



Jeremy Farr

Practice Area Leader - Energy, Infrastructure, and Resources

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OVERVIEW

Jeremy Farr is a partner in the oil, gas and resources practice group of the firm's London office. He is an energy and EPC lawyer focused on dispute resolution, project advisory and contract formation with a particular focus on upstream oil and gas projects and services, shipbuilding and related maritime issues. He has almost 35 years' experience of working with clients in the oil and gas and maritime sector to help them identify and minimise risk in their contracts during negotiations, to provide support to project teams with a view to dispute avoidance or early resolution, to protect their interests when there are health and safety or other incidents and to resolve those disputes which cannot be dealt with in the ordinary course of performance of the contract, through negotiation, mediation or formal international arbitration or court process. In more recent years he has brought his offshore oil and gas and maritime experience to bear as project counsel on behalf of clients developing offshore wind.

Jeremy has conducted, managed or advised upon dispute resolution under both civil and common law and in many jurisdictions including England, USA, China, Africa, Latin America, Singapore, Korea, Former Soviet Union/Eastern Europe and Australia. He is an experienced arbitration practitioner under ICC, LCIA, LMAA and other Rules as well as ad hoc, and also has considerable experience of mediation. Notable industry sectors include EPC contracts for specialist offshore units such as drilling rigs, production platforms, cable-lay, pipe-lay and heavy lift vessels, floating production units, buoys and other offshore infrastructure, shipbuilding and superyacht; subsea installation, drilling and other services contracts, charters, operation and maintenance contracts and other ancillary contracts for floating production units; supply-chain; joint operating agreements, joint ventures, production sharing agreements; design and engineering contracts and disputes in the energy and industrial sectors; realtime strategic advice, assistance and investigation into onshore and offshore incidents including blow outs, pollution, health and safety, loss of life and injury, breakdown and physical damage, energy and marine insurance claims.

Jeremy is widely respected for his strategic insight, his ability to help clients to find commercial solutions to problems in accordance with their business objectives, and his dispute management.

Jeremy is a ranked lawyer in energy & natural resources: disputes lawyers – UK and Global - Chambers 2017-2020.

Sources say:

- *"He is an intelligent, insightful and commercial lawyer who understands client needs and provides clear, concise and pragmatic advice."* Chambers & Partners 2021
- *"He has a brilliant strategic mind, is great with clients and is a joy to work with."* Chambers & Partners 2020
- *"...an outstanding energy solicitor with an extremely wide knowledge of the market."* Chambers & Partners 2019 and 2020
- *"Jeremy Farr has the ideal blend of technical legal knowledge and a strong commercial, pragmatic approach"* Legal 500 2020 (International Arbitration)
- *".. He frequently acts on behalf of contractors and oil and gas majors in international arbitrations arising from contractual disputes. Sources say: "He's one of the safest pairs of hands in the business and has been running huge energy cases over the years with great skill"."* Chambers & Partners 2018
- *"Jeremy Farr is "an outstanding solicitor" according to commentators, who describe him as "an absolutely excellent strategic thinker, very practical. Client-focused and very intelligent." He is highly regarded for his expertise in energy disputes and regularly handles both arbitration and litigation."* Chambers & Partners 2017

Jeremy is often engaged by clients in the early stages of tenders, contract qualification and negotiation across the full spectrum of offshore services, shipbuilding, EPC and general commercial agreements.

PROFESSIONAL BACKGROUND

Jeremy qualified as a lawyer in 1987 and remained at the same City of London headquartered international law firm until the end of 2017. He became a partner in 1994. He served as a member of the firm's board, as global head of energy and as managing partner for the energy group.

PROFESSIONAL / CIVIC ACTIVITIES

Jeremy serves as a trustee of Pimlico Opera, a charity which brings the benefits of music to disadvantaged primary schools and prisons.

