

Shan M. Greer MSc, LLB (Hons), FCI Arb

Arbitrator, Mediator and Attorney at Law

PROFESSIONAL PROFILE

I am an arbitrator, mediator and lawyer associated with the law firm Floissac, Fleming & Associates in Saint Lucia. For more than nineteen (19) years, as Counsel, I have dealt with a wide range of disputes in banking and finance, construction and infrastructure, energy and intellectual property. I have represented Governments, Government ministries, state owned enterprises, investors in, lenders to, shareholders and joint venture participants in the construction and infrastructure, energy, banking and finance, hotel and property development, oil and gas, telecommunications, and water sectors.

In addition to acting as Counsel, I have also been regularly appointed as an arbitrator in *ad hoc* international and domestic arbitrations governed by the laws of civil and common law jurisdictions under various arbitration rules. I am currently named to the roster of commercial arbitrators with the British Virgin Islands International Arbitration Centre, Dispute Resolution Centre in Trinidad and Tobago, Dispute Resolution Association in St. Lucia and the Jamaica International Arbitration Centre. In addition, I have been nominated by Saint Lucia for inclusion in the CARICOM Secretariat's List of Arbitrators and Conciliators established pursuant to the Revised Treaty of Chaguaramas as well as appointed a director of the Arbitration and Mediation Court of the Caribbean.

I am passionate about education and training, particularly in the area of alternative dispute resolution. I am a Regional Pathway Leader for the Chartered Institute of Arbitrators as well as the Chair of its Caribbean Branch.

ARBITRATION EXPERIENCE

Arbitrator

Cases handled as an arbitrator include large disputes, as well as a wide variety of other matters of varying size, involving corporations, privately held companies, governmental entities and individuals. Most recent arbitrations include:

- Member of a three person panel in an international dispute over obligations arising under a construction agreement for a hotel development in the Caribbean.
- A sole arbitrator in a dispute over rights fees due under a wagering agreement as well as a claim for wrongful termination and unjust enrichment.
- A sole arbitrator in a domestic arbitration between a contractor and sub-contractor for repudiation of contract and claim for non-payment of sums due under the Contract under the UNCITRAL Rules.
- A sole arbitrator, appointed by the Dispute Resolution Centre in Trinidad and Tobago, under the UNCITRAL Rules in a dispute between a local government entity and foreign construction company relating to the design and construction of a water recycling plant;
- An international arbitration relating to a loss and expense/defects liability claim for a commercial construction project governed by the FIDIC Red Book standard form of contract;
- An international arbitration between an insurance company and lending institution with respect to the interpretation of terms relating to liability under an insurance policy;
- Secretary to an Arbitral Tribunal in a dispute between parties to a JV agreement for the construction of a multi story commercial property development in Wales;
- A domestic Ad hoc arbitration concerning a claim brought by a property development company against a statutory body for damages caused by construction works;
- Under the UNCITRAL rules, a domestic arbitration involving a claim by a Chief Executive Officer against a statutory body for wrongful termination;

- A domestic arbitration under the DRA Fast Track Rules (St. Lucia) between a statutory body and property owner in relation to the compulsory acquisition of the property. Delivered a preliminary determination on the interpretation of various provisions under the Land Acquisition Act of St. Lucia;
- An Ad hoc domestic arbitration under a commercial insurance policy for loss of property due to fire;
- Various statutory arbitrations relating to damages claimed against a public utility company by various private individuals and commercial entities.

Counsel

More than 19 years experience acting as Counsel in numerous ad hoc, institutional, domestic and international arbitrations. Most notable arbitrations include:

- An international arbitration involving a Caribbean government entity and an Italian construction company under the Procedural Rules on Conciliation and Arbitration of Contracts financed by the European Development Fund in an extension of time and loss of expense claim valued at approximately €5 Million;
- Several domestic and international arbitrations representing a Caribbean construction company on multiple multi million dollar commercial and infrastructure projects;
- A multi-million dollar international arbitration relating to a loss and expense/extension of time claim on a shopping mall project in the Caribbean as Counsel for the contractor;
- A domestic arbitration against a hotel developer for works carried out under a cost plus building contract in the Caribbean under the UNCITRAL Rules;
- A wrongful termination as well as loss and expense claim by a contractor against a University in Trinidad under the FIDIC Red Book standard form of contract, as Counsel for the University;
- Two related international arbitrations with respect to the construction of a landfill/recycling project in the Caribbean. The arbitrations consisted of multimillion-dollar disputes between JV partner contractors, an international funder and employer under the FIDIC Red Book standard form of contract for claims involving unforeseen ground conditions, defective design/construction works, loss and expense as well as extensions of time;
- An international arbitration representing a Miami firm of architects against a British property developer in a claim relating to a project for the construction of a 5 star hotel development under the UNCITRAL Rules;
- Two related arbitration claims by a water company against a firm of engineers for professional negligence on contracts based on the NEC standard form of contract.

