

ThirtyNine
ESSEX STREET



A seminar by the Contributors to the Second Edition of
Construction Contracts, Law and Practice
By **Richard Wilmot-Smith QC**

Thursday 27th May 2010

Doug Wass, Solicitor, Partner, Macfarlanes:

Adjudication Update:

Is there a new spin on the “pay now, argue later” principle?

And

Karen Gough, FCI Arb., Chartered Arbitrator, Barrister:

Chartbrook v Persimmon Homes [2009] in context:

the availability of pre-contract negotiations as an aid
to the interpretation of a contract.

Thirty Nine Essex Street Chambers, 39 Essex Street, London
WC2R 3AT
6.00 pm

The seminar will be followed by refreshments.

To reserve a place please contact:

Hannah Farmborough

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Thirty Nine Essex Street is accredited by the Law Society and the Bar
Council to provide CPD accredited courses.
(Reference: BVG/TNES)

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**Contributors
to the book:**

Caroline Allen Caroline was called to the Bar in 2005 and is regularly instructed in insurance, sale of goods, misrepresentation and general contractual matters, providing advice and representation in fast-track and multi-track actions.

Jonathan Bellamy Jonathan has an established litigation, arbitration and advisory practice in general commercial law. His practice includes domestic, international work and arbitrations under the auspices of major institutions including ICC and LCIA.

Tony Blackler Tony has practiced construction law for over 30 years in a London law environment. During that time Tony headed up the Construction and Engineering Groups at solicitors Rowe & Maw and McFarlanes and has been involved in major construction projects representing clients from all sides of the construction industry. He has advised organisations as diverse as FIDIC, the CIC, and the RIBA. He was until recently a member of the New Engineering Contract Panel which brought the third edition of their contract to the market in 2005.

Jess Connors Jess has acted in a wide range of commercial, construction and insurance disputes, both as sole counsel, and as a junior in a large legal team. She has advised and appeared in complex and high value litigation in the Commercial Court, Mercantile Court and TCC.



**Charlie Cory
Wright QC**

Both as a senior junior and since he took silk in 2006, Charlie's practice has been largely in private law work, including construction and professional negligence claims. However he regularly also works in the public law field, primarily as a vetted special advocate in terrorist related proceedings.

**Andrew
Deakin**

Andrew has an expanding planning and environmental law practice. He advises and acts in all forms of planning and enforcement matters. Andrew also has broad common law experience including property damage and personal injury. He accepts instructions in commercial law, public law and costs matters.

**John Denis-
Smith**

Before returning to the Bar in September 2006, John spent 6 years as a litigator at Herbert Smith and Fenwick Elliott. John specialises in commercial and construction work, in particular energy sector arbitration, mediation, litigation and related professional negligence disputes for both domestic and international clients.

Karen Gough

Karen specialises in the fields of building and engineering contract disputes and related professional negligence claims whether in litigation, arbitration or adjudication. Her practice includes both domestic and international commercial arbitration and ADR proceedings.

Kate Grange

Kate specialises in commercial, construction, public and administrative law. She has been involved in a number of substantial and complex cases and the majority of her practice in the construction field has arisen out of large construction and engineering, commercial, insurance and professional negligence disputes.



Martin Hirst

Martin was called to the Bar in 1998 and qualified as a solicitor with DLA Piper LLP in 2003. Until recently he was in-house Counsel for Bovis Lend Lease and is now an Associate Director with Mott MacDonald Ltd dealing with construction, oil and gas projects in the Middle East. In 2009, in recognition of his legal work, Martin won The Lawyer's In House Lawyer of the Year Award and The Worshipful Company of Arbitrator's Prize.

Adrian Hughes QC

Adrian's practice tends to focus on complex commercial contract work. His main areas of expertise lie in the commercial, construction and information technology fields and includes insurance, energy, project finance, rail, shipping, international trade and professional negligence cases.

Simon Nurney

Simon qualified as a solicitor with Macfarlanes in 1992 and became a partner in 1999. Simon is head of the contentious construction and engineering group and specialises in domestic and international building and engineering disputes. He has been associated with many high profile cases and currently advises European Property and Land on aspects of the Paddington Basin Development.

Adam Robb

Adam's commercial and construction practice includes disputes arising out of corporate restructuring and merger and acquisition, insurance, professional negligence sale of goods and construction and the use of equity in commercial disputes. He has in depth knowledge of human rights jurisprudence and public law.