SPEAKING ENGAGEMENTS

- "Adapting the IADC International Offshore Daywork Drilling Contract for use under English Law" 2006
- "Using the contract to contain risks" 2008
- "Risk and Liability in Offshore Contracts" 2010
- "How to get paid for extra work" 2010
- "Breaking the code: protecting your day rates (even in the event of breach)" 2010
- "Delay and Disruption" 2011
- "Can you exclude liability for negligence and wilful misconduct" 201

- “Extending time for performing a construction contract – a guide to the black art” 2011
- “Battle of the Forms” 2012
- “Deconstructing Indemnities” 2013
- “Termination of contracts for breach” 2014
- “Meeting in the Middle: Understanding the fault lines arising from the choice of contract form for offshore construction” 2015
- “Liability and Bad Behaviour – a refresher on contractual fault” 2016
- “Enforceable liquidated damages or unenforceable penalty” (co-presenter) 2016
- “Transocean v. Providence: The restoration of sanity to English Law” (co-presenter) 2016
- “Experiences of FPSO Construction/Conversion Disputes: Learning the Lessons to Protect Budgets” FPSO Europe Congress 2019

EDUCATION

- LSF, College of Law, Guildford, 1985
- B.Sc., University of Surrey, 1984

ADMISSIONS

- Foreign Legal Consultant, State of Texas, authorized to practice law in England and Wales
- Solicitor of the Senior Courts of England and Wales

THOUGHT LEADERSHIP POWERED BY HUB

- November 2020, Offshore Energy Webinar Series: Damages and the Impact of COVID-19 (*Webinar*)
- October 2020, Offshore Energy Webinar Series: "My Contract Has Been Terminated - Now What?" (*Webinar*)
- 15 September 2020, Trends in Upstream Oil and Gas Disputes (*Webinar*)
- 19-20 February 2019, Experiences of FPSO Construction/Conversion Disputes: Learning the Lessons to Protect Budgets (*Presentations*)
- 06 November 2018, Comparative Law Seminar (*Presentations*)
- 10 July 2018, Arbitration World 36th Edition - Documents and Data in Complex, Multi-issue Offshore Engineering and Construction Disputes – How to Get Ahead of the Game and Gain Strategic Advantage (*Podcast*)
- 29 May 2018, Making Sure Your Variations Stick (*Alerts/Updates*)

OTHER PUBLICATIONS

- Limitation of Liability for Maritime Claims 4th Edition, Griggs, Williams, Farr (Informa Law 2005)
- Contributor to Corporate Liability: Work Related Deaths and Criminal Prosecutions – Forlin (LexisNexis 2003)
- Contributor to Dispute Resolution in the Energy Sector: A Practitioner's Handbook – King (Globe Law and Business 2012)

NEWS & EVENTS

- 1 April 2021, K&L Gates Adds Second London Energy Partner Since Start of March (*Press Release, Practice & Regional News*)
- 1 March 2021, K&L Gates Welcomes London Energy Partner (*Press Release, Practice & Regional News*)
- 20 August 2020, U.S. Energy Storage Association Recognizes K&L Gates with Brad Roberts Outstanding Industry Achievement Award (*Rankings & Recognitions*)
- 10 July 2020, K&L Gates Energy, Infrastructure and Resources Practice Ranked by The Legal 500 United States 2020 Guide in Eight Categories with 28 Lawyers Recommended (*Rankings & Recognitions*)
- 3 January 2018, K&L Gates Hires Three-Partner Energy Disputes Team in London (*Press Release*)

AREAS OF FOCUS

- Oil and Gas
- Complex Commercial Litigation and Disputes
- Construction and Infrastructure
- E-Discovery Analysis and Technology (e-DAT)
- Insurance Recovery and Counseling
- International Arbitration
- Maritime
- Power
- Renewables

