

CURRICULUM VITAE FOR BRANDON MALONE

LLB, LLM, DipLP, NP, FRICS, FCIArb, FAiADR, WS, Solicitor Advocate, Solicitor Arbitrator

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Brandon Malone is a highly experienced commercial litigator, arbitrator, adjudicator, mediator and expert determiner, dual qualified as a solicitor in Scotland and in England and Wales. He has over 25 years of post-qualifying experience in commercial dispute resolution, covering various sectors with an emphasis on construction, engineering and energy disputes. He is one of the most specialised and experienced construction and engineering lawyers in Scotland, and is the only solicitor advocate in Scotland accredited as a specialist in both construction and arbitration law. He is also the only lawyer in Scotland to have been made an Eminent Fellow of the Royal Institution of Chartered Surveyors (FRICS).

Brandon Malone has extensive experience in the field of arbitration, having served as an arbitrator for over fifteen years, in arbitrations under a variety of rules including those of LCIA and ICDR. He was the architect of the Scottish Arbitration Centre, having devised the structure of the Centre for the Scottish Government and implemented the proposals. He has led the Centre's Board from its inception. Brandon Malone led the successful Scottish team that secured the International Council for Commercial Arbitration (ICCA) Congress for Edinburgh in 2021 and chairs the ICCA-New York City Bar-CPR Institute Working Group on Cybersecurity in International Arbitration. He is also a member of the ICC Commission on Arbitration and ADR.

Career to Date

2014 to date Director, Brandon Malone & Company, Edinburgh
www.brandonmalone.com

2018 to date Arbitrator and Counsel, Associate Member, Quadrant Chambers, London
www.quadrantchambers.com

2019 to date Senior Legal Consultant, HFI Consulting International, Dubai
www.hfi-consulting.com

2011 to 2014 McClure Naismith LLP, Edinburgh, Glasgow, London, Partner, Head of Contentious Construction and Arbitration
Partner dealing with domestic and international commercial arbitration, litigation and dispute resolution in the construction, energy, and general commercial spheres.

1997 to 2011 Bell & Scott LLP, Edinburgh (Partner from 2001 to 2011)

Partner in charge of construction and litigation teams dealing with construction and engineering procurement, drafting and negotiating construction and engineering contracts, and all forms of dispute resolution.

1992 to 1997

Peterkins, Aberdeen, trainee, solicitor then Associate in litigation team dealing with commercial dispute resolution

Notable cases as counsel

- Representing the liquidator of Tor Homes Limited in a £1 million professional negligence claim against a quantity surveyor
- Representing Stewart Milne Group in £1m construction contract court claim for building defects in an office block
- Representing Stewart Milne Group in a £19m construction contract court claim arising out of a works at a Highland estate
- Representing Stewart Milne Group in a £400k construction contract court claim arising out of defects in an office block parking facility
- Representing Whyte & Mackay in a £30m professional negligence court claim for structural defects at a whisky bottling facility
- Representing a renewable energy company in a turbine performance litigation
- Representing a property developer in a £3m construction contract arbitration

Notable cases as Arbitrator/Neutral

- Appointed by LCIA London as arbitrator in a professional fees case where Issues of arbitrability determined the outcome
- Appointed by ICDR New York as sole arbitrator in a franchise dispute concerning US and German parties
- Appointed by ICDR New York as sole arbitrator under their seafarer scheme with parties in the US and Malta
- Appointed by Law Society of Scotland as sole arbitrator in a high value dispute between a Spanish resort company and a time share owners association
- Appointed by Law Society of Scotland as an adjudicator under the Housing Grants Construction and Regeneration Act in respect of a high value roads dispute
- Appointed by RICS as an adjudicator in respect of a complex payment provision dispute
- Appointed by RICS as an adjudicator arising out of the termination of a subcontract
- Appointed by RICS as an adjudicator in respect of an extension of time claim on a museum refurbishment
- Appointed by Law Society of Scotland on a multi million pound professional negligence claim against an engineer

Tertiary Education

LLB, University of Aberdeen, 1991
Diploma in Legal Practice, University of Aberdeen, 1992
LLM, Construction Law (with Distinction) University of Strathclyde, 1999
UK Oil and Gas Law Seminar, CEPMLP/CMS 2014

Professional Qualifications

Solicitor (Scotland), 1993
Notary Public, 1994
Extended Rights of Audience (Solicitor Advocate) (Civil) (Scotland), 2002
Fellow of the Chartered Institute of Arbitrators (FCIArb) 2015
L.S.S. Accredited Specialist in Construction Law, 2004
L.S.S. Accredited Specialist in Arbitration Law, 2011
Chartered Surveyor, Eminent Fellow of the Royal Institution of Chartered Surveyors (FRICS) 2013
Law Society of Scotland Approved Solicitor Arbitrator 2016
Solicitor of the Senior Courts of England and Wales, 2017
Fellow of the Asian Institute of Alternative Dispute Resolution (FAiADR) 2018
RICA Accredited Mediator 2020

