

Peter Aeberli

Year of Call: 1990

Email Address: peter.aeberli@3pb.co.uk

Secure Email: pda@aeberli.com

Telephone: 0207 3843505



Overview

Peter Aeberli is a Canadian citizen, resident in the United Kingdom. He is dually qualified as Architect and Barrister and is an experienced arbitrator, mediator and adjudicator. Apart from his work as counsel, the focus of his work is dispute resolution principally, but not solely, in the construction industry. He has handled two party and multi-party disputes with values up to £8 million.

He is available for and has received appointments as arbitrator, adjudicator and/or mediator by party agreement and from bodies such as the CI Arb (including NHBC), the CIOB, the Construction Confederation, AICA, the RIBA, the ICE, the ICC and the Law Society. He is listed as an adjudicator on high value and prestigious projects including the London 2012 Adjudication Panel and BAA Terminal 5. He is listed on numerous panels including the FIDIC President's list of dispute adjudicators, the ICC Canadian National Committee Panel of International Commercial Arbitrators, the ICDR (American Arbitration Association) panel of international arbitrators, the International Institute for Conflict Prevention & Resolution (USA) Roster of arbitrators and mediators and Engineers' Ireland panel of arbitrators.

Prior to reading law as a scholar at Hertford College, Oxford, Peter was a project architect with the Building Design Partnership, a large multi-disciplinary consultancy, and gained experience and understanding of the different skills, both professional and contracting, needed to realise complex construction projects, including hospitals, retail development and military installations. He has a good understanding of building technology being, for a number of years, a visiting lecturer in building construction at what is now Oxford Brooks University. He remains involved in the construction industry, having served on a number of client bodies, and has engaged builders on projects of his own from time to time. He was, for a number of years in the mid 1990s a Joint Secretary of the Joint Contracts Tribunal (JCT).

Academic qualifications

- MA (Edin)
- BA (Oxon)
- Dip Arch
- RIBA
- ARIAS
- FCI Arb

Professional qualifications & appointments

- Accredited Adjudicator
- Accredited Mediation Advocate
- Accredited Mediator
- Chartered Arbitrator

Professional bodies

Arbitrator member of the Society of Construction Arbitrators

Major Projects Adjudication Group

Swiss Arbitration Association.

ICC Commission on Arbitration

Crossrail Panel of Adjudicators.

Expertise

Construction and engineering

As counsel, Peter has been instructed to advise on and appear principally on construction and arbitration related matters in the Technology and Court Court (TCC) and the County Courts. He has appeared in the Court of Appeal (TWF Printers Ltd v. Interserve Project Services [2006] BLR 299). He has been instructed to draft contractual documentation including amendments to JCT contracts. He also advises and represents parties in arbitration, adjudication and mediation proceedings.

Overseas work has included advising parties in Latvia and in South Africa on contractual (FIDIC) and arbitration matters.

Articles

Peter's web site, www.aeberli.com, includes a number of papers on construction law, arbitration and adjudication. Published articles, many of which can be found re-printed on the site, include:

- 2007: What material can an adjudicator consider; Construction Law Journal
- 2005: Jurisdictional Disputes under the Arbitration Act 1996: A Procedural Route Map; Arbitration International
- 1993: Wharf Properties and Rolled-Up Claims; Construction Law Journal
- 1993: Abatements, Set-Offs and Counterclaims in Arbitration Proceedings; ADR Law Journal

Mediation

Appointment as arbitrator, adjudicator or mediator:

Peter has been appointed by party agreement and from numerous appointing bodies including the Chartered Institute of Arbitrators, the RIBA, the Law Society, the RICS, FIDIC and the ICC.

Disputes on which Peter has been appointed as arbitrator or adjudicator have involved:

- Legal issues.
- Development and partnering agreements.
- Technical issues, such as alleged paint, roofing, cladding, and structural defects.
- Environmental (including nuclear) issues.
- Professional negligence.
- Delay and programming issues and disruption and delay costs.
- Interim and final account valuation.
- Commercial agency agreements.
- International disputes, including ICC arbitration and FIDIC dispute board work.

Peter has mediated numerous construction and professional negligence disputes as well as disputes outside the construction sector, including in regard to wills, landlord and tenant, sale of goods, and passing off and is identified in the Bar Council list of mediators under the most experienced category.

Committee work

Peter has served on committees concerned with arbitration, mediation and adjudication. He was one of the drafters of the Construction Industry Model Arbitration Rules and was involved in consultations with the Government on the Scheme for Construction Contracts. He is a member of the ICC Commission Task Force on Reducing Time/Costs in complex arbitrations. He speaks on arbitration, international arbitration, and adjudication for organisations such as BPP Professional Education and the Chartered Institute of Arbitrators. He is a visiting senior lecturer at Kings College, London and course director for the dispute resolution module of the MSc in Construction Law and arbitration.