

Keating Chambers
15 Essex Street
London
WC2R 3AA

T +44 (0)20 7544 2600
F +44 (0)20 7544 2700
keatingchambers.com

KEATING
CHAMBERS

DX: LDE 1045



JOHN MCMILLAN

Call: 2012

jmcmillan@keatingchambers.com

Areas of practice

- Commercial
- Construction & Engineering
- International Arbitration
- Energy & Natural Resources
- Infrastructure & Utilities
- PFI/PPP
- Professional Negligence
- Offshore Construction & Marine Engineering
- Procurement & Competition
- Property
- IT & Technology
- Mediation

Clerks Details

Declan Redmond
T: +44 (0)20 7544 2616
E: dredmond@keatingchambers.com

Will Shrubsall
T: +44 (0)20 7544 2712
E: wshrubsall@keatingchambers.com

Jade Clark
T: +44 (0)20 7544 2679
E: jclark@keatingchambers.com

Practice Overview

John McMillan specialises in commercial arbitration and litigation, with a focus on the construction, engineering, energy, and technology sectors.

He has particular expertise in international commercial arbitration. He has advised on or acted in arbitrations under the ICC, LCIA, SIAC, UNCITRAL, SCC, NAI and ICSID rules, involving common-law, civil-law and international-law issues. He has also acted as secretary to a tribunal chaired by Gary Born in a major engineering arbitration under the ICC rules. John frequently speaks and publishes on topics related to international arbitration, and was the assistant editor of the Journal of International Arbitration for several years.

John acts in construction and engineering disputes domestically and internationally. Recent work has included:

- acting as sole counsel in High Court litigation regarding the construction of an automotive manufacturing facility in East Asia;
- acting for the claimants in an ICC arbitration regarding the construction of an underground metro system;
- acting in a series of Dispute Board hearings regarding the construction of a power station in Africa; and
- acting in numerous domestic adjudications, including a series of adjudications relating to the redevelopment of an English railway station.

John also handles general commercial disputes, including recently:

- representing an oil company in a number of disputes arising from a JOA for an offshore oil concession;
- acting in multiple post-M&A disputes in East Asia; and
- advising a Hong Kong property development company on a complex, multi-jurisdictional loan transaction.

Having studied Chinese at Oxford University, John speaks and reads Chinese. He has acted in disputes for and against Chinese clients, in which he has been required to review Chinese-language documents.

His international work has included disputes in China, Hong Kong, Korea, Singapore, Germany, Ghana, Angola, South Africa, Uruguay, Brazil, Afghanistan, Iraq, Syria, India and Pakistan, among other jurisdictions.

Recent Cases

Construction & Engineering

Construction & Engineering disputes have always been central to John's practice. Recent highlights include:

- Representing the claimants in \$180m arbitration relating to the construction of an underground metro station.
- Representing the claimant in a series of high-value Dispute Board hearings relating to the construction of a power station in Africa.
- Acting as sole counsel in High Court litigation regarding the construction of an automotive manufacturing facility in East Asia.
- Representing a cladding subcontractor in relation to a series of adjudications regarding the redevelopment of a railway station.
- Representing a State in relation to a \$200 million dispute arising from the construction of a major road, involving several FIDIC Dispute Board proceedings and a SIAC arbitration.
- Representing South American clients in an \$85 million ICC arbitration relating to the construction of a biofuels facility in South America.
- Representing a European contractor in two ICC arbitrations (one against the employer and one against a subcontractor) relating to the construction of an industrial facility in South America.
- Acting as secretary to the tribunal in an ICC arbitration relating to disputes between a State and a European engineering company.
- Representing a global oilfield services company in an ICC arbitration relating to the drilling of oil wells in the Middle East.

John has experience of the FIDIC, NEC, JCT and LOGIC forms.

Energy & Natural Resources

John has wide experience of energy & natural resources disputes, especially in the oil and gas sector. Recent highlights include:

- Representing an oil and gas exploration company in a \$60 million ICC arbitration arising from a joint operating agreement for an offshore oil concession in West Africa.
- Representing a global oilfield services company in an ICC arbitration relating to the drilling of oil wells in the Middle East.
- Advising on enforcement of an arbitral award relating to a multi-billion dollar dispute arising from the development of gas fields in Northern Iraq.
- Advising on rights of pre-emption in a joint operating agreement.
- Representing South American clients in an ICC arbitration relating to the construction of a biofuels facility in South America.