INDUSTRIES

- Energy
- Energy Disputes

EMERGING ISSUES

- Sustainable Economy

REPRESENTATIVE EXPERIENCE

- LCIA arbitration London: dispute concerning termination of shipbuilding contract for a state of the art heavy lift and pipe lay vessel being built in China due to breaches with regard to design and delay. Settled in client's favour just ahead of hearing.
- Multiple retainers on the full range of maritime issues including shipbuilding, salvage, charterparty and cargo issues and marine and war risk insurance issues.
- Overseeing corporate, financial and restructuring transactions as client relationship partner.
- Multiple retainers in relation to offshore incidents, actual or potential off-hire events, and force majeure events, providing strategic and legal advice and generally assisting the client to safely navigate the issues.
- Legal and strategic advice on compliance issues, including consequences thereof.
- Multiple retainers in relation to health and safety incidents in a variety of jurisdictions including supervising local attorneys.
- Multiple retainers to give behind the scenes strategic and legal advice under EPC, FPSO, drilling and other services contracts.
- Insolvency – over-seeing administration and insolvency proceedings for principal creditors.
- Offshore wind - retained on behalf of contractors and developers for shallow and deepwater wind projects in the UK North Sea and offshore USA.
- Nigeria: representing drilling contractor as principal creditor of oil company in insolvency proceedings.
- Nigeria: representing drilling contractor in Nigerian Court proceedings concerning non-payments of sums due to contractor (settled in client's favour).
- English High Court (Comm) proceedings concerning the performance of a drilling rig – for JOA participants (settled).
- Western Australia Federal Court litigation concerning operator non-performance of a drilling contract – for the drilling contractor (settled in client's favour following mediation).
- ICC arbitration in Australia concerning performance issues related to well product (for an FPSO owner/operator – settled at hearing; client made recovery).
- English High Court (Comm) and Court of Appeal: represented successful drilling contractor in dispute with oil company concerning termination of contract for alleged breach and the meaning and effect of the consequential loss exclusion (reported at Transoc

- Singapore Court: drilling contract termination dispute (for contractor – settled due to impecunious oil company).
- LCIA arbitration in London concerning well control issues and non-payments (settled in client's favour).
- Advice on the application of English law to US Gulf of Mexico drilling contracts.
- Advising ad hoc industry working group in US looking into alternatives to the contractual indemnity regime for major pollution incidents post-Macondo.
- English High Court (Comm): claim by FPSO owner against insurers arising from damage to FPSO subsea umbilicals (settled in FPSO owner client's favour).
- English High Court (TCC): Offshore construction dispute between an offshore fabricator in a dispute with its sub-contractor in relation to scope of work, variations, defects and delay (reported at Bluewater Energy Services BV v. Mercon Steel Structures BV
- English High Court (Comm): dispute concerning final account for an EPC contract for an FPSO - settled on eve of trial in client's favour.
- English High Court (Comm): acted for oil company against insurers seeking recovery following a blow out in Uzbekistan (policy subject to Uzbek law) – settled on eve of trial in client's favour.
- ICC arbitration in Paris, France concerning IP issues (for a defence contractor - won).
- English High Court (Comm): Shipbuilding dispute concerning delay and repudiatory breach (reported at Adyard Abu Dhabi v. SD Marine Services [2011] EWHC 848 (Comm)) – represented SDMS, the successful party.
- LCIA arbitration in London acting for EPC contractor in dispute with its topsides sub-contractor concerning an FPSO (settled after multiple hearings over several years in client's favour).
- Advising designers/builders of swivel turret for an FPSO in relation to liabilities due to failure in operation of winch supplied by their subcontractor
- Supporting owners of two offshore drilling rigs undergoing refurbishment and preparatory works for contract with Middle eastern entity
- Advice on termination rights under an on-shore drilling contract for non-payment
- Advising owners of brewery in Georgia (former Soviet Union) on shareholder agreement
- Advising owners of brewery in Georgia (former Soviet Union) on sale of part of their interests to Dutch buyers
- Advising offshore drilling contractor on regulatory requirements offshore Japan
- Representing the owner of a fishing vessel suspected of pollution infringements
- Representing deepwater fishing vessel owners in relation to insurance issues
- Project counsel for a potential FPSO project offshore South America

- Advising on consequential loss provisions
- Advising on terms of major change order for remedial works on a swivel turret on an FPSO operating off Africa
- M&A transaction to acquire company
- Advice on GDPR requirements and processes for oil field services company
- Advice on signature requirements for contract formation under English law
- Advice on contractual terms for offshore oil field services
- Advice on contractual terms for EPC contract for offshore buoy
- Representing engineering subcontractor in London arbitration (ICC) against EPC contractor with regard to the design of the topsides of an offshore production platform, US Gulf of Mexico;
- Advising in relation to insurance issues following shipyard fire that destroyed three superyachts
- Drafting and advising on design and construction contracts for high performance, high specification superyachts of various sizes including advice on termination rights for non-performance by the designer and builder
- Preparing and advising upon agreement in relation to application of AI to drilling contracts
- Advice on Singapore employment laws and regulations
- Advice in relation to rights of termination and recovery of sums paid due to delayed/non-performance by builder; LMAA arbitration