits the Case Summary every week for the internet site of *Building Magazine* (since 2003) and the Case Notes for the Adjudication Society's *Newsletter*, [www.adjudication.org](http://www.adjudication.org) (since the Society's inception in 1999).

Nicholas has written widely on the subject of ADR, dispute resolution and, in particular, mediation. He conducted research in the early 1990s with UMIST (Manchester University) before then conducting research for the Government into the use of ADR and in particular mediation in the construction industry. Results were published as a report and also widely as articles and as a book *Dispute Resolution in the Construction Industry* (Thomas Telford, London, 1999).

*"Nicholas and I jointly developed this initiative, which led to the King's College London [mediation] research project. ... the information which the King's College London research has gathered and analysed will be of assistance both to policy makers generally and to judges and practitioners in their management of individual cases."*

**Rt. Hon. Rupert Jackson,**  
Lord Justice of Appeal,  
Royal Courts of Justice,  
January 2010.

"This is the most fascinating publication to have come across my desk for many a year."

**Rt. Hon. Philip Otton LJ**  
Lord Justice of Appeal  
September 1999.

Nicholas received a **CEDR Award for Excellence** in 2010 and a **Silver Medal** in the CIOB's Literary Awards in 1999.

Nicholas has recently led funded research conducted for King's College London and the High Court considering the use of mediation in construction and technology disputes.

Publications include (those below relate only to ADR and dispute resolution):

***Books, Chapters, Reports, Contracts***

Gould, N. (Chairman of drafting committee) et al. (2015) *Guidance Note: Jurisdiction of the UK Construction Adjudicator*, CI Arb and Adjudication Society, (1st edn 2011).

Gould, N. (Chairman of drafting committee) et al. (2012) *Guidance Note: Conflict Avoidance and Dispute Resolution*, RICS Black Book.

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