

JOHN HUNTER

BSc FRICS MCI Arb MAPM

HUNTER CONSULTING

Suite 1
Kirk House
4 Kirk Road
Bearsden
GLASGOW
G61 3RG

TEL: 0141 942 8215

FAX: 0141 942 7387

DATE OF BIRTH: **24 February 1959**

PRESENT POSITION: **Principal, Hunter Consulting**

CONTRACT EXPERIENCE:

JCT80, JCT81, DOM 1 & 2, ICE 5TH & 6TH, NEC, MF1, G90, IChemE, FCEC
Numerous bespoke management and construction management contracts

DISPUTE RESOLUTION EXPERIENCE:

Full-time Dispute Resolution Consultant in Building, Civil Engineering and General Engineering work since 1988

Practicing Arbitrator, Adjudicator, Mediator and Expert Witness

Appointed Adjudicator on over one hundred and eighty occasions;

Appointed Expert Witness on Quantum and Project Planning matters on seventy four occasions;

Appointed Arbitrator on twelve occasions;

Appointed Mediator on four occasions

Refer to attached sheet for recent dispute resolution work.

Current Chairman of the Chartered Institute of Arbitrators Scottish Branch

Member of the CI Arb Panel of Adjudicators since 2001

Member of the RICS in Scotland Panel of Adjudicators since 1998;

Member of the Scottish Building Panel of Adjudicators since 1999;

Member of the Panel of the Academy of Construction Adjudicators 1998 - 2006;

Involved full time since 1988 in the resolution of contractual disputes and the settlement of

multi-million pound claims in Arbitration and Litigation in Scotland and England; Adjudication experience in over 200 adjudications representing parties and acting as Adjudicator.

Currently named as Adjudicator in the contract for numerous major construction projects and framework agreements including the Edinburgh Tram Project and nationwide for National Health Service Projects in Scotland.

KEY AREAS OF EXPERTISE:

Dispute Resolution, Expert Witness Reports, Quantity Surveying, Project Management and Project Planning, forensic delay analysis and critical path programming on projects up to £160 million in the following areas of activity:

Building, Civil Engineering, Electrical and Mechanical Works, Process Plants, Marine Structures and Floating Vessels.

CAREER:

1995 - Principal, Hunter Consulting. Practising as Consultant, Expert Witness and Adjudicator on a wide range of Contractual and Project Management matters in the construction industry. Providing services in connection with Arbitration, Adjudication and Litigation in Scotland and England.

1988-95 **Consultant, Dispute Resolution Consultants and Project Managers,** Contractual Advice, Project Management Services and Dispute Resolution Services on Building, Civil Engineering, Marine and Petro-Chemical Work up to £50 million in value. Extensive experience of preparation, submission and negotiation on Contract Claims up to £7 million, together with hands on work to clients during construction contracts.

1986-88 **Commercial Manager, National Building/Civil Engineering Contractor,** Commercial Management of a range of building and civil engineering works to £18 million.

1982-88 **Senior Quantity Surveyor, Building/Civils Contractor,** Commercial and Contracts Management of Building and Civil Engineering Works.

1980-82 **Quantity Surveyor, Private Practice,** Building and Civil Engineering Works.

1978-80 **Assistant Quantity Surveyor, Local Authority.**

OFFICIAL POSITIONS HELD:

Chairman of the RICS in Scotland Dispute Resolution Professional Group;
Chairman of the Chartered Institute of Arbitrators (Scottish Branch);
Listed as a Panel Member for Scottish Building for Adjudication;
Listed as a Panel Member of the RICS in Scotland for Adjudication;
Listed as a Panel Member of the CI Arb for Adjudication
Registered Adjudicator with the CIC;
Panel member of the Panel of Professional Adjudicators;
Elected Member of the CI Arb Committee in Scotland.

OTHER ACTIVITIES:

Part-time Lecturer in Contract Administration and Law for SCOTVEC Evening Classes at Dundee College of Further Education 1986 – 1990.

Annual Guest Lecturer on Construction Disputes and Related Matters at the University of Abertay 1990 – 1994.

Member of the Society of Construction Law.

DETAILS OF DISPUTE RESOLUTION EXPERIENCE:

ADJUDICATION

I have been formally appointed on 141 occasions and have issued decisions on 132 occasions.