International Arbitration

John has advised on or acted in arbitrations under the ICC, LCIA, SIAC, UNCITRAL, ICC, NAI and ICSID rules, involving common-law, civil-law and international-law issues. Recent highlights include:

- Representing a Chinese company in a \$1 billion ICC arbitration arising from purchase of a company in another East Asian jurisdiction.
- Representing a leading European manufacturing company in an ICC arbitration relating to disputes with a major Japanese manufacturer.
- Representing a financial institution in a \$200 million LCIA arbitration relating to the alleged negligent valuation of complex assets.
- Representing an American healthcare company in a \$150 million ICC arbitration relating to an agreement to develop a pharmaceutical facility in the Middle East .
- Acting as secretary to the tribunal in an ICC arbitration relating to disputes between a State and a European engineering company.

John has also advised on investor-State arbitrations, including:

- Advising on a jurisdictional dispute arising from an arbitration under the Energy Charter Treaty.
- Advising a State entity on its international-law obligations arising from an investor-State arbitral award.
- Advising on an ICSID arbitration claim.

Further examples of John's arbitration experience can be found under Construction & Engineering and Energy & Natural Resources.

Commercial

John has wide experience of commercial disputes and frequently advises on post-M&A, joint venture and sale of goods disputes. Recent highlights include:

- Advising a Hong Kong property development company on a complex, multi-jurisdictional loan transaction.
- Advising an American technology company in relation to a \$1 billion post-M&A dispute with a Chinese technology company.
- Advising an American food and beverage company in relation to a \$200 million post- M&A dispute with Chinese investors.
- Advising a European aviation company on disputes arising from an engine maintenance contract.
- Advising an American pharmaceutical company on a patent licensing dispute with a British company.
- Advising a joint venture in West Africa on a sale of goods dispute with a vendor.

Further examples of John experience of commercial disputes can be found under Construction & Engineering, Energy & Natural Resources, and International Arbitration.

Professional Negligence

John also has experience of professional negligence disputes. He has acted in:

- High Court litigation regarding the hydraulic modelling for river diversion works
- an ICC arbitration relating to the design of a biofuels facility
- an LCIA arbitration relating to the valuation of complex assets.

Education & Professional Career

Keating Chambers	February 2020
WilmerHale, London (Counsel)	Jan - Feb 2020
WilmerHale, London (Senior Associate)	2017 - 2019
WilmerHale, London (Associate)	2014 - 2016
Bar Professional Training Course, City University, London (Outstanding)	2012

Graduate Diploma in Law, City University, London (Distinction)

BA Chinese, Wadham College, University of Oxford (First)

2004 – 2008

Publications & Papers

- 'Private International Law' in P. Butler ed., *International Commercial Contracts: Law & Practice* (OUP, forthcoming)
- Assistant Editor, *Journal of International Arbitration* (2017-2021)
- Taught cross-examination class at Africa Arbitration Academy (London, June 2019)
- Spoke about working with expert witnesses at seminar organised by Delos and Grant Thornton as part of London International Disputes Week (London, May 2019)
- Co-author of the England & Wales chapter, *International Comparative Legal Guide to International Arbitration* (Global Legal Group, 2016-2019)
- Taught class on cross-examination as part of the L.L.M. in International Business Law at the Université Libre de Bruxelles (Brussels, December 2018)
- Spoke about the ethics of arbitrators marketing themselves at Cambridge Arbitration Day (Cambridge, March 2018)
- Taught class on arbitral awards as part of the LSE Law Society's International Arbitration Academy (London, March 2018)
- 'The Evaluation of Witness Evidence in Time-Limited Arbitral Proceedings: The Chess-Clock and the Rule in *Browne v. Dunn*' in *Young Arbitration Review* (No. 24, January 2017)

Awards

- City University: Oxford University Press Prize for Advocacy and Procedure (2012)
- Lincoln's Inn: Megarry Scholarship (2012), Denning Scholarship (2011), Hardwicke Entrance Award (2010), Haldane Scholarship (2010)
- Oxford University: Gibbs Prize for Oriental Studies (2006)
- Wadham College, Oxford: prize for examination results (2008), scholarship (2005, 2006)

Languages

Chinese (Mandarin)