

# Alexander Hickey QC

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Alexander Hickey QC's practice involves appearing as an advocate before English Courts and international arbitrations and he is a very experienced trial and arbitral advocate.

He is also regularly involved in adjudications and mediations. He has sat as an ICC arbitrator and will accept appointments as arbitrator in appropriate cases.

His advocacy practice before English Courts is principally in the Technology and Construction Court, Commercial Court Queen's Bench and Chancery Division. He has conducted appeals in the Court of Appeal and the Supreme Court. He has numerous reported cases to his name at first instance and appellate level including a string of reported cases in relation to adjudication.

His international arbitration practice involves arbitrations conducted under the ICC, LCIA, DIAC, DIFC, UNCITRAL, VIAC, LMAA and ad hoc references in London, the GCC region (particularly Dubai, Abu Dhabi, Qatar, Oman) Turkey, Lebanon, Iraq, Afghanistan, Nigeria, Sao-Tome, Kenya, Russia and Kazakhstan.

He has worked with clients of all sizes, including blue-chip international, medium size and smaller clients from the UK, US, GCC, China, Korea and Turkey, for employers, contractors, and the supply chain.

Alexander has a breadth of commercial practice but he has particular expertise in:

- Construction & Engineering
- Energy, Oil & Gas, Petrochemicals, Waste Management
- Professional Negligence

## Construction & Engineering

Alexander's practice in this field encompasses the full range of construction and engineering disputes both domestic and

international including design claims, interim payment/final accounts, LADs, EOTs, delay and disruption, breach of contract claims, and contract interpretation.

He has been involved in disputes over the construction of Dubai Airport Terminal 3, Doha Airport (Air Traffic Control), the Shard, the Athletes Village for the London 2012 Olympic Games, and various hospital and other infrastructure projects conducted under PFI contracts and hotel and office and residential developments.

## Featured Construction & Engineering cases

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Leading Counsel for the JV package contractor carrying out the Special Airports Systems, MEP and finishes for Dubai Airport Terminal 3 (UAE law).

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Leading Counsel in an ICC Arbitration, Counsel for the main contractor for one of the packages to build Doha International Airport (Qatari law).

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Acting for the subcontractor in TCC litigation against Tier 1 main contractor in respect of the building of the Athletes Village for the London 2012 Olympic Games.

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Acting for two different local authorities on disputes under their respective PFI contracts for road-building (under the NEC3 form).

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Acting for contractor of a waste to energy plant under a PFI contract.

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Acting for contractor in respect of mental health hospital constructed under a PFI contract, issues with fire safety and unavailability deductions.

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Acting in TCC trial acting for a University against an All Risks insurer for structural damage necessitating demolition of a student hall of residence.

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Acting for a high-profile Hotelier in a final account dispute for the construction of a luxury hotel, involving allegations of fraud.

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Acting for WSP in a trial concerned with flood risk assessment for a new housing development in Newark.

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TCC Trial Counsel for Severfield the structural steel contractor for the Shard London.

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Multi-party TCC trial for defective design and flooding damage to the Greenwich Millennium Village.

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Leading Counsel for ICC arbitration acting for an international chemical engineering contractor for the construction of a chemical processing plant in Abu Dhabi.

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Acting for AMEC Foster Wheeler in its disputes under a business sale agreement and concerned with the construction of an hotel and apartment block in Liverpool.

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Acting for main contractor in arbitration against a roofing/cladding subcontractor for a large warehouse in Manchester.

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Acting in a TCC arbitration against a subcontractor for the collapses of a biomass storage facility under construction at Drax Power Station.

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LCIA Arbitration involving design and construction of a galvanized wire cable plant in Oman (English law).

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Acting for contractor in arbitration for a leading construction firm in relation to a modular built hotel at Heathrow Airport.

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Acting for contractor in NEC3 contract in relation to disputes at two British power stations in respect of the Project Manager's certifications.

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Arbitration for a contractor in relation to the construction of a bioethanol plant in Teesside against subcontractor.

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Vienna Rules Arbitration on behalf of Turkish Contractor in respect of the supply of 6 modular medical centres for assembly in Russian Federation (Turkish/Russian laws).

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## Energy, Oil & Gas, Waste Management

Alexander deals with commercial disputes in related fields of oil and gas, chemicals and energy, waste management and PFI. Some of these are construction-related, others concern commercial agreements.

### Featured Energy, Oil & Gas, Waste Management cases

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Commercial Court actions involving seismic surveying under a Production Sharing Contract for US oil exploration companies with a licence in a North Kenya block.

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ICC Arbitrations involving major infrastructure for waste water treatment in Oman, for the state-owned water company (Omani law).

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ICC Arbitration in Abu Dhabi for a multi-national chemical engineering contractor for construction of a large chemicals processing plant (English law).

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ICC Arbitration on behalf of Operator in respect of Joint Operating Agreement for JDZ oil exploration in Nigeria/Sao Tome e Principe. (English law).

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ICC Arbitration in Turkey in respect of a Joint Operating Agreement for Oil between a Turkish state entity and a JV consortium for oil exploration and pipeline construction in the Black Sea (Turkish law).

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LCIA Arbitration acting for Contractor in dispute concerning the design and construction of gas cleaning converters for a steel plant in Kazakhstan.

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Acting for EPC contractor in respect of ICC Arbitration in relation to an LNG production facility in Iraq.