The appointments comprised 42 nominations from the RICS, 18 nominations from Scottish Building, 8 from the CI Arb and 8 nominations from the AICA and 17 from the PPA and other bodies. The remaining 48 nominations have been by agreement between the parties and coincidentally the agreed referrals have constituted the most substantial disputes upon which I have adjudicated.

Adjudications of note are as follows.

My first adjudication appointment under the Housing Grants Construction and Regeneration Act was on 17 September 1999 following a nomination by the RICS. The sum in dispute was £750,000.00 in variations and measurement matters associated with basement construction works for a substantial multi-storey retail development in the centre of Glasgow.

I then conducted two further adjudications on that particular project by agreement between the parties following the issue of my first decision.

ERDC Group -v- Skanska Construction Limited – This matter included a jurisdiction view reached by me which was referred to the Court of Session and in which Lady Patten upheld my view. This case was widely reported.

During the summer of 2003 by agreement I carried out an adjudication on a major PFI schools project comprising some 900 variations. This adjudication was conducted over a period from June to September and I accepted the appointment with the agreement of the parties on the understanding that the parties subscribed to my timetable.

I have also carried out a single party adjudication where the Respondent refused to become involved in the process.

I would say that some 50% of the adjudications have been on substantial sums in excess of £300,000.00 in dispute covering extensions of time, loss and expense claims and other matters.

In addition I have issued decisions where expert assistance has been required particularly with regard to the design of steel work incorporated into a building and the functional performance of a plant room. Both disputes arose principally out of a claim for damages requiring expert input in order to establish the rights and obligations of the parties in terms of the specification.

I believe that I am now being considered on a more regular basis for arbitration appointments following my performance in several substantial and complex adjudications.

ARBITRATION

I commenced work as a claims consultant in 1988 and was heavily involved at that time on a major arbitration on roadworks at Portobello Bypass advising the Contractor against a Local Authority.

I spent a further year on an arbitration in England arising out of the combined heat and power plant at Manchester airport and yet another year in detailed preparation on behalf of the Respondent in an arbitration on a five star hotel in Glasgow acting for the Employer.

In 2001 I acted as Advocate for a steelwork painting Contractor in an arbitration in front of Mr Chris Ford securing a successful outcome for my clients in which the arbitration was conducted using the ICE short form of procedure over a period of eight months.

I have conducted numerous minor arbitrations between Contractors and Sub Contractors upon which I have issued awards on matters of the valuation of final accounts.

In 2004 I was appointed by agreement between McGrigor Donald and MacRoberts to act as Arbiter in a matter of loss and expense and the matter settled following submission of a response to the Statement of Claim.

Since 2004 I have acted as Arbiter in a number of arbitrations averaging two appointments per annum.

EXPERT WITNESS

I have prepared reports on 74 occasions over the past 20 years on a mixture of delay and quantum matters and have appeared as an expert witness on quantum, project management and programming matters in Edinburgh Sheriff Court in which the Judge commended me for the presentation of the expert evidence.

I have appeared as an expert on delay and quantum matters in a number of arbitrations, adjudications and in the Court of Session and the Sheriff Court in Scotland.

Recent quantum reports include one on behalf of a Local Authority on the interpretation of a contractors submissions relating to a major flood prevention works and secondly on behalf of a construction company on the assessed value of ongoing projects prior to the sale of the company to a third party a matter which was then disputed and in which a court action was proceeding.

Recent delay reports include major roadworks, hospital projects and school new build projects.

I have gained extensive knowledge of delay analysis following my work as a Project Manager from 1988 onwards, employing those skills for the successful project management of several large scale Civil Engineering works before concentrating upon forensic delay analysis.

MEDIATION

I am a Core accredited Mediator.

My experience in mediation in a formal respect has been in representing the parties and advising them during the course of several mediations. In particular I have been involved in three mediations, all in England, which have resolved disputes within one day.

As mediator I have recently become involved in an area of commercial mediation which I see as a potential for future development. It was agreed between a major construction organisation and a multinational mechanical and electrical engineering contractor to involve me in the process of mediating a solution to a final account on a PFI hospital in England. My remit was to investigate and understand the respective positions of each party and to prepare reports upon which the parties could then discuss common ground thus narrowing the issues between them with the benefit of my expertise in forensic analysis based upon the project records.

