



**KIM FRANKLIN QC**

**Chartered Arbitrator, Construction  
Adjudicator and DAB**

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## **PRACTICE OVERVIEW**

Kim Franklin QC is a recognised specialist in the construction, engineering and infrastructure sectors. She acts predominantly as arbitrator, dispute board member and adjudicator, resolving disputes arising from complex projects in international arbitration, dispute boards and as UK construction adjudicator. Appointed for numerous ICC, ADCCAC and DIAC arbitrations in the UK, the UAE and GCC, she acts as Sole Arbitrator, Party Appointed and Tribunal Chair.

Appointed Queen's Counsel in 2016, Kim has a flair for technically complex, document-heavy disputes, with a reputation for clarity, strong case management and sound strategic judgment.

## **RECOMMENDATIONS**

*A well-regarded silk with expertise in complex international disputes involving engineering infrastructure projects, Kim Franklin QC acts in DIAC and ICC arbitrations in the UK and the Gulf.*

*Very well organised and very good at keeping the parties to the mark. Writes extremely clearly and immediately. (2019)*

*Clever, practical and no-nonsense, she has no airs and graces and is fun to work with. (2018)*  
*Terrific with clients (2017)*

*She has a good, firm hand on the tiller and is very good at steering a case. She shows a great energy and endless patience. She gets the job done and puts her back into it (2015)*

*Extremely talented with formidable attention to detail and enormous experience (2014) A true construction expert, especially good on international cases (2015) Very thorough and brings sense to document-heavy cases without any fuss (2010)*

## **ARBITRAL APPOINTMENTS**

A Chartered Arbitrator, Kim acts as party appointed, sole arbitrator and chair for domestic and international arbitrations under ICC, ADCCAC, DIAC and UNCITRAL rules, including Expedited Procedure and as Emergency Arbitrator:

- Emergency Arbitrator, ICC Rules for emergency relief claimed under long-term maintenance agreements for a power plant in India (2020)
- Tribunal Chair, UNCITRAL rules, arbitration seated in Geneva for contract for works to a power plant in Kosovo (2020)
- Tribunal Chair, ICC arbitration seated in London for a contract for a power plant in Pakistan (2019)
- Party Appointment, ICC arbitration under English law, arising out of a UK biomass power plant (2019)
- Party Appointment, ICC arbitration seated in London arising out contract for a refinery project in Egypt (2019)
- Tribunal Chair, ADCCAC arbitration under UAE law, for military facilities in Abu Dhabi (2019)
- Sole Arbitrator, ICC arbitration under UAE law, for a contract for MEP systems to a development in Abu Dhabi (2018)
- Party Appointment, ICC arbitration seated in Geneva for a power plant project in Iraq (2018)
- Sole Arbitrator, ICC expedited procedure for industrial water treatment plant in Eastern Europe (2017)
- Tribunal chair for ADCCAC arbitration under Kazakhstan law, for a multi-use project in Kazakhstan (2017)
- Party Appointment UNCITRAL rules seated in Bahrain for dredging and land reclamation works (2017).
- Party appointed ICC arbitration under English law contract for a fertilizer terminal in Tanzania (2016).
- Tribunal chair for ICC arbitration for specialist claims in airport construction, Qatar (2016).
- Party appointment, ICC arbitration, under Oman law, of specialist claims for airport construction, Oman (2015).
- Tribunal chair, DIAC arbitration for the construction of a residential complex, Dubai (2015).
- Party appointment, DIAC arbitration for the construction of canal infrastructure in Dubai.

#### **DISPUTE BOARD & ADJUDICATOR APPOINTMENTS**

An accredited UK Construction Adjudicator with TeCSA, TECBAR, RIBA, IChemE and the CIArb, Kim specialises in complex disputes including PFI, often as a panel appointment or DAB member with other expert disciplines. Recent appointments include:

