

PROFILE



Managing Partner

Head, Infrastructure & Projects
Head, Engineering & Construction
Dispute Resolution
Arbitration & Mediation

Shearn Delamore & Co., Kuala Lumpur, Malaysia

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Qualifications

LL.B (Hons), University of West London (formerly known as Ealing College of Higher Education)
Barrister-at-Law, Middle Temple
Advocate & Solicitor, High Court of Malaya

Languages

English, Malay

RODNEY GOMEZ

ABOUT RODNEY

Rodney has significant experience of 30 years at the Malaysian Bar being involved in matters relating to arbitration, adjudication, conciliation, mediation, and litigation matters involving construction contracts, consultancy agreements, engineering contracts, infrastructure projects, procurement contracts, and project management and implementation. He is presently the head of the firm's Infrastructure & Projects practice group as well as the Engineering & Construction practice group.

Rodney also has a wealth of experience in planning and development as well as the management of public-private partnerships, private finance initiatives and other related issues that arise in the area of infrastructure and construction related projects.

Rodney appears frequently as an Arbitrator in construction and engineering disputes, and as Counsel in all levels of the Malaysian Courts. He has also appeared in international arbitration proceedings, international adjudication proceedings as well as several mediation proceedings. With the introduction of the Construction Industry Payment and Adjudication Act, 2012, he also now acts as Adjudicator and as Counsel in adjudication proceedings.

In addition to the above, Rodney has also regularly assisted clients in drafting construction and engineering contracts and has provided advice on project implementation of numerous building and engineering contracts in areas such as light rail transport, facility for biodiesel plants, power plant facilities, residential housing, telecommunication towers, etc.

EXPERIENCE

Rodney has handled many high profile matters for local and international clients in arbitration and Court related matters, a few significant matters are set out below:

Litigation and Arbitration

- **Terengganu Forest Products Sdn Bhd v Cosco Container Lines Co Ltd & Anor and other applications [2011] 1 MLJ 25**

Appeared as Counsel in the Federal Court in the landmark decision setting out the principles applicable to an application for leave to appeal to the Federal Court.

- **The MRT2 Project**

Acted as Counsel for this matter in both the arbitration and court proceedings, involving a dispute relating to a sub-contract entered into for the Systems Work Package SSP-SY-205 Engineering, Procurement, Construction, Testing & Commissioning of Power Supply and Distribution System (“**MRT2 Project**”). This case is important as it involves public interest works, namely the construction of the Mass Rapid Transit Line 2 (Sungai Buloh – Serdang – Putrajaya), which is a Federal Government initiative. Rodney has successfully defended the client in the arbitration proceedings against a claim made in the region of RM80 million.

- **Central Residence, mixed development project**

Acted as lead Counsel for Yuk Tung Construction Sdn Bhd in a dispute arising out of the Sub-Contract, amongst others, claiming for a sum of RM105,388,169.39 being alleged outstanding amounts due under the contract, variation works, damages arising out of wrongful termination, loss and expenses incurred. This matter is important as it concerns an area of law which have not been decided in Malaysia, mainly can a party, who had not applied for extension of time, argue that an imposition of liquidated damages by another party is wrong on the ground that there is purported concurrent delay.

- **Government of India**

Led a team that represented the Indian government in applications to set aside arbitration awards amounting to USD200 million.

Advisory

- **Prasarana Malaysia**

Advised Prasarana Malaysia on the template agreement supplemental agreements for its Light Rail Transit line extensions.

ACCOLADES

- **Asian-Mena Counsel (2020)**
External Counsel of the Year for Malaysia
- **Asialaw Leading Lawyers (2013 and 2016)**
“Leading Lawyer” in Dispute Resolution and Litigation

- Gomez in particular, has been described by a client as having “*extensive knowledge of the law and experience in arbitration.*” – Asialaw Profiles 2016
- **Asialaw Leading Lawyers (2017 - 2019)**
“Market Leading Lawyer” in Dispute Resolution and Litigation, Projects and Infrastructure
- **Asialaw Awards (2023)**
Winner for “Construction Lawyer of the Year”
- **Asialaw Leading Lawyers (2020 - 2023)**
“Distinguished Practitioner” in Construction