As a result a sum in dispute of some £6 million was settled between the parties over a period of 3 months.

I am now carrying out a similar process for the same parties on a major shopping development in Manchester in which the Contractor is involved in court action but wishes to dispose of his liabilities to the Sub Contractor through negotiation.

FORMAL LEGAL EDUCATION

Scots Law Module of BSc degree course at Dundee Institute of Technology in Conjunction with Dundee University School of Law.

Topics studied to degree standard over a four year course.

Constitutional Law

The Law of Contract

The Law of Delict

The Law of Partnership

Construction Law

The Law of Arbitration in Scotland

I was fortunate enough to attend the first degree course in quantity surveying at Dundee Institute of Technology. This course was developed from the older style diploma course and as this was the first year in which the course was run and the college did not have law modules of a sufficient standard the legal part of the course in the above subjects was provided by the law department of Dundee University. I understand that this resulted in a more comprehensive legal training than would otherwise have been available on such a course. Upon gaining my degree I developed this element of study particularly in relation to the Law of Contract, Delict, Construction Law and Arbitration to the point where I lectured in these subjects at the University of Abertay as it then became and at Dundee College of Further Education.

MAJOR PROJECTS EXPERIENCE

1988 to 1995 Coulport Main Works Trident Missile Base

Faslane Submarine Base Ship Lift

Manchester Airport Terminal 2

Conwy Tunnel Project

Marine and Harbour Works in Cherbourg, Tees Dock, Dublin and Kenya

1995 to date **General Construction**

NEC Waferchip Plant, Livingston – Dispute Resolution Procedures on £110 million Plant

Hyundai Waferchip Plant – Dispute Resolution of Work Package Accounts following closure by Korean Employer at the height of the construction process in £120 million plant

Jubilee Line Extension – Dispute Resolution on behalf of M & E Sub Contractors

Dispute Resolution and Contracts Advisor to N G Bailey Major Projects Division for the last 13 years

Involved in Dispute Resolution procedure on 10 PFI Hospitals in England and Scotland

Edinburgh Royal Infirmary

Usher Hall refurbishment, Edinburgh

Baltic Quay Newcastle offices

Project Neptune Faslane refurbishment

Civils/Roadworks/NEC Contract

Edinburgh Airport refurbishment works

Liverpool local rail transit refurbishment

Swinstie water treatment works

Pipeline works, Winnington

Ford test laboratory, Dunton

Birmingham International Station access works

Arran Water Supply Scheme Phase 2

Perth flood prevention scheme

R8/2 Project Lynemouth smelter

R8/2 roadworks, Lynemouth

Asahi glass factory

Portobello Bypass

A84 Scotston to Candy

A9 Calvine

Edinburgh bypass

M6/M74 improvement works

RECENT ARBITRATION / ADJUDICATION/MEDIATION EXPERIENCE

Adjudicator £1.5 million Schools Project concluded November 2010

Adjudicator £1.0 million Housing Dispute concluded February 2010

Adjudicator £300K Sub Contract building project concluded December 2010

Adjudicator £1.2 million Building Defects concluded August 2010

Sole Arbiter £70K Sub Contract final account ongoing

Adjudicator £700K Variation Account concluded May 2010

Sole Arbiter: £1.6 million Building Construction dispute over multi service development including Flats and retail facilities. Commenced April 2008 concluded November 2009.

Sole Arbiter: £560k Civil Engineering dispute over concrete supply to bridge contract. Commenced January 2008 concluded September 2008

Adjudicator £500K Civil Engineering dispute over bridge structures on Tram Project concluded November 2009

Adjudicator £800K Civil Engineering dispute over bridge structures on Tram Project concluded May 2010

Adjudicator £1.9m Civil Engineering dispute over harbour wall collapse during construction operations concluded May 2009

Adjudicator £1.5m Schools Project variations loss and expense and extension of time concluded October 2009

Adjudicator £1.2m Schools project final account concluded August 2009

Adjudicator £600k housing project damages for non-completion concluded April 2009

Mediator £300k Building project final account concluded June 2009

JH/B369

PAGE 7

JH/B369