ADJUDICATION AND MEDIATION EXPERIENCE

- Acting as Adjudicator in an adjudication between a statutory body and contractor in a claim for sums due under a contract for the reconstruction and repair of a container park in a seaport;
- Acting as Counsel in an adjudication by a contractor in a claim for the cost of variations and wrongful deduction of liquidated damages for a Scottish rail franchisee under the ICE standard form of contract;
- Acting as Counsel in an adjudication representing a developer in a claim for defective works against a contractor under a wind turbine supply agreement in England;
- Appointment to a Dispute Adjudication Board for a multimillion-dollar hospital project for architectural works and remediation of the mechanical, electrical and plumbing installations in the British Virgin Islands;
- Acting as Counsel in a mediation involving a US\$1.4 Million dollar dispute under a sub-contract for the dredging of a Marina;
- Mediator in a dispute under the FIDIC Red Book Standard Form between a contractor and property developer for variations and Extensions of time on a project for the construction of a multi-million dollar hotel development in the British Virgin Islands;
- Mediator in a class action suit by the members of a homeowner association against a property developer for defective works in the construction of multiple middle income residential homes.

GENERAL COMMERCIAL AND LITIGATION EXPERIENCE

- Drafting and advising on several commercial contracts for hotels, property developers, banks and

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construction companies, including security documents, purchase agreements, time-share agreements, rental pool agreements, JCT, FIDIC, NEC and other construction contracts.

- Drafting commercial contracts including building contracts, consultant appointments, security documents, lease agreements, joint venture agreements and employment contracts.
- Preparing, managing, and organising case files from inception up to and including trial. Responsibilities include taking instructions, drafting all pleadings, witness statements, skeleton arguments and submissions and complying with various provisions of the CPR in preparation for trial including attending all case management conferences, Chamber matters and pre-trial review hearings;
- Advising on a range of company matters as well as incorporating and preparing company documents for several commercial organisations;
- Presiding over and executing several deeds for the transfer and mortgage of lands;

PROFESSIONAL HISTORY

- Consultant, Floissac Fleming & Associates, St. Lucia (2014 - to date)
- Attorney at Law, Arbitrator & Mediator, Greer & Associates, St. Lucia (2010 to 2013)
- Solicitor, Burges Salmon LLP, Bristol, England (2007-2009)
- Barrister, Floissac Fleming & Associates, St. Lucia (2000- 2005)

EDUCATION

- CIPD Level 5 Diploma in Learning and Development, CIPD (2017 – to date)
- Dealing with Difficult People Course, Stitt Feld Handy (2014)
- Advanced Dispute Resolution Course, Stitt Feld Handy (2012)
- MSc Construction Law and Dispute Resolution (Merit), Kings College, London (2006)
- Bar Vocational Course, Inns of Court School of Law, London (2000)
- LLB Degree (Upper Second Class Honours), University of London, London (1999)

BAR AND LAW SOCIETY ADMISSIONS

- Called to the Bar of Belize (2017)
- Called to the Bar of Saint Vincent (2013)
- Admitted as a Solicitor in England and Wales (2008)
- Called to the Bar of Saint Lucia (2000)
- Called to the Bar of England and Wales (2000)

PROFESSIONAL AFFILIATIONS

- Fellow of the Chartered Institute of Arbitrators
- Chair of the Caribbean Branch of the Chartered Institute of Arbitrators
- President of the Dispute Resolution Association in St. Lucia
- Member of Arbitral Women
- Member of the Kings College Construction Law Association

CONFERENCES AND PRESENTATIONS

- Moderator, AfAA Conference, “The Coming of Age of International Arbitration in Africa”, Rwanda, Africa (April 2019)
- Panellist, AtlAs Conference, “Skills and Cultures: The Road Ahead for International Arbitration”, Atlanta, United States (November 2018)
- Organiser and Speaker, CIArb Caribbean Branch International Arbitration Conference, “ICSID and ICC Arbitrations in the Commonwealth Caribbean”, Guyana (April 2018)
- Panellist, 2008 Ilaw 2018, “The ISL Global Forum on International Law”, Miami, USA (February 2018)

- Panellist, ICC International Arbitration Conference, “Boosting the use of Arbitration in the Caribbean”, Jamaica (August 2017)
- Panellist, BVIIAC International Arbitration Conference, “Raising Our Gaze: Arbitration the Next Horizon” British Virgin Island (May 2017)
- Panellist, MICAM International Arbitration Conference, “Arbitration Capacity Building”, Jamaica (November 2016)
- Panellist, Caribbean Central America Action, “Opportunities and Solutions for the 21st Century”, Miami, USA (November 2016)
- Panellist, Associate of Caribbean Corporate Counsel, “International Arbitration in and for the Caribbean”, Jamaica (September 2015)
- Organiser and Presenter, CIArb Caribbean Branch Centenary Conference, “The Role of Arbitration in promoting Regional Integration and Economic Development”, Jamaica (July 2015)
- Panellist and Moderator, Improved Access to Justice in the Caribbean, “A Model Arbitration Law for CARICOM), Trinidad (March 2015)
- Panellist and Moderator, OAS High Level Meeting on the Role of the Judiciary in International Commercial Arbitration, Saint Lucia (October 2014)
- Presenter, Dispute Resolution Association, “Making ADR Work”, St. Lucia (July 2014)
- Panellist, Houston Bar Association, International Law Section, “International Arbitration from an Arbitrator’s Perspective”, Texas, United States (March 2014)
- Panellist, 2nd Annual Arbitration & Investment Forum, “Mediation as a Compliment to Arbitration”, Bahamas (January 2014)
- Panellist, Institute of Surveyors (St. Lucia) Inc Conference, “Assessing the impact of property valuations and construction issues on the economy”, St. Lucia (November 2013)