



CEDR Accreditation: 1999

CEDR Panel Member Since: 2001

Languages: English

Location: United Kingdom

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Dr Robert Gaitskell QC

- Mediation Feedback

Overview

Dr Robert Gaitskell was first accredited as a mediator by CEDR in January 1999. He has since conducted over 150 mediations in the commercial, construction and intellectual property sector, many of an international nature. Robert has mediated disputes concerning computers, IT, nuclear fuel, patents, franchises, oil rigs, power stations, process engineering, commercial property developments, hospitals, defence procurement and research facilities.

Professional Background

Robert is a practicing barrister and a professional engineer specialising in engineering and construction disputes, often of an international nature. He was called to the Bar in 1978, appointed Queen's Counsel in 1994 and a Recorder (part-time judge) in 2000. He is a former Vice President of the IEE/ IET (Europe's biggest professional engineering institution).

Expertise

- Commercial Contracts
- Construction & Engineering
- Energy & Natural Resources
- ICT
- Infrastructure
- Intellectual Property
- Professional Negligence
- Property
- Shipping
- Utilities

Dispute Experience

(Non-Neutral work in italics)

Commercial Contracts: A four handed mediation regarding the sale of an allegedly defective lorry loader crane.

Construction & Engineering

- Cement works construction project in South Africa.
- *Acted as arbitrator on a number of disputes related to commercial building projects in Dubai under DIAC rules.*
- *Acting as Sole Member for a DB procedure concerning a defence installation project.*
- *Acting as Dispute Board Chairman in respect of two major (£0.5 billion each) construction projects involving the British MOD. Both projects extend well into the future.*
- *Acting as counsel on a dispute related defects in design, construction and operation of a food manufacturing plant.*
- Dispute between an employer and a firm of a professional engineers regarding the design.

Energy & Natural Resources

- Mediator of a number of Oil extraction operations disputes in Saudi Arabia.
- Middle-East petro-chemical production project, involving multi-national parties.
- Indonesian oil production project.
- Claims related to the operation of a North Sea oil rig.
- *Arbitrator of dispute in Yemen related to oil and gas exploration and extraction.*
- *Expert Determinator of contractual claims over a power station turnkey contract in Oman.*
- *Dispute review Board member for a Caribbean oil exploration, extraction and production project.*
- *Chairman of the European ITER nuclear fusion project Dispute Board.*

ICT - Information Communication & Technology

- *Arbitrator of two disputes related to underwater fibre optic cables in the Persian Gulf.*
- *Acting as Dispute Review Board Chairman in respect of a World Bank funded telecommunications project in India.*

Infrastructure

- Dispute related to the collapse of a rail tunnel during construction causing major damage to property and loss of earnings to affected business. Multiple stakeholders from the construction industry and business with 100 participants.
- *Acting as arbitrator of a Dubai road system dispute under Dubai Road Traffic Authority Rules. (UAE laws).*
- *Acted as a Dispute Board member under ROC conciliation rules regarding a High Speed Rail link project in Taiwan.*
- *Chairman of ICC arbitration tribunal concerning Ukrainian infrastructure project and a US military facility.*

Intellectual Property

- U.S. intellectual property dispute, involving multinational parties and copyright issues.
- Australian technical product franchisee dispute with U.S. manufacturer related to commercial and patent issues.
- Patent claim by Swiss inventor against major UK company in the nuclear reprocessing industry, involving state-of-the-art research.

Professional Negligence

- Ministry of Defence claim against professional engineers responsible for a security establishment, involving important national installation.
- Dispute between 'Employer / Main Contractor' and firm of professional consulting engineers regarding design of an extension to port facilities.

Property: Dispute related to a mixed use commercial property development in Hong Kong SAR.

Shipping: Defects in custom made, high-tech sea-going vessel, involving complex legal issues.

Utilities: Bangkok water and sewage infrastructure project, involving multi-million pound claims and three parties.

Personal Style

Robert's personal style is to get to grips with the real issues that divide the parties at the earliest opportunity and he will begin a dialogue with all parties long before the mediation takes place. During the mediation itself Robert uses facilitative techniques to bring the parties together.

Feedback Directories

- *"He works determinedly to explore different possible angles."*
- *"Extremely proactive in his preparation prior to the mediation"... "skilful in bringing intransigent parties to the negotiating table when others might give up."*
- *"A delightful man who brings enormous charm and stature to his mediations."*
- *"Totally organised, thoroughly agreeable and very intelligent." Gaitskell is not only a highly praised barrister but also a professional engineer, which affords him particular insight into engineering and construction disputes."*

Taken from Chambers & Partners Guide to the Legal Profession

Feedback Clients

- *"He was good at getting the parties to focus on their strengths and weaknesses."*
- *"His strength was his subject knowledge and his approach with the parties."*
- *"The homework he gave the parties beforehand was very useful."*
- *"Never showed any frustration...quietly effective."*
- *"...mediator (was) absolutely superb."*
- *"(He) was excellent, really, really good. The fact that the parties settled was largely down to the mediator."*
- *"Robert Gaitskell was instrumental to the parties reaching a settlement."*
- *"Robert Gaitskell was excellent, very helpful...very patient and very persistent."*

- *"He was tuned into the issues...very astute...able to be flexible and came up with proposals."*
- *"He gave the client confidence."*
- *"...very good with rapport building...[and] had very good pace."*
- *"I was impressed with Robert Gaitskell and would recommend and use him again."*
- *"He made himself clear and understood, he spent sufficient time explaining and was friendly."*

Professional Skills

Dr. Gaitskell is qualified both as a professional engineer and a barrister, and practises as a Queen's Counsel in Keating Chambers, London, where he specialises in engineering, construction and hi-tech disputes, often of an international nature.

He is a Fellow of both the Institution of Engineering & Technology (FIET) and the Institution of Mechanical Engineers (FIMechE), and was recently the Vice President of the IEE (Europe's biggest professional engineering body). He is a member of the IET adjudication and arbitration panel, and is regularly appointed as an International Chamber of Commerce (ICC) arbitrator, and as a Dispute Resolution Board member/chairman.

Robert is also a Recorder (a part-time judge) and a Bencher of Gray's Inn. He has a BSc (Engineering) and a PhD (King's College London) in engineering contracts, and is a Fellow of the Chartered Institute of Arbitrators. He is a former Senator of the Engineering Council.

Publications

- Engineers' Dispute Resolution Handbook – Editor: Robert Gaitskell QC, (Thomas Telford) September 2006.
- Legal Update columnist for Engineering Management Journal.
- Editorial team member for Construction Law Yearbook. Nos. 1-3.
- Publication on MF/1 model form: Power Engineering Journal Dec 2001.
- Publication on "Technological literacy in China: The international role of professional engineering institutions", Cambridge Review of International Affairs Vol XIV No.1, 2001.

- Publication on engineering and scientific forensic experts, Engineering Management Journal Jan 2000.
- Publication on legal and other implication of information technology, Engineering Management Journal Feb 2000.