- Sole Expert Determination for hospital storm damage in British Overseas Territory (2020).
- Specialist contractor's delay and variation claims for process engineering works for an energy from waste plant in the UK's South East (2020).
- Declaratory relief claimed as to the contractual effect of the Covid-19 pandemic on a contract for cross-channel electricity supply works (2020)
- Specialist contractor's claims for losses at an energy recovery plant in the UK's West (2020).
- Claims for defective turbine at a waste to energy plant in the UK's South West (2020).
- Party appointed DAB Member for claims for a container port in Central America (2020).
- Panel Adjudicator for extended serial adjudications under a PFI contract for a BMT waste processing plant in the UK's South East (2016-2020).
- Party appointed Adjudicator for complex multi-party disputes under PFI contracts for a college in the UK's North (2019-2020).
- Party appointed Adjudicator for disputed demolition works for HS2 (2019).
- Panel Adjudicator under PFI contract for a biomass plant in the UK's Midlands (2019)
- Party appointed adjudicator for high value claims under PFI contracts for the external refurbishment and cladding of tower blocks in the UK's North (2019)
- Claims for document production under a PFI contract for UK's largest GSHP project (2018)
- High value claims by service provider under PFI contracts for roads in the UK (2018)
- Local Authority claims under a PFI contract for arts facilities management in London (2017)
- Very complex £12m claims under two contracts for maintenance of large scale social housing in two regions of the UK (2016)
- Complex £4m claims arising out of the refurbishment of an historic estate residence in the UK - conducted over 4 months (2014)
- Defective panoramic elevator system for iconic project on the UK's south coast (2013)

## **POWER ENERGY AND RECYCLING SYSTEMS**

Adjudicator for specialist contractor's delay and variation claims under IChemE rules, for process engineering works for an energy from waste plant in the UK's South East.

Adjudicator for specialist contractor's claims for losses during works at an UK energy recovery plant.

Adjudicator for high value damages claims for defective turbine at a UK waste to energy plant.

Tribunal Chair, ICC arbitration seated in London for a contract for a power plant in Pakistan.

CIArb appointed Adjudicator for completion disputes for a biomass plant in the UK's North.

Party Appointment, ICC arbitration seated in London arising out of a UK biomass power station.

Party Appointment, ICC arbitration seated in London arising out of a refinery project in Egypt.

Party Appointment, ICC arbitration seated in Geneva. EPC contract for a power plant project in Iraq.

PFI Panel Adjudicator for serial disputes under a contract for a UK BMT waste processing plant.

Adjudicator for claims for international engineering services for a UK waste recovery park.

Successfully acting as leader for an Antiguan power provider's Privy Council Appeal against the American International Bank.

Advising a power company on claims against the Antiguan Government for breach of a Joint Venture Agreement in favour of rival foreign contractors. At first instance, the Eastern Caribbean Court of Appeal and appearing in the successful appeal to the Privy Council.

Advising power providers in connection with claims for the construction of power plants in the UK in a series of arbitration hearings of claims, including the construction of the piled foundations.

#### **STEELWORKS AND PROCESSING PLANT**

Sole arbitrator for ICC arbitration seated in Abu Dhabi for disputes arising out of a contract for the water cooled chiller package for a high profile mixed use development in the UAE.

Appointed ICC sole arbitrator for expedited procedure of claims concerning an industrial water treatment plant in Czech Republic.

Acting as party-appointed Arbitrator in an ICC Arbitration for a fertilizer terminal in Tanzania.

Decided as Adjudicator claims by international consultants for services provided at UK steelworks.

Adjudicator for a dispute between steelwork supplier and contractor for a UK LNG processing plant.

Advising a Japanese chemical company successfully resisting construction claims for a chemical processing plant in the UK at an extended series of arbitration hearings under ICC rules in London.

#### **HOTELS AND LEISURE COMPLEXES**

Acting as Adjudicator for contractor's claims arising from troubled conversion of historic hotel building into residential accommodation.

Acting as Arbitrator for disputes concerning the management of leisure and holiday parks in the UK.

Acting for an international joint venture for the construction of a hotel and residential complex on the Jumeriah Palm, Dubai at DIAC arbitration in Dubai.

Advised international lawyers in the BVI representing developers of a hotel complex in St Lucia.

#### **INFRASTRUCTURE PROJECTS**

Dispute Board Member for final account claims for a container terminal in Central America.

Party appointed Adjudicator for disputes under a contract for demolition works for HS2.

Tribunal chair, ADCCAC Arbitration under a contract for military facilities in the UAE.

Acting as Adjudicator for high value £66m claims by service provider under PFI contracts for provision of roads in the UK Midlands

Party appointment, ad hoc arbitration for dredging and land reclamation works in Bahrain.

Tribunal chair, ICC Arbitration for specialist contractor claims for airport construction in Qatar.  
Party appointed arbitrator, ICC Arbitration for specialist claims for airport construction in Oman.  
Party appointed arbitrator, DIAC Arbitration for construction of a canal system at Dubai Creek.  
Deciding, as sole UK arbitrator, disputes arising out of the refurbishment of railway stations.