Arbitral Institution

Roster Membership:

Brandon Malone is listed as an arbitrator at the following institutions:

International Centre for Dispute Resolution, New York (ICDR)
 Singapore International Arbitration Centre, Singapore (SIAC)
 Dubai International Arbitration Centre, Dubai (DIAC)
 Saudi Center for Commercial Arbitration, Riyadh (SCCA)
 Bahrain Dispute Resolution Chamber, Bahrain (BCDR-AAA)
 China International Economic and Trade Arbitration Commission, Beijing (CIETAC)
 Asian International Arbitration Centre, Kuala Lumpur (AIAC)
 International and Investment Disputes Panel of the Arbitration Centre at RSPP, the
 Russian Union of Industrialists and Entrepreneurs (Moscow)
 Law Society of Scotland, Edinburgh

**Adjudicator Nomination Body
 Panel Membership**

Brandon Malone is a member of the panel of adjudicators at the following ANBs

RICS
 UK Adjudicators
 Construction Industry Council
 Law Society of Scotland
 Chartered Institute of Arbitrators (Scottish Branch)

Current Appointments:

- 2011 to date
 Chairman, Scottish Arbitration Centre
- The Scottish Arbitration Centre is a joint venture of the Scottish Government, RICS Scotland, the Law Society of Scotland, and the Chartered Institute of Arbitrators Scottish Branch (www.scottisharbitrationcentre.org).
- 2018 to date
 Congress Chair, ICCA 2021 (www.icca2021.scot)
- ICCA 2021 is the XXVth Congress of the International Council for Commercial Arbitration, to be held in Edinburgh 1-4 February 2021
- 2017 to date
 Chair, ICCA – NYC Bar – CPR Working Group on Cybersecurity in International Arbitration
- 2016 to date
 Member, Scottish Civil Justice Council
- The Scottish Civil Justice Council was established on 28 May 2013 under the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013. It prepares draft rules of procedure for the civil courts and advises the Lord President on the development of the civil justice system in Scotland. The Council is also responsible for keeping the civil justice system under constant review.
- Brandon Malone is one of the Lord President's personal appointees to the Council.
- www.scottishciviljusticecouncil.gov.uk
- 2013 to date
 Co-Director, International Centre for Energy Arbitration
- www.energyarbitration.org The ICEA is a joint venture of the Centre for Energy Petrol Mineral Law and Policy at the University of Dundee (www.cepmlp.org) and the Scottish Arbitration Centre
- 2015 to date
 Member, ICC UK Arbitration and ADR Committee
- <http://www.iccwbo.uk/pages/dispute-resolution>
- 2018 to date
 UK Member, ICC Commission on Arbitration and ADR

2011 to date	Convener, Law Society of Scotland Arbitration Accreditation Committee
2013 to date	Member, Law Society of Scotland Constitutional Law Committee
2008 to date	Visiting Lecturer, LLM Construction Law, University of Strathclyde
2012 to date	Honorary Lecturer, LLM International Arbitration Law, Centre for Energy Petroleum Mineral Law and Policy, University of Dundee
2006 to date	Chartered Institute of Arbitrators, Scottish Branch Committee member and Events Convener (2006-2012)
2005 to date	Director (Vice Chair from 2011 - 2014) Centre for the Moving Image, Edinburgh
2010 to date	Director (Vice Chair from 2011 - 2014) Edinburgh International Film Festival

Past Appointments:

2013 to 2018	External Examiner, LLM/MSc Construction Law and Arbitration, Robert Gordon University
2016 to 2018	ICCA Sydney 2018, Programme Committee Member, International Council for Commercial Arbitration
2014 to 2017	Council Member, Law Society of Scotland
2015 to 2017	Board Member, Law Society of Scotland
2011 to 2014	Visiting Lecturer, LLM International Law, University of Edinburgh
2000 to 2004	Director, Scottish Society for Computers and Law

Professional Memberships:

Law Society of Scotland
 Society of Solicitor Advocates
 Chartered Institute of Arbitrators (FCIArb)
 Society of Writers to the Signet
 International Bar Association
 Royal Institution of Chartered Surveyors (FRICS)
 International Council for Commercial Arbitration
 London Court of International Arbitration
 Law Society of England and Wales
 Asian Institute of Alternative Dispute Resolution (FAiADR)
 Dispute Resolution Board Foundation
 Silicon Valley Arbitration & Mediation Center

Professional Experience:

- Over twenty five years of post-qualifying experience in commercial dispute resolution including extensive experience in complex, high-value construction, engineering and energy disputes.
- Wide experience of all forms of dispute resolution with particular emphasis on litigation, arbitration, adjudication and expert determination.
- Extensive advocacy experience in court and non-court fora, including appearances in the Inner House of the Court of Session (Scotland's appeal court).
- Regularly appointed as an arbitrator in construction, property, partnership and general commercial disputes.