John Rushton

John was a Partner in the Construction and Engineering Group of Mayer Brown International LLP (once known as Rowe & Maw) from 1981 until 2009 and is now Arbitration and ADR Consultant of ICC UK, part of the International Chamber of Commerce. He has had many years' experience of all forms of alternative dispute resolution, having acted as an adjudicator and mediator and acted for parties in domestic and international arbitration. He is an Honorary Fellow of the Chartered Institution of Civil Engineering Surveyors, Fellow of the CI Arb. and a member of the SCA.

Marion Smith

Marion specialises in dispute resolution in the commercial arena. She is an advocate with experience at handling a broad range of contentious work, both litigation and arbitration, including complex multi-party disputes.

Douglas Wass

Doug qualified as a solicitor in 2000 and joined Macfarlanes in 2002, becoming a partner in 2008. Doug is a member of the contentious construction and engineering group and advises a wide range of clients including employers, contractors, and funds on a wide range of domestic and international commercial, construction and engineering disputes. He represents clients in litigation, arbitration, adjudication and ADR proceedings.

Ellen Wiles

Ellen practises across the range of chambers' specialisms. She focuses on public law and human rights, planning and environmental law, and commercial and construction law. She appears regularly for a variety of clients in court and undertakes pleadings and advisory work.



Sean Wilken

Appointed a QC in the current silk round. His practice focuses on large scale commercial litigation which is often complex, whether legally, technically or factually. He has a litigation and advisory practice spanning commercial law in the UK, EU and worldwide (with particular emphasis on the USA, Asia and the Middle East).

Claudia Wilmot-Smith

After obtaining a double first in Theology at Trinity College, Cambridge, Claudia completed the CPE at City Law School, and the BVC at ICSSL (marked Outstanding) with a Middle Temple Certificate of Honour. She was called to the Bar in 2008 and is a tenant at Quadrant Chambers, where she has a broad commercial practice.



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Construction law and practice affects stakeholders working across the international construction sector. Gain the necessary legal knowledge and commercial awareness to perform your current role more effectively, or make the career move into this field, with our LLM Construction Law and Practice degree. You will explore construction contracts and the law underpinning them, together with a wide range of standard form contracts to assess and manage risk. During your studies, you will also study the complex issues arising from the multiparty nature of the construction process and the particular challenges of international construction, together with the uncertainties that can arise from the passage of time and latent defects. Keywords construction management, contract drafting, law, procurement, risk apportionment. CONTRACT STRUCTURE OR MANAGEMENT PHILOSOPHY Construction management (CM) is a procurement system which differs significantly from general contracting. We were developing the new standard contract had identified a series of issues where more information about common practice would be helpful and where the reactions of experienced practitioners would help to inform the drafting process. Since some of the questions related to partially formed proposals of the working party, it is not appropriate to report the full list of questions here, or the full set of findings. FIDIC Contracts: Law and has been added to your Cart. Add gift options. Have one to sell? Ellis Baker is a partner at White & Case, and he is the Head of the Construction and Engineering Practice in the London office, has substantial experience of international construction and engineering work across a wide range of clients and jurisdictions. Ben Mellors is a Senior Associate, Construction & Engineering at Berwin Leighton Paisner LLP. He specialises in the management and resolution of domestic and international construction and engineering claims and disputes. View Construction contracts Research Papers on Academia.edu for free. The fundamental condition making possible the widespread practice of the institution of an opportunistic contract is the lack of efficiency of the judicial system and mechanisms in protection of the violated rights of economic agents. The manifestations of opportunistic behavior in terms of contract relationship may be implemented with the involvement of third parties depending on the will of the participants in civil-law relations and thus juridical facts actions (confusion of debts, impossibility of performance, physical person's death, liquidation of a legal entity). It is characteristic that according to Art. Construction contract types are usually defined by the way, the disbursement is going to be made and details other specific terms, like duration, quality, specifications, and several other items. These major contract types can have many variations and can be customized to meet the specific needs of the product or the project. Lump Sum or Fixed Price Contract Type. This type of contract involves a total fixed priced for all construction-related activities. Lump sum contracts can include incentives or benefits for early termination, or can also have penalties, called liquidated damages, for a la