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BIOGRAPHY

James is a construction and engineering disputes Partner with a formidable depth of experience advising on claims relating to major projects in the infrastructure and energy sectors. He has over 15 years' experience representing clients in a wide range of formal and alternative dispute resolution procedures, including through adjudication and the Technology & Construction Court in England and Wales, dispute avoidance and adjudication boards, international arbitration and mediation

James' practice incorporates a wealth of technical and sector-specific expertise advising on issues such as defects, delay, design liability, professional negligence, payment, insolvency and termination. He gets to grips with the granular detail of a dispute quickly, including complex matters relating to quantum and evaluating expert evidence to provide comprehensive and strategic

advice to his clients, who include owners, developers and contractors in substantial projects work throughout Europe, the CIS, the Middle East, and Southeast Asia.

He is recognised in Legal 500 Asia Pacific 2020 as “...*absolutely outstanding. A rare balance of intellect, commerciality, tact, energy and grasp of both the detail and the big picture. And to top it all off a thoroughly nice person...*”.

ADMISSIONS

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RAAC – What it is and what it means

As schools prepared to reopen this September after the summer break, hundreds were informed that, due to the use of Reinforced Autoclaved Aerated Concrete (RAAC) in their buildings (and its current state and condition), this would not be the case and they would need to remain closed or find alternative accommodation until remedial works could be undertaken. There are likely to be further closures in the future, as more schools are found to contain RAAC in need of urgent remedial works. It has recently become apparent that other buildings have been also affected by RAAC issues, for example court buildings and hospitals. This Insight takes a closer look at RAAC, why it has become an issue now and considers practical steps for those affected by RAAC.

Insights

May 17, 2023

The co-insurance defence: court of appeal confirms that underlying contract defines nature, scope and extent of co-insurance under project policy

The Court of Appeal has dismissed an appeal by FM Conway Ltd (“Conway”) against the judgment of Eyre J in the Technology & Construction Court about the nature, scope and effect of co-insurance in the context of a contractor’s liability for damage caused by defects on a construction project. My note of the TCC’s first instance decision from May 2022 provides a summary of the background to the case, including the works, defects, damage and losses claimed. In that note, I also summarised the TCC’s reasoning for dismissing Conway’s co-insurance defence, which the Court of Appeal has now roundly endorsed. It was my view then that the TCC’s judgment joined a growing line of important authorities on the relationship (and tension) between – on the one hand the allocation of risk between parties on a construction project – and on the other the scope and extent of insurance taken out in respect of such risks. Lord J...

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