

Résumé

PUGH Donald George MSc FCIOB FCI Arb, Solicitor, Chartered Arbitrator, Registered Adjudicator

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Date of Birth: 16 December 1953

1991 MSc Construction Law and Arbitration (Kings College, London)
1992 Fellow Chartered Institute of Building
1993 Fellow Chartered Institute of Arbitrators
1999 Admitted as Solicitor
2001 Appointed to the panel of arbitrators of the CI Arb
2002 Appointed to the Presidential List of RICS for adjudicators
2002 Appointed to Construction Industry Council list of adjudicators
2005 Nominated as arbitrator member the Society of Construction Arbitrators

Current 2010 (Established own practice in 2000)

Summary of Dispute Resolution Experience (see also Summary of Projects and Cases)

Adjudicator - Appointed as adjudicator in twenty construction adjudications.

Solicitor – Has represented parties in litigation, arbitration and adjudication.

Arbitration - Solicitor instructed as party representative in a variety of arbitrations related to construction and building, mostly for main contractors involving claims for prolongation, delay and disruption and for additional payment. Also instructed by private client as representative in claims for professional negligence. Appointed arbitrator for claims connected with water supply industry.

Adjudication - Solicitor instructed as party representative in a variety of adjudications involving claims by and against main contractors (building and civil engineering), sub-contractors and employers. Amounts in dispute ranging from £20,000 to over £4million.

Litigation - Solicitor instructed as party representative for private clients, main and sub-contractors in a variety of cases, for example: substantive proceedings for defects, professional negligence and payment disputes; applications for Summary Judgment in TCC for payment under JCT conditions, striking out application (defending); enforcement proceedings in TCC for adjudicators' decisions; various applications/matters in TCC, Queen's Bench and Chancery Divisions of High Court; appeals to High Court and Court of Appeal; and, instructed as party representative in various County Court proceedings relating to building claims (sub-contractor, contractor and employer), trespass and Party Wall matters for private clients.

Consultant

Instructed as part of a team involved in defending proceedings in the High Court (TCC) for disputed claim on a final account for £14million out-of-town shopping centre. Subsequently involved in proceedings regarding claims against Quantity Surveyor/Project Manager for professional negligence.

Instructed by an airports authority in the far-east, in a matter in arbitration, to review decisions: (i) made under the Contract by the Project Manager and the Project Director; and, (ii) the resulting reference to a disputes review panel and the decisions of the review panel. Instructions were principally provided in relation to the construction of airfield tunnels in reclaimed ground, but subsequently extended to a review of airfield pavings (a separate contract, but under taken by the same JV contractors). Value of claims in connection with airfield tunnels HK\$520 million and airfield pavings HK\$130 million (circa 1999).

Solicitor pre 2000

Assistant solicitor in phase I of an arbitration in the Middle East arising from the construction of a military airbase under a modified FIDIC form of contract (phase I claims were valued at US\$132,000,000 (circa 1990) in respect of rock crushing, unforeseen ground conditions related to the overburden and withdrawal of consent

for sand borrow from coastal areas. Later principal fee earner in phase II of arbitration relating to claims valued at US\$110,000,000 (circa 1990) which were in respect of 750 individual claims said to give rise to extensions of time and claims for delay and disruption and return of liquidated damages.

Assistant solicitor acting for receivers of FJC Lilly (In Administrative Receivership) in connection with arbitral proceedings arising from a drainage scheme carried out for a local authority and the re-development of a railway yard for British Railways, both contracts being carried out under the ICE Conditions.

Career details (prior to establishing own practice)

Legal/Consultant

1999 - 2000 - Regional Director Bucknall Austin/Citex, head of contract advisory service, later consultant. Appointed as consultant to advise property development client in connection with claims arising from construction of speculative office development in west London; appointed consultant to advise global drinks company regarding claims made by the contractor after major office refurbishment; and, appointed as consultant to advise contractor regarding claims for Naval dockyard development. Lecturing to Citex / Bucknall Austin project managers and surveyors on legal topics.

1993 - 1999 – Trainee / Assistant solicitor and later solicitor with Freedmans (later amalgamated into Taylor Joynson Garrett). Seconded to British Railways/Channel Tunnel Connection to provide commercial and contractual advice on claims from and against contractors and consultants arising from the construction of the North Pole Depot. Assistant and later principal fee earner on a variety of arbitrations both in the UK and overseas (see above - "Dispute Resolution Experience"); also conducted litigation in the TCC, Lands Tribunal and Magistrates' Courts.

Construction

1988 – 1992 – Kier Construction, Commercial Manager for construction management team for development of the North Pole Depot for channel tunnel rolling stock (valued at £75 million circa 1990) under ICE, JCT and Model Forms of Engineering Contract.

Senior Surveyor on office development schemes over Fenchurch Street Station (valued at £44 million circa 1989) under JCT Management Forms of Contract and re-development of Euston Tower (valued at £28 million circa 1988).

1984 - 1987 - John Mowlem plc, Managing Surveyor (promoted from Senior Quantity Surveyor) with a team of Quantity Surveyors/assistant Quantity Surveyors on a variety of projects, principally a £9.0 million (circa 1985) office development in the City of London under JCT forms of contract. Senior Quantity Surveyor on Measured Term contracts for the PSA and a number of industrial development projects.

1982 – 1983 - Joannou & Paraskevaides (Saudi Arabia), estimator based in head office in Riyadh and later site based Senior Quantity Surveyor on project comprising 75k of single carriageway asphalt road through flat plains rising to mountains, including bridges, elevated intersection, retaining walls, culverts, etc., valued at £40 million (circa 1982).

1976 - 1982 - Contracts surveyor for Lilly and later Marshall Andrew, on a variety of new build and refurbishment projects, ranging in value from £½ million to £2 million.

1973 - 1976 - Trained with Pritchard Williams & Hunt Chartered Quantity Surveyors, principally employed on a new tablet manufacturing building valued at £3.8 million and testing laboratory valued at £1.5 million, later worked for Fairview Estates as site surveyor on residential developments.

Overseas experience

Saudi Arabia, Bahrain, Ireland and Hong Kong

Publications and academic

King's College Centre of Construction Law and Management - Personal tutor
Tutor for RICS Assessment of Professional Competence
Contributor to Construction and Engineering Law and other publications