- Extensive experience of providing construction procurement advice including advice on European and UK procurement regulations.
- Experienced in disputes in the energy sector including oil and gas and renewable energy disputes.
- Drafting and negotiating all major forms of construction and engineering contracts and warranties, and providing construction and engineering advice in relation to development and funding agreements.
- Advising in relation to the procurement of and dealing with the contracts for office, industrial, residential and infrastructure contracts, and major regeneration and remediation contracts.
- Regularly appointed as a legal adviser to arbitrators, adjudicators and experts, and regularly appointed as an arbitrator by RICS Scotland and the Law Society of Scotland.
- Consulted by the Scottish Government regarding arbitration law prior to the Arbitration (Scotland) Act 2010.
- Appointed by the Law Society of Scotland to advise the Scottish Government on the establishment of an international dispute resolution centre for Scotland.
- Drafted a paper recommending the establishment of a Scottish centre for arbitration, proposing its structure and function. That proposal was accepted and supported by the Scottish Government and the Scottish Arbitration Centre (www.scottisharbitrationcentre.org) was established in 2011 as a joint venture of the Scottish Government, the Chartered Institute of Arbitrators, the RICS, the Law Society of Scotland, and the Faculty of Advocates with Brandon Malone appointed as Chairman.
- Asked by the Law Society of Scotland to establish a system of specialist accreditation for arbitration lawyers. Appointed to convene the accreditation panel.
- Elected an Eminent Fellow of the Royal Institution of Chartered Surveyors (FRICS) reflecting his standing and achievements in construction law and dispute resolution
- Launched the International Centre for Energy Arbitration and conducted research into dispute resolution in the energy industry, jointly authoring a report on the outcomes.
- Extensive experience of conference and promotional activity.
- Led the team that secured the 2020 ICCA Congress for Edinburgh.
- Proposed, established and chairs the ICCA, New York City Bar, CPR Institute Working Group on Cybersecurity in International Arbitration.

Annex

Notable Conferences - lectures/papers delivered:

- 2020 Scotland as a Dispute Resolution Jurisdiction – IBA Virtually Together
- 2020 “Aspect of Cybersecurity and Arbitration Practice” Robert Gordon University, Aberdeen
- 2020 “The Impact of Emerging Technologies on International Arbitration: Cybersecurity, Blockchain & Smart Contracts and Artificial Intelligence” CI Arb Egypt Branch, CRCICA, Cairo
- 2019 "Cybersecurity and Digital Transformation in Arbitration" CI Arb Brazil Branch Launch, Sao Paulo
- 2019 "Renewable Energy Dispute Resolution" Queen Mary University, London
- 2019 "Cybersecurity and Arbitration" Queen Mary University, London
- 2019 "Intellectual Property and Arbitration" INTA Roundtable Conference, Edinburgh
- 2019 "Technology and Arbitration" ICC Nigeria Conference, Lagos
- 2019 "Brexit and Arbitration" DIS Baltic Arbitration Conference, Riga
- 2019 "Energy Transit Arbitration" ISTAC Energy Arbitration Conference, Istanbul
- 2019 "Technology and Arbitration" University of Durham
- 2018 "Cybersecurity in International Arbitration" ICSID/ECT Conference, Paris
- 2018 "Block Chain, Smart Contracts and Arbitration" ISTA International Arbitration Conference, Istanbul
- 2018 "Scottish Arbitration", Practising Law Institute International Arbitration Conference, New York
- 2018 GAR Live New York, Cybersecurity Panel
- 2018 Moderated "Technology as Disruption" session at ICCA 2018 Congress, Sydney
- 2018 Directed and Chaired London Centre for International Law Practice, 3rd Annual Energy Arbitration and Dispute Resolution in the Middle East and Africa Conference, London
- 2018 "Cybersecurity" lecture for Central Law Training, Contract Conference, Glasgow
- 2017 Directed and Chaired London Centre for International Law Practice, 2nd Annual Energy Arbitration and Dispute Resolution in the Middle East and Africa Conference, London
- 2017 Chaired the Energy and Commodities Session at the Commercial Dispute Resolution Magazine Spring Arbitration Symposium, London
- 2016 Chaired the Energy Session at the Commercial Dispute Resolution Magazine Summer Arbitration Symposium, London
- 2016 Programme Director and Chair of London Centre for International Law Practice Conference, Energy Arbitration and Dispute Resolution in the Middle East and Africa, London, also delivering tutorial session “Can we design a bespoke dispute resolution system for energy issues in the Middle East and Africa?”
- 2016 “Arbitration in the Energy Sector” Dutch Energy Law Association 27th European Energy Law Seminar, The Hague
- 2015 “Emerging Best Practice” Indian Council of Arbitration Conference, Arbitration in the Era of Globalization, New Delhi
- 2015 "Resolving Energy Disputes" European Law Students Association Dispute Resolution Academy, Vienna