“*Delivers consistently good service, with depth of local knowledge. Friendly, responsive, enthusiastic and overall, just great to work with. Often goes above and beyond the call of duty.*” – Asialaw Profiles 2023
- **Asia Business Law Journal (2020 - 2022)**
one of Malaysia’s Top 100 Lawyers
- **Benchmark Litigation Asia-Pacific (2021 - 2023)**
“Litigation Star” in Construction

“*He is excellent at handling construction arbitrations and court matters.*” - Benchmark Litigation Asia-Pacific 2021
- **Chambers Asia-Pacific (2010 - 2013)**
“Band 2” Lawyer in Dispute Resolution: Construction
- **Chambers Asia-Pacific (2014 - 2021)**
“Band 3” Lawyer in Dispute Resolution: Construction
- **Chambers Asia-Pacific (2022-2024)**
“Band 2” Lawyer in Dispute Resolution: Construction

Clients admire him for his responsiveness, as well as his “*depth of knowledge and recall.*” - Chambers Asia-Pacific 2016

Rodney Gomez maintains a respected construction practice and is praised by clients as “*always hands-on and very practical.*” - Chambers Asia-Pacific 2017

Rodney Gomez focuses on construction, engineering, and infrastructure disputes, with market commentators attesting that he is “*someone people trust and a safe pair of hands.*” - Chambers Asia-Pacific 2019

A client reports: “*He is extremely dedicated to the case and is results-oriented,*” adding that he has both “*excellent attention to detail*” and “*time management skills, alongside a great ability to argue a case.*” - Chambers Asia-Pacific 2020

A client comments that he is “*very knowledgeable in commercial and contract-related subject matters.*” - Chambers Asia-Pacific 2022

A client notes that *"He is an excellent lawyer, who is very responsive, with a strong work ethic and a track record for delivering results and is a pleasure to work with. Rodney has delivered favourable results for us."* - Chambers Asia-Pacific 2023

- **Lexology Client Choice Awards (2022)**
Contributions Recognised in Construction

- **The Legal 500 Asia-Pacific (2019 - 2023)**
"Leading Individual" in Dispute Resolution

"Rodney Gomez and his team are very knowledgeable, efficient and hard-working team. They always provide appropriate solutions to problems with in-depth analysis of complex issues within the tight timelines of international arbitration." - The Legal 500 Asia-Pacific 2020

- **The Legal 500 Asia-Pacific (2023)**
"Leading Individual" in Real Estate and Construction

- *'Mr Rodney Gomez and his team are excellent in legal cases related to construction projects.'* - The Legal 500 Asia-Pacific 2023

- *'Mr Rodney has in-depth knowledge, great attention-to-detail, is very dedicated and has excellent command over cases related to construction projects. He is always approachable and very helpful.'* - The Legal 500 Asia-Pacific 2023

- **The Legal 500 Asia-Pacific (2012, 2015 – 2017, 2020 - 2022)**
"Recommended Lawyer" in Real Estate and Construction

- **The Legal 500 Asia-Pacific (2014, 2015, 2016, 2017 - 2022)**
"Recommended Lawyer" in Projects and Energy

- **International Law Office: Client Choice Awards (2018)**
recognized for Construction for Malaysia Jurisdiction

- **Expert Guides (2017 - 2020)**
"Leading Practitioner" in Construction

- **Who's Who Legal (2015 - 2018)**
an "Expert" in Construction

- **Who's Who Legal (2019 - 2023)**
"Global Leader" in Construction

- **Who's Who Legal (2021 - 2023)**
"National Leader (Southeast Asia)" in Construction

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, International Bar Association (IBA)

- Member, ASEAN Law Association of Malaysia
- Member, Society of Construction Law (Malaysia)
- Panel Member, the Arbitrators and Adjudicators at the Asian International Arbitration Centre (AIAC)
- Fellow, the Chartered Institute of Arbitrators (FCIArb), the Malaysian Institute of Arbitrators (FMIArb) and the Malaysian Society of Adjudicators (FMSAdj)

PUBLICATIONS

- Co-authored the Chapter on Law & Practice (Malaysia) in Chambers Global Practice Guide on International Arbitration (2019 – 2022)
- Chapter 7 of Commencement of Arbitration in the publication, Arbitration in Malaysia – A Practical Guide (2016)