



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ENERGY, NATURAL RESOURCES AND UTILITIES
IT AND TELECOMMUNICATIONS
GENERAL COMMERCIAL

Andrew Fenn

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PRACTICE

Andrew has been described as “*one of the most talked-about juniors in the country*” and “*expected to become a leading KC*” by Chambers UK Bar Guide. Recently shortlisted for International Arbitration Junior of the Year by Chambers and Partners, and ranked as a leading junior in International Arbitration by The Legal 500, he is described in that field as “*A fantastic writer and advocate, and a very effective cross-examiner*”. Identified by clients as “*very commercial and a good team player*”, Andrew specialises in all areas of Chambers’ work. He acts for contractors, private employers, professional advisors and insurers, who see him as “*easy to deal with and highly responsive*”.

Andrew has acted as sole and junior counsel on large litigations, international and domestic arbitrations, and in the Court of Appeal. His international arbitration experience is extensive, with instructions arising out of disputes in Oman, Egypt, Dubai, Doha, Qatar, Australia, Georgia, Japan, South Africa, Singapore, Russia and Gibraltar.

Andrew also appears regularly as sole counsel in court and adjudication hearings, assisting with drafting and providing tactical advice at every stage, including: pre-action protocol, pleadings, disclosure, witness statements and expert reports, negotiations, applications and hearings including summary judgment, security for costs, CMCs and trial.

“*He is tenacious and of enormous help on complicated fact-specific cases,*” says one source, while others describe him as a “*work-horse*”. Instructing solicitors appreciate his keenness to work with them as part of a team, and clients value his “*commercial awareness and well thought-out advice on complicated matters.*” In 2018 Andrew was identified as a standout member of the junior Bar and listed as a ‘rising star’ in Who’s Who Legal.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

"Andrew is accomplished well beyond his years and incredibly easy to deal with. He is a hugely compelling advocate and particularly good at grappling with complex delay and disruption claims."
Chambers & Partners 2020

"Loved by clients and commands absolute confidence in the quality of his written work and preparation of the case."
The Legal 500 2019

"Accomplished well beyond his years and incredibly easy to deal with." "Incredibly bright and very user-friendly."
Chambers & Partners 2018

Andrew has acted on a wide range of disputes in court proceedings and arbitration. Recent instructions include:

INTERNATIONAL ARBITRATION

- Acting for a joint venture main contractor in relation to the construction of the new Muscat International Airport (ICC Rules, Oman seat, Omani law). Responsibilities included cross-examination of factual witnesses and delay, technical and quantum experts over the course of numerous rounds of hearings in London and Oman.
- Sole counsel for a Japanese trading company in a termination dispute with a Singaporean metals supplier (ICC Rules, Tokyo Seat, English law).
- Junior counsel for a US contractor in relation to a dispute with a subcontractor about delays to an LNG project in Western Australia (UNCITRAL, London Seat, Australian law).
- Acting for the owner of a coal fired power plant in Indonesia. The dispute concerns responsibility for delays to the project in the period following the outbreak of the COVID-19 pandemic.
- Sole counsel for a Spanish contractor in relation to a dispute with an Omani employer in relation to a desalination plant project (DIFC-LCIA Rules, Oman Seat, Omani Law). The dispute centred around the termination of a contract for the operation of the plant. Andrew appeared at a two week hearing in Oman, cross examining factual witnesses, and technical and quantum experts.
- Sole counsel for a South African subcontractor in its claims for prolongation costs arising out of the construction of two power plants in South Africa. Andrew appeared at two DAB hearings and cross examined the main contractor's factual witnesses and delay expert.
- Junior counsel for a Turkish contractor in an arbitration (ICC Rules, Swiss Seat, English and Russian law) against a Russian property developer. The dispute centered on termination, involving issues of delay, defects, and the final account.
- Junior counsel for a Turkish contractor in a second arbitration (ICC Rules, UK seat, English law) in relation to a completed construction project in Moscow. Andrew's responsibilities were focused on the delay dispute: he drafted opening and closing submissions, and assisted with the preparation of witness statements and expert reports.

- Acting on behalf of a Chinese contractor in relation to a residential project in Dubai (DIAC Rules, UAE Law). The dispute centered on delays to the project and variations to the works.

DOMESTIC ARBITRATION

- Acting as junior counsel for a property developer in a multi-million pound tripartite arbitration against the contractor and project manager/quantity surveyor. The dispute with the contractor involved complex issues of delay, valuation and contractual interpretation. Andrew was involved in the case for over 15 months, drafting pleadings and witness statements, and advising on the parties' substantial disclosure.