- 2015 "Commercial Disputes in the Energy Sector" Global Law Summit, London
- 2014 *"The International Centre for Energy Arbitration"* All Energy Conference 2014, Aberdeen
- 2014 *"Arbitration in Scotland and the Role of the Scottish Arbitration Centre"* European Young Bar Association Conference 2014
- 2014 *"Construction Law Update 2014"* Central Law Training Webinar
- 2013 *"Arbitration in Scotland"* American Bar Association, 'The View from North of the Border Conference' 2013
- 2012 *"The Advantages of Using Arbitration to Resolve Intellectual Property Disputes"* University of Glasgow/CREATE Conference 2012
- 2012 *"Expert Determination in Scotland"*, Chartered Institute of Arbitrators International ADR Conference 2012
- 2012 *"Finality in Dispute Resolution and its Relation to Cost"* RICS Legal Issues in Construction Conference 2012
- 2012 *"The Arbitration (Scotland) Act 2010 compared with The Arbitration Act 1996"* Arbrix Conference 2012
- 2012 *"Arbitration in Scotland"* University of Dundee CEPMLP LLM Programme
- 2012 *"Drafting Effective Dispute Resolution Clauses"* Central Law Training Conference
- 2012 *"An Introduction to Dispute Resolution"* University of Strathclyde, LLM Construction Law, Dispute Module
- 2011 *"Drafting Enforceable Boilerplate Clauses"* Central Law Training Webinar
- 2011 *"Collateral Warranties and Third Party Rights"* Central Law Training Webinar
- 2011 *"Arbitrability, Arbitration Clauses and Submission Agreements"* University of Edinburgh, LLM International Law
- 2011 *"Arbitration: Year 1"* Law Society of Scotland Construction Law Conference 2011
- 2011 *"Why Arbitrate? Why Arbitrate in Scotland?"* CIArb/CEPMLP/RGU Conference, Oil and Gas Arbitration in Scotland in the 21st Century
- 2010 *"A Scottish Arbitration Centre: A Proposal"* A presentation to the Scottish Arbitral Appointment Referees on behalf of the Scottish Government's Scottish Arbitration Centre Steering Group Committee
- 2010 *"The Arbitration (Scotland) Act 2010"* Law Society of Scotland conference
- 2010 *"Making Use of the Act: Arbitration Clauses and Agreements to Arbitrate"* Law Society of Scotland/CIArb Conference, The Arbitration (Scotland) Act 2010: A New Beginning
- 2009 *"Expert Determination in Scotland"* Faculty of Advocates ADR Group
- 2008 *"An Expert Determination Code for Scotland"* Law Society of Scotland/CIArb Conference The Future of Commercial Dispute Resolution: Back to the Future
- 2007 *"The Building (Scotland) Act 2003"* Central Law Training
- 2006 *"Expert Determination in Scotland"* CIArb/Law Society of Scotland conference, The Future of Commercial Dispute Resolution

Publications/Articles

"National Report Scotland" International Council for Commercial Arbitration (ICCA) International Handbook on Commercial Arbitration, 2019 (Kluwer Law International)

Handbook on Third-Party Funding in International Arbitration (Scotland Chapter) 2018 (Juris)

Getting the Deal Through – *Arbitration Guide* – Scotland 2014, 2015, 2016 Law Business Research

Arbitration World: Institutional and Jurisdictional Comparisons (Scotland Chapter) 5th Ed. Sweet & Maxwell, September 2015, and 6th Edition, December 2018

International Arbitration (Scotland Chapter), Chambers & Partners Publishing, 2015 and 2020

International Centre for Energy Arbitration, Initial Report, 2015, with Professor Peter Cameron

'Do we need Special Rules for Energy Disputes?', with Professor Peter Cameron and Andrew Mackenzie, IBA Arbitration News, March 2015

Kendall on Expert Determination, 2014, 5th Edition, Freedman and Farrell (contributed Scotland Section)

International Bar Association Arbitration Committee *Arbitration Guide for Scotland* 2013, revised 2018

"Commercial Sense" J.L.S.S. 2010, 55(12), 26-29.

Annotations to the Building (Scotland) Act 2003, Current Law, W. Green/Sweet and Maxwell

"New Scotland, New Danger" Cons. Law 1999, 10(9), 26-29