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Muhammad El Gawhary is an American qualified construction arbitration and commercial disputes lawyer. He has experience in multimillion dollar construction arbitration disputes in Qatar.

Arabic English

Muhammad has advised and worked on significant arbitration cases conducted under the ICC, UNCITRAL, DIAC, HKIAC and LCIA Arbitration Rules and on several construction disputes brought before the Qatar International Center for Conciliation and Arbitration (QICCA).

He also has significant experience advising international and local clients in relation to local litigation proceedings in the local courts in Doha and Dubai, enabling him to develop a strong understanding of how local courts operate and function.

LANGUAGES SPOKEN

- Arabic
- English

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- Assisting and representing a Qatari-based construction company in an ICC arbitration conducted in Doha arising out of its multimillion-dollar claims against the employer on the project, which were based on excavation and transportation rates and assisted in securing a favorable multimillion dollar arbitration award on its behalf.
 - Assisting and representing a Qatari-based joint venture in respect of a complex construction dispute against its subcontractor in an ICC arbitration, including preparing the request for arbitration against the subcontractor, which requested an excess of USD 20 million, including costs of rectification, completion, materials, transportation, manpower and additional operational costs attributable to the subcontractor's delays and defects.
 - Assisting and advising a Qatari-based joint venture in the assessment and quantification of more than 50 separate construction claims it had against the employer, quantified at approximately QAR 1 billion, arising from a major construction project in Doha, which required a strong understanding and analysis of the contractual matrix and terms, the contractor's claims, the engineer's decisions, the project milestones and finding ways to challenge the engineer's decisions based on the contract, which exceeded 2,000 pages and required a comprehensive and in-depth understanding and analysis for purposes of assessing the claims and challenging the

engineer's decisions.

- Assisting and representing a claims consultant in respect of its claims for unpaid invoices against a joint venture in Doha, in an ICC arbitration conducted under the ICC Expedited Procedure Rules, including preparing all pleadings, exhibits, submissions and responses in the arbitration.
- Drafting numerous memoranda providing legal advice and analysis of various contractual disputes including a memorandum advising a contractor on its ability to exceed the 10% cap on liquidated damages against the subcontractor under Qatari law, and a memorandum advising a contractor on the legal right of its subcontractor's workers to claim payment of their salaries directly from the contractor under Qatari law.
- Commencing and defending against several multimillion dollar construction arbitration disputes conducted under various institutional rules including ICC, DIAC, ADCCAC, LCIA, HKIAC and QICCA, as well as UNCITRAL.
- Working on a significant arbitration conducted at the Hong Kong International Arbitration Centre (HKIAC) and assisted in securing a favorable arbitration award valued at more than USD 20 million. The dispute arose after a consultancy company assisted and enabled a major international pipeline producer to secure a substantial tender for a government-project in Bangladesh in exchange for a 3% success-fee payment, which the pipeline producer failed to pay to the consultant after securing the tender.
- Representing and defending a project developer based in Dubai against several multimillion dollar construction claims brought by the contractor in a major FIDIC construction dispute arbitrated at the Dubai International Arbitration Centre (DIAC), including drafting and responding to various pleadings, submissions and witness statements and analysing and scrutinising thousands of factual, contractual and technical documents to show the contractor's substantial defects and delays on the project.
- Representing multiple state-governments in several complex multimillion dollar investor-state arbitration disputes brought by foreign investors pursuant to bilateral investment treaties, which were arbitrated at the International Centre for Settlement of Investment Disputes (ICSID) in Washington, D.C., including providing legal, factual and contractual analysis of evidentiary documents, assisting with drafting defence pleadings and assisting with procuring the dismissal of cases based on jurisdictional and substantive grounds.
- Working on several local commercial litigation cases conducted in the local courts, both in the UAE and Qatar, developing a strong understanding of local court practice and procedure, local laws and customs and how local courts operate and function, including working with several court-appointed-experts to explain the favorable aspects of the dispute and to procure favorable expert reports, on which local court judgments are often based.

CREDENTIALS

Education

- The State University of New York at Buffalo Law School, LLM, Master of Laws, 2010
- Vermont Law School, Juris Doctor, Doctor of Law, 2009
- American University in Cairo, 2005

Memberships

- District of Columbia Bar Association, 2013
- Southern District of New York, 2013
- New York State Bar Association, 2010
- New Jersey State Bar Association, 2009

INSIGHTS

Publications

Qatar's New Mediation Law: Scope, Summary and Advantages

15 December 2021

This article discusses Qatar's new Mediation Law. Qatar Law No. 20/2021 on the Issuance of the Law on Mediation in the Settlement of Civil and Commercial Disputes (the Mediation Law) was issued on 4 November 2021. We set out below the scope, a summary and the notable advantages of Qatar's new Mediation Law.

Recoverability of damages under Qatari Law

31 August 2020

This article discusses the recoverability of damages under Qatari law. In doing so, it covers general principles of contract law and damages, including what damages can be recovered and what damages can and cannot be limited contractually.

Events

- Caps on liquidated damages under Qatari law, presented in 2020