

## **CURRICULUM VITAE FOR BRANDON MALONE**

LLB, LLM, DipLP, NP, FRICS, FCI Arb, FAiADR, WS, Barrister, Solicitor Advocate, Arbitrator, Adjudicator, Mediator

**Full Name:** Brandon James Malone

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Brandon Malone is a highly experienced commercial litigator, barrister, arbitrator, adjudicator, mediator and expert determiner, dual qualified as a solicitor advocate in Scotland and as a Barrister England and Wales (Inner Temple). He has over 25 years of post-qualifying experience in commercial dispute resolution, in various sectors with an emphasis on construction, engineering and energy disputes. He is accredited by the Law Society of Scotland as a specialist in both construction law and arbitration law. In 2013, he was elected an Eminent Fellow of the Royal Institution of Chartered Surveyors (FRICS) for his work in the fields of construction law and arbitration. Brandon has lectured on and advised parties on all major forms of construction contracts including the JCT, SBCC, FIDIC and NEC contract suites, and bespoke PFI contracts.

Brandon dealt with one of the first statutory adjudications under the Housing Grants, Construction and Regeneration Act 1996 and has been deeply involved with adjudication ever since, as both party representative and adjudicator.

Brandon 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 2022 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](http://www.brandonmalone.com)

2018 to date Barrister and Arbitrator, Door Tenant, Quadrant Chambers, London  
[www.quadrantchambers.com](http://www.quadrantchambers.com)

2019 to date Senior Legal Consultant, HFI Consulting International, Aberdeen and Dubai  
[www.hfi-consulting.com](http://www.hfi-consulting.com)

2021 to date Arbitrator, Arbitra International, London

[www.arbitra.co.uk](http://www.arbitra.co.uk)

2011 to 2014	McClure Naismith LLP, Edinburgh, Glasgow, London, Partner, Head of Contentious Construction and Arbitration
1997 to 2011	Bell & Scott LLP, Edinburgh (Partner from 2001 to 2011)
1992 to 1997	Peterkins, Aberdeen, trainee, solicitor then Associate in litigation team dealing with commercial dispute resolution

#### Professional Qualifications:

Barrister (Inner Temple), Bar of England and Wales  
Solicitor Advocate (Civil), Law Society of Scotland  
Solicitor Arbitrator, Law Society of Scotland  
Chartered Surveyor (FRICS), Royal Institution of Chartered Surveyors  
Fellow (FCIArb), Chartered Institute of Arbitrators  
RICS Accredited Mediator

#### Example cases as Arbitrator/Adjudicator

- Appointed by RICS as an adjudicator on a multi-million pound dispute relating to dangerous cladding on a hotel
- Appointed by Law Society of Scotland as adjudicator on complex PFI contract dispute
- Appointed by Law Society of Scotland on a multi-million pound professional negligence claim against an engineer
- 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 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 on a dispute 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

#### Example cases as counsel

- Representing an international distilling company in a £30m professional negligence court claim for structural defects at a whisky bottling facility
- Representing the liquidator of a developer in a £1 million professional negligence claim against a quantity surveyor
- Representing a large contractor in £1m construction contract court claim for building defects in an office block
- Representing a large contractor in a £19m construction contract court claim arising out of a works at a Highland estate
- Representing a large contractor in a £400k construction contract court claim arising out of defects in an office block parking facility
- Representing a renewable energy company in a turbine performance litigation
- Representing a property developer in a £3m construction contract arbitration

#### 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  
RICS Mediation Accreditation Course 2020  
Higher Courts (Civil Advocacy) Qualification, The City Law School, University of London 2021

<b>Professional Qualifications</b>	<p>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  RICS Accredited Mediator 2020  Higher Rights of Audience (Solicitor Advocate) (Civil) (England and Wales) 2021  Barrister at Law (Inner Temple) 2021</p>
<b>Arbitral Institution Roster Membership:</b>	<p>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  Energy Disputes Arbitration Center (EDAC), Ankara  Law Society of Scotland, Edinburgh</p>
<b>Adjudicator Nomination Body Panel Membership</b>	<p>RICS  UK Adjudicators  Construction Industry Council  Law Society of Scotland  Chartered Institute of Arbitrators (Scottish Branch)  Chartered Institute of Arbitrators Presidential Panel</p>
<b>Dispute Resolution Boards</b>	<p>FIDIC President's List of Approved Adjudicators</p>
<b>Current Appointments:</b>	
2011 to date	<p>Chairman, Scottish Arbitration Centre</p> <p>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 (<a href="http://www.scottisharbitrationcentre.org">www.scottisharbitrationcentre.org</a>).</p>
2018 to date	<p>Congress Chair, ICCA 2022 (<a href="http://www.icca2020.scot">www.icca2020.scot</a>)</p> <p>ICCA 2022 is the XXVth Congress of the International Council for Commercial Arbitration, to be held in Edinburgh 18 to 21 September 2022</p>
2017 to date	<p>Chair, ICCA – NYC Bar – CPR Working Group on Cybersecurity in International Arbitration</p>
2016 to date	<p>Member, Scottish Civil Justice Council</p> <p><a href="http://www.scottishciviljusticecouncil.gov.uk">www.scottishciviljusticecouncil.gov.uk</a></p>
2013 to date	<p>Co-Director, International Centre for Energy Arbitration</p>

[www.energyarbitration.org](http://www.energyarbitration.org)

2015 to date	Member, ICC UK Arbitration and ADR Committee  <a href="http://www.iccwbo.uk/pages/dispute-resolution">http://www.iccwbo.uk/pages/dispute-resolution</a>
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:**

The Honourable Society of the Inner Temple  
Law Society of Scotland  
Society of Solicitor Advocates  
Chartered Institute of Arbitrators (FCIArb)  
Worshipful Company of Arbitrators  
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  
Asian Institute of Alternative Dispute Resolution (FAiADR)  
Dispute Resolution Board Foundation  
Silicon Valley Arbitration & Mediation Center

## Annex

### Publications/Articles

Online Dispute Resolution - Theory and Practice 2nd Edition (Chapter on Smart Contracts and Blockchain)

Does a Right to a Physical Hearing Exist in International Arbitration (Scotland Chapter) ICCA Projects

"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) 5<sup>th</sup> 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, 5<sup>th</sup> 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

### 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, 2<sup>nd</sup> 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 27<sup>th</sup> 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 21<sup>st</sup> 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