UK LITIGATION

- Sole counsel for a contractor appointed under an NEC contract to construct a new warehouse in the UK. The dispute relates to defects in the warehouse floor, and the responsibility of the contractor's design subcontractors for the damage to the floor.
- Junior counsel in a two-week trial in the TCC, acting for a contractor in a dispute arising out of a 30-year PFI contract for the operation and maintenance of the M25. The dispute related to the proper interpretation of a provision of the contract providing for the payment of bonuses and deduction of penalties. Andrew cross examined two of the five witnesses at trial.
- Junior counsel in a five week trial in the TCC, acting for a Spanish contractor in a termination dispute with the Gibraltar Government in relation to the construction of a tunnel below the Gibraltar airport runway. The dispute involved determining responsibility for unforeseen soil and groundwater contamination under a FIDIC contract, and Andrew cross-examined a number of witnesses during trial.
- Sole counsel in a five day trial in London. Andrew successfully defended a claim against a domestic building contractor. The dispute involved issues of termination/ repudiatory breach, defective works, variations and under/overpayment.
- Andrew has attended numerous applications for security for costs, dealing with issues of the adequacy of ATE insurance, stifling, independence of Claims and Counterclaims, and foreign claimants.
- Numerous other interlocutory hearings include resisting an application to set aside default judgment, resisting an application for specific disclosure and successfully applying for summary judgment.

ADJUDICATION

- Drafting adjudication submissions in defending a claim from a contractor for extensions of time and LADs.
- Running an adjudication for a sub-contractor in a claim against a main contractor to recover payment.
- Drafting adjudication submissions in defending a claim from an architect for unpaid fees.

PROFESSIONAL NEGLIGENCE

- Junior counsel for Carillion (in liquidation) in its claim against KPMG for professional negligence arising from KPMG's audit of the Carillion Group financial statements in 2014 to 2016, in the lead up to the collapse of the Group.
 - Acting as junior counsel for a property developer in a multi-million pound tripartite dispute with the contractor and project manager/quantity surveyor. The dispute with the project manager/QS involved complex issues of negligent costing, project management, delay and the measure of loss. Andrew reviewed and advised on expert reports for QS, delay, project management, accounting and valuation issues. He was involved in the case for 15 months in the drafting of the pleadings and witness statements, and advising on the parties' substantial disclosure.
 - Appearing as junior counsel in the Court of Appeal in relation to a negligence claim against a solicitor.
 - Appearing for an architect in defending a claim for damages from a litigant in person homeowner in relation to allegedly defective drawings.
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ENERGY, NATURAL RESOURCES AND UTILITIES

Andrew's practice includes acting for parties concerning the development and exploitation of oil and gas, as well as the extraction and processing of other natural resources. Recent instructions include:

- Junior counsel for a Turkish contractor in relation to a dispute arising out of the termination of a BOO agreement for the construction and operation of a hydropower plant in Georgia.
 - Advising in relation to disputes arising out of the construction of a hydro-cracker plant complex in the Middle East.
 - Sole counsel in a dispute about the supply of equipment for a wood pellet manufacturing plant in Russia (LCIA Rules, London seat). Appeared before a three person arbitral tribunal in a preliminary issue trial in relation to the proper interpretation of a "Start-up" clause in the contract.
 - Junior counsel for a Spanish contractor in relation to a dispute with a Lebanese sub-contractor arising out of delays to the construction of a power plant in Qatar (ICC Rules, Paris Seat).
 - Junior counsel for a Singaporean shipyard in a dispute (SCMA Rules, Singapore) relating to the refurbishment of a semi-submersible oil rig.
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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Drafting pleadings and attending mediation on behalf of a Pakistani telecommunications operator in a dispute against a Korean equipment supplier. In interlocutory matters, Andrew successfully argued that the ICC had no jurisdiction to hear the dispute.

GENERAL COMMERCIAL

BANKING

- Drafted pleadings and advised in relation to a claim against a large international bank for breach of mandate.

INSURANCE

- Appeared as sole counsel at trial for a commercial landlord's agent in resisting a claim for damages in respect of an alleged failure to process a tenant's insurance claim.

INTERNATIONAL TRADE/ SHIPPING

- During a placement at a firm in Hong Kong, Andrew drafted advices, pleadings and mediation position statements in relation to international shipping disputes.
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NOTABLE CASES

GREP London Portfolio II Trustee 3 Ltd & Anor v BLFB Ltd & Anor [2021] EWHC 1850 (TCC)

Solutions 4 North Tyneside Limited v Galliford Try Building 2014 Limited [2022] EWHC 2372 (TCC)

Carillion Plc v KPMG LLP & Anor [2020] EWHC 1416 (Comm)

Connect Plus (M25) Ltd v Highways England Company Ltd [2018] EWHC 140 (TCC)

GSK Project Management Ltd v QPR Holdings Ltd [2015] EWHC 2274 (TCC), [2015] 4 Costs LR 729.