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Representing a contractor in relation to a dispute concerning the design of a cable protection system for an offshore windfarm project in the North Sea.

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Acting for Water Authority in relation to major infrastructure work to upgrade the 80km Greater London Rings Main.

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UNCITRAL Arbitration acting for international energy contractors, in a dispute about the design and build of two new power stations in Estonia.

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Acting for a contractor in an ongoing dispute concerning a UK onshore gas drilling project and removal of hazardous drill cuttings.

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Trial concerning the supply of petrochemicals and long term supply contracts and competition claims. Counsel for Huntsman. Settled on appeal to the Court of Appeal.

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Acting for the claimant in a dispute arising out of the design and construction of industrial boiler for a new petrochemicals refinery in Grangemouth.

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Acting for contractor in an ICC Arbitration in a dispute about alleged defects in a LPG pipeline in Ras Laffan, Qatar.

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Acting in an LCIA Arbitration concerning a PFI dispute for major European waste management contractor about a 25 year waste management and waste disposal contract for a major UK County Council, involving planning, procurement and construction issues.

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Acting for a Third Party who designed and supplied electric motors in a claim of alleged negligent design of a gas compression system on a North Sea Oil rig.

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## Professional Negligence

Alexander has extensive experience of cases involving architects, structural engineers and surveyors, as well as claims against other professionals. He is also involved in adjudications by and against professionals in the construction industry.

### Featured Professional Negligence cases

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Leading Counsel for the Defendant surveyor, in *Tiuta v De Villiers*, on the principle of causation of loss, heard in the Supreme Court in November 2017.

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Acting for the defendant valuers dealing with a portfolio of several hundred claims brought by various lenders including GMAC-RFC and Platform against valuers and solicitors arising out of mortgage loans on buy to let investment developments, being case-managed together.

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Acting for structural engineers in a multi-party action concerning the design of concrete slab for beverage warehouse.

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A claim against the designers of a London fire-training centre for defective design of fire-rooms and ductwork for oil-based smoke in fire damage and defective design claims for £6million.

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Acting for the Defendant in a case involving principles to apply when withdrawing an admission.

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The Defendant ground consultant had admitted before action and in its defence that it was the designer of foundations.

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Acting for defendants in a multi-million pound professional negligence claim against engineers who designed an external pre-stressed concrete glued segmental bridge in the UK.

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Acting for an international construction and property consultancy and successfully struck out a professional negligence claim in respect of a multi-million pound mansion refurbishment contract.

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Acting for various engineering/ground consultants designers in residential housing developments.

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Acting for architect defending claims of negligent design of hotel kitchen and car park and negligent planning applications.

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## Commercial Litigation

Other commercial work includes a broad range of disputes:

### Featured Commercial Litigation cases

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Advising insurers on professional indemnity insurance coverage and declinature for various construction professionals.

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Arbitration under the Railway Industry Dispute Resolution Rules. Counsel for Train Operating Companies (leading 20 TOCs) in a dispute with other train operating companies concerned with the distribution of Oystercard/Travelcard revenue.

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Acting for Ground Services company in respect of disputes in relation to ground services provided at various international Airports.

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Acting for a major PC manufacturer in a dispute in relation to an OEM UK distributorship and fitness for purpose of IBM badged PCs.

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Acting for owner of voice recognition software house against international PC manufacturer in respect of allegations of patent infringement, anti-competitive behaviour and abuse of dominant position in relation to voice recognition and dictation software.

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Commercial Court action between, a bill of lading dispute in respect of supplies for the US Materiel at Kandahar, Afghanistan. Also a related LMAA arbitration.

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ICC Arbitration acting for French telecommunications company in respect of a dispute with an Italian telecommunications company regarding maintenance and use of a UK optical fibre network.

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ICC Arbitration claim between Swiss PDA developer and Chinese manufacturer.

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Acting for major software systems provider of online banking services for a major UK bank in a dispute about a software license agreement and concurrent users.

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Acting for the University in a £100 million fire insurance claim arising out of catastrophic fire at a major university

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research centre.

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Acting for the agent in a claim for commission for procuring a racing driver for a Formula 1 team. Acting for the agent.

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Acting for Nike in dispute about supply agreement with JJB Sports.

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## Appointments

- CEDR Adjudication Panel
- Registered as an advocate in the Dubai International Financial Centre Courts

## Publications

- Contributing author of Lexis Nexis online Adjudication KnowHow
- Contributing author of the Architect's Legal Handbook 7th & 8th editions

## Education

- MA (Oxon) Jurisprudence

## Recommendations

Alexander Hickey is recommended in Chambers & Partners Global, Chambers & Partners and the Legal

500 in international arbitration, commercial litigation, construction, energy and natural resources, and professional negligence. Comments in these directories from clients and lawyers describe him as:

- A real tornado, a heavy-hitter in terms of legal firepower, tactically excellent
- Phenomenally bright, a joy to watch and a pleasure to work with
- Proactive, always willing to roll his sleeves up, he inspires confidence in his clients
- A superb cross-examiner with excellent judgment
- Punchy and commercially minded, robust, tenacious, very incisive
- Dexterous advocacy that is succinct and well thought out, he presents things in a very compelling way
- His key strength is his inventiveness – he will find arguments that no-one else would find
- Brilliant at analysing complex issues
- A confident, clear thinker, outstanding service and clear pragmatic advice