#### **MECHANICAL ELECTRICAL & PLUMBING SYSTEMS**

Party appointed adjudicator for LTHW systems for a college building in the UK's North.  
CIArb appointed Adjudicator for MEP claims under contract for food manufacturing facility.  
Acting as Adjudicator for dispute arising out of the construction of one of the UK's largest GSHP.  
Sole Arbitrator in ICC arbitration for MEP systems to a mixed use development in Abu Dhabi.  
Acting as Tribunal chair for specialist computer system claims in airport construction, Qatar.  
Decided as Adjudicator a dispute between a UK Contractor and Italian lift suppliers concerning the provision of an external panoramic lift for a landmark tower on the UK's south coast.

#### **LUXURY & RESIDENTIAL**

Appointed as Adjudicator for complex and high value disputes arising out of the external refurbishment and cladding of a number of tower blocks in the north of England.  
Advising high net worth individuals on claims arising out the refurbishment of London residence.  
Acting as Counsel for an international contractor in its arbitration claim against Dubai's largest residential developer arising out of one of Dubai's first foreign built residential tower blocks.  
Deciding as Adjudicator for complex disruption claims under a contract for the refurbishment of an historic estate residence in Hampshire, UK.  
Tribunal chair, DIAC Arbitration concerning concrete defects in a residential complex in Dubai.  
Adjudicator for claims by interior designers for the refurbishment of luxury London residences.  
Adjudicator for extension of time claims for double level basement excavations at a prestigious residential property in Notting Hill, London.

#### **SUPERYACHT**

Advising superyacht project rescue consultants on issues arising out of the construction of two 100m private yacht projects. Speaker at the Superyacht Design Symposium at Palm Beach, Florida US 2011

#### **PREVIOUS WORK AS COUNSEL IN ARBITRATION**

Successfully represented ICC arbitration claims against Dubai's largest residential developer.

Represented international M&E consultants successfully defending complex arbitration claims for the fit out of the largest retail outlet in Dubai Mall.

Acted with success as leader, representing a multi-national joint venture in arbitration under UAE law concerning a hotel and residential complex on the Dubai Palm.

Advised an Urban Development Corporation in a Government Enquiry in Trinidad & Tobago.

Successfully acted for Japanese developers in extended ICC arbitrations for a UK chemical plant.

#### **SELECTED REPORTED CASES INCLUDE**

*American International Bank Ltd (in receivership) v Landmark Ltd [2014] UK PC 17 (Privy Council) successfully upheld agreement for electricity supply in Antigua.*

*Antigua Power Company Ltd v Attorney General [2013] UKPC 23 (Privy Council) successful appeal upholding JVA for electricity provision in Antigua.*

*CRS v Taylor Young [2002] HL - Professionals' contribution claim struck out - co-insured Contractor/Employer not 'liable' under Civil Liability (Contribution) Act 1978.*

*West Faulkner Associates v. London Borough of Newham (1994) CA 71 BLR 1 - Successfully resisted Architects' negligence claims. Meaning of 'regularly and diligently' in JCT Contract.*

#### **PUBLICATIONS & CONFERENCES**

Joint editor of the long established *Construction Law Journal*. With Susan Lindsey, Kim was well known for their popular Legal Column in *The Architects Journal*.

Inspirational speaker for professional women. Panel chair for CI Arb DAS Convention (2019, 2020) Panel speaker at GAR Live, Paris Arbitration Week (2019), Charing MBL Construction Law Conferences (2019, 2018 and 2017). Presented papers to the Society of Construction Law, Cardiff, Derby (2018) and UK Conference (2016). Lecturer, Construction Law MSc, Kings College London.

#### **PROFESSIONAL MEMBERSHIP**

ICC UK Arbitration & ADR Committee Member, Technology & Construction Courts Barristers Association (TEC BAR). Chartered Institute of Arbitrators (London Branch Public Relations and former PCC Chair). Society of Construction Arbitrators (Former Committee Member). Society of Construction Law (Former Council Member). London Court of International Arbitration (LCIA), Worshipful Company of Arbitrators (Liveryman). Arbitral Women.

#### **EDUCATION**

Queen's Counsel - 2016  
Chartered Arbitrator/FCI Arb - 2000/1997  
Accredited Adjudicator - 1998  
Called to the Bar (Middle Temple) 1984  
LLB University of Warwick 1983.