Obrascon Huarte Lain SA v HM Attorney General for Gibraltar [2015] EWCA Civ 712, 161 ConLR 14

Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar [2014] EWHC 1028 (TCC)

Hurley Palmer Flatt Ltd v Barclays Bank Plc [2014] EWHC 3042 (TCC), [2015] BUS LR 106

TSG Building Services Plc v South Anglia Housing Ltd [2013] EWHC 1151 (TCC)

Michael Phillips Architects Ltd v Riklin & Anor [2010] EWHC 834 (TCC)

QUALIFICATIONS AND AWARDS

2005	Birkenhead Award (Gray's Inn)
2005-2006	BPP Law School, Holborn (Very Competent)
2002-2005	St. John's College, Cambridge, BA in Law

ADDITIONAL INFORMATION

Andrew is a member of the SCL.

He has a good working knowledge of French.

RECENT RECOMMENDATIONS

"He is very good with clients, works through the detail and distils complex disputes into the key issues quickly and clearly."

"He's a superb technical lawyer, great on strategy and great with clients, and a very effective advocate."

"He's very bright and able, hardworking and on top of his brief."
Construction, Chambers UK Bar 2023

"He's extremely down to earth, works hard, and makes cogent and clear submissions which get to the nub of the issue."

"He excels in every case and is flexible to work with."
International Arbitration, Chambers UK Bar 2023

"Andrew is absolutely excellent in driving forward the path to a successful strategy. His written advocacy is first-class from the first draft he issues. His oral advocacy is calm, measured, robust and highly persuasive."

Construction, The Legal 500 2023

"Andrew is absolutely excellent in joining the legal team and driving forward the path to a successful strategy. He gets across the core issues that have to be won and helps massively with guiding the client team and experts to produce what is needed to support the case. His written advocacy is first class from the first draft he issues. His oral advocacy is calm, measured, robust and highly persuasive."

International Arbitration, The Legal 500 2023

"Andrew is a star in the making. He is extremely clever, able to get into complex detail quickly and is very useful friendly. His written work is particularly impressive."

Middle East: Construction, The Legal 500 2023

"He is the complete package, demonstrating an impressive fluency with the relevant principles of law as well as a deep understanding of the more technical, practical aspects of construction projects."

"Andrew is a brilliantly intelligent advocate who quickly masters complex briefs with a knack for distilling complex issues into appealing and persuasive concepts for the tribunal."

Construction, Chambers & Partners UK Bar 2022

"The quality of his technical analysis is amazing. His written and oral advocacy are spot on."

"He is a real team player and works with the law firm team to achieve common and strategic objectives well."

International Arbitration: Chambers & Partners UK Bar 2022

"Andrew has a first-class brain and his ability to guide clients through an international arbitration inspires great respect and gratitude."

Construction, The Legal 500 2022

"An excellent team leader. He is very personable, understands the demands of building a case, seeks to draw the best work from those around him and build on it to advance the case."

International Arbitration, The Legal 500 2022

"Extremely bright, practical and commercial – and an excellent advocate who is clear and concise in his explanation of difficult concepts confident without a hint of arrogance."

Middle East, Construction, The Legal 500 2022

"He is one of the bright stars of the Bar with an incredible work ethic and is good on his feet."

Construction, Chambers & Partners UK Bar 2021

"He has an incredible grasp of the details and an impressive command of the facts." "Absolutely brilliant and very articulate in cross-examination."

International Arbitration, Chambers & Partners 2021

"Demonstrated an immense capacity to get across the detail of the whole of the case and to focus on points of precision that unlocked key issues for our case; he collaborated brilliantly with the team of instructing solicitors and engendered great confidence amongst the client team."

International Arbitration, The Legal 500 2021

"Andrew integrates into and leads a large team in complex disputes superbly; his written work is detailed but focused; and has a sharp strategic instinct to advise on tactics."

Construction, The Legal 500 2021

"Andrew is accomplished well beyond his years and incredibly easy to deal with. He is a hugely compelling advocate and particularly good at grappling with complex delay and disruption claims."

Construction, Chambers & Partners UK Bar and Global 2020

"Very user-friendly and rolls up his sleeves and gets down to the nitty gritty."

International Arbitration, Chambers & Partners UK Bar 2020

"Loved by clients and commands absolute confidence in the quality of his written work and preparation of the case."

Construction, The Legal 500 2020

“Great attitude, hardworking, strong advocate and easy to get along with.”
International Arbitration, The Legal 500 2020

“Extremely clever, he is able to get in to the detail quickly.”
Construction, Legal 500 Europe, Middle East and Africa (EMEA) 2020

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of legal directory endorsements please contact the practice management team at Atkin Chambers.