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PROF. BRANDON MALONE

Nationality: British
Languages: English

Prof. Brandon Malone is an experienced international arbitrator specialising in complex commercial disputes with an emphasis on the construction, engineering and energy sectors, and experience in crypto asset disputes. He also regularly sits as adjudicator, mediator and expert determiner.

Brandon has 30 years of experience as a dispute resolution lawyer and is qualified as an advocate in Scotland and as a barrister in England & Wales.

He is one of the most specialised and experienced construction and engineering arbitrators in Scotland. 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 conducted numerous arbitrations under a variety of rules including those of LCIA, AAA, CIArb and ICDR. He has recently been admitted to the FIDIC President's List of Approved Dispute Adjudicators and is able to accept complex high-value appointments as a dispute board member.

Brandon was the architect of the Scottish Arbitration Centre, having devised the structure of the Centre for the Scottish Government and implemented the proposals. He chaired the Centre's Board from its inception in 2011 until 2022. Brandon 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.

Sector Expertise

- Construction, Engineering & Infrastructure
- Technology & Telecommunications
- Mediation, Adjudication & Dispute Boards
- Commercial Dispute Resolution
- Energy, Oil & Gas
- Environment, Renewables & Climate Change

Construction, Engineering & Infrastructure

Brandon obtained a Master's degree in Construction Law in 1999 and has specialised in this field since then. He has worked for developers and major contractors in high-value disputes across a range of issues and is regularly appointed as an arbitrator and construction adjudicator in complex disputes.

Recent cases referred to Brandon for determination include large-scale commercial and residential development disputes, hospital PFI contracts, and a dispute arising out of the restoration of a city art gallery.

Commercial Dispute Resolution

Since qualifying in 1993, Brandon has dealt with a wide range of commercial disputes as arbitrator and counsel in a variety of fields.

He has dealt with sports cases, including acting for Edinburgh Rugby in its high-profile dispute with the Scottish Rugby Union, cases relating to the film and music industries, and various corporate, partnership, joint venture, international trade, and commercial property disputes.

Energy, Oil & Gas

Hailing from Aberdeen, the energy capital of Europe, and having spent his early career there, Brandon has worked on cases relating to various aspects of the industry in Europe and the Middle East. He is a co-director of the International Centre for Energy Arbitration ICEA, a joint project between the Scottish Arbitration Centre and the Centre for Energy Petroleum and Mineral Law and Policy at the University of Dundee (CEPMLP) and co-authored the ICEA report on dispute resolution in the energy sector.

Brandon is an Honorary Lecturer at CEPMLP. He is the director of the annual Energy Arbitration in the Middle East and Africa Conference. He is currently sitting as a presiding arbitrator on an African energy infrastructure dispute.

Environment, Renewables & Climate Change

Brandon has dealt with several disputes relating to renewable energy, including the construction and engineering aspects of wind turbines, and disputes relating to feed-in tariffs.

Experience

As Arbitrator & Counsel

- Appointed as Presiding Arbitrator in an African energy infrastructure dispute
- Appointed by SIAC as Sole Arbitrator in a cryptocurrency dispute
- 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 under the Housing Grants Construction and Regeneration Act 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 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
- Appointed by Law Society of Scotland on a multimillion pound professional negligence claim against an engineer
- Representing the liquidator of Tor Homes Limited in a £1million professional negligence claim against a quantity surveyor
- Representing Stewart Milne Group in £1m construction contract court claim for building defects in an office block
- Representing Stewart Milne Group in a £19m construction contract court claim arising out of a works at a Highland estate
- Representing Stewart Milne Group in a £400k construction contract court claim arising out of defects in an office block parking facility
- Representing Whyte & Mackay in a £30m professional negligence court claim for structural defects at a whisky bottling facility
- Representing a renewable energy company in a turbine performance litigation
- Representing a property developer in a £3m construction contract arbitration

Academic & Professional Qualifications

Career History

- Arbitrator and Barrister
- Director, Brandon Malone & Company, Edinburgh - 2014 to Present
- Senior Legal Consultant, HFI Consulting International, Dubai – 2019 to Present
- McClure Naismith LLP, Edinburgh, Glasgow, London, Partner, Head of Contentious Construction and Arbitration - 2011 to 2014
- Bell & Scott LLP, Edinburgh, Partner - 2001 to 2011

- Peterkins, Aberdeen, trainee, solicitor then Associate in litigation team dealing with commercial dispute resolution -1992 to 1997

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 & Gas Law Seminar, CEPMLP/CMS – 2014
- ICDR International Symposia in Advanced Case Management 2018

Professional Qualifications

- Solicitor (Scotland) – 1993
- Notary Public – 1994
- Extended Rights of Audience (Solicitor Advocate) (Civil) (Scotland) – 2002
- Fellow of 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
- Fellow of the Chartered Institute of Arbitrators
- 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 Evaluative Mediator (2020)
- Law Society of Scotland Certified Specialist in Cybersecurity (2021)
- Higher Court (Civil Advocacy) Qualification (England and Wales) (2021)
- Authorisation to Practice as a Barrister (2021)
- FIDIC Certified Adjudication (2021)

Professional Association & Recognitions

- International Centre for Dispute Resolution, New York (ICDR)
- Singapore International Arbitration Centre, Singapore (SIAC)
- Dubai International Arbitration Centre, Dubai (DIAC)
- Hong Kong International Arbitration Centre, Hong Kong (HKIAC)
- Saudi Centre 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)
- BVI International Arbitration Centre, British Virgin Islands (BVIIAC)
- International and Investment Disputes Panel of the Arbitration Centre at RSPP, The Russian Union of Industrialists and Entrepreneurs (Moscow)
- Dispute Board Member (FIDIC)

- Law Society of Scotland, Edinburgh
- Society of Solicitor Advocates
- Chartered Institute of Arbitrators (FCIArb)
- Society of Writers to the Signet
- International Bar Association (IBA)
- Royal Institution of Chartered Surveyors (FRICS)
- International Council for Commercial Arbitration (ICCA)
- London Court of International Arbitration (LCIA)
- Honourable Society of the Inner Temple
- Asian Institute of Alternative Dispute Resolution (FAiADR)
- Dispute Resolution Board Foundation
- Silicon Valley Arbitration & Mediation Center
- Thailand Arbitration Centre (THAC)
- UK Adjudicators
- Construction Industry Council

Publications, Articles & Thought Leadership

- “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) 5th 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, 5th 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
- Chapter on Smart Contracts and Blockchain in Online Dispute Resolution: Theory and Practice, (2nd ed.) edited by Daniel Rainey, Ethan Katsh, and Mohamed S. Abdel Wahab
- Does a Right to a Physical Hearing Exist in International Arbitration (Scotland Chapter) publication date May 24, 2021 ICCA Projects

Quotes

Recognised by Lexology – Thought Leaders Arbitration 2025

Recognised by Lexology – Thought Leaders Arbitration 2026

Chambers & Partners
“Clients consider him “a very knowledgeable individual with particular expertise in arbitration procedure.”

Who’s Who Legal – Arbitration 2022
"He is one of the best-known arbitration practitioners from Scotland"
"He is very well respected in the international market"

Best Lawyers – Arbitration & Mediation 2022

Best Lawyers – Construction Law 2022