



ENERGY, NATURAL RESOURCES AND UTILITIES
INTERNATIONAL ARBITRATION
CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
ARBITRAL APPOINTMENTS

David Streatfeild-James KC

Call Date: 1986, Silk: 2001 // DSJ@atkinchambers.com

PRACTICE

David Streatfeild-James KC acts as an advocate, adviser and arbitrator in high-value commercial cases comprising legally, factually, and technically complex issues. During 30 years of practice he has gained an outstanding professional reputation.

In acting for a wide range of clients relating to infrastructure projects worldwide, David's scope of experience encompasses the fields of construction and engineering, energy, information technology and professional negligence.

Experience includes disputes under most standard construction contracts and forms, on and offshore fabrications, power and renewable energy projects, water treatment and waste plants, soft and hardware computer systems, and control and communication systems.

David also has expertise with financing and service agreements, and PFI / PPP contracts.

David has been recognised in Chambers & Partners (UK, Asia-Pacific and Global) and The Legal 500 as one of the leading silks at the commercial bar. He was named Construction and Energy Silk of the Year in The Legal 500 UK Awards 2020, and Chambers & Partners named David as one of its "Stars at the Bar" for the 11th year in a row in its 2022 UK Bar Guide.

ENERGY, NATURAL RESOURCES AND UTILITIES

David is regularly instructed to provide advice relating to the conduct of major energy-related projects including on and offshore fabrications, FPSOs, jack-up rigs, platforms, pipelines, power and renewables including wind, nuclear and carbon capture schemes, and water treatment and waste plants.

Recent examples include:

- Acting for **MT Hojgaard AS in MT Hojgaard AS v E.ON Climate and Renewables UK Robin Rigg East Ltd & Anor** [2017] UKSC 59 in the UK Supreme Court in 2017. The case concerned the failure of offshore wind farm foundations due to international design code failure. The case was extremely high-profile in offshore industry as well as the legal sector in regard to the design liability issues it examined.
- Acting for the defendant, **Hitachi Zosen Inova AG, in the TCC in Interserve Construction Ltd v Hitachi Zosen Inova AG** [2017] EWHC 2633 (TCC) in a case concerning a waste-to-energy plant in Hartlebury, Worcestershire.
- Acting for a Korean contractor in an ICC arbitration arising from a turnkey engineering, procurement and construction contract.
- Acting in respect of a gas and steam turbine power plant in the Middle East.
- Advising an employer under an NEC3 contract for the design, procurement, construction, delivery and commissioning of a boiler park at a nuclear licensed site. The project is a key part of the decommissioning process at the nuclear facility.
- Advising in relation to disputes arising during the course of the construction of a new GGCT power station by an international engineering contractor, in particular in relation to ground condition risk, liability for industrial relations disputes and claims for prolongation, variations, delay and disruption.
- Acting for the owner in an international arbitration hearing in London under LCIA rules concerning the construction of an oil and gas platform in the Far East. Issues in respect of design and engineering, weight growth, miscellaneous variations and the valuation of loss caused by deferred production.
- Advising engineer/contractor regarding the construction of two thermal hydrolysis plants. Instructed in respect of claims brought by energy companies arising from alleged failure to provide and deliver the required volume of qualifying services which would generate Community Energy Saving Programme Points pursuant to The Electricity and Gas (Community Energy Saving Programme) Order 2009; an obligation for reducing carbon emissions in domestic properties.
- Advising claimant regarding a civil engineering building works for a new waste-to-energy treatment facility in the UK. The contract is based on the Yellow FIDIC Book.
- In the Technology and Construction Court acting for claimant providing engineering, construction management and procurement services to the mining industry regarding the mining of phosphate deposits in West Africa.

INTERNATIONAL ARBITRATION

Many of the matters David advises and acts upon are governed by the rules of arbitration, administered by bodies including LCIA, ICC, SIAC and ad hoc rules.

- Appointed as leader on counsel team of seven, acting for a major IT company in an ultra-high value dispute (claims in excess of £1 billion) against the UK Government relating to a software

system that culminated in an 82 day arbitration, involving the cross-examination of over 80 professional and lay witnesses.

- Acting in an ICC arbitration (Singapore seat) regarding the manufacture of plant and machinery for the making of seamless metal tubes in a brownfield project dispute arising out of the upgrade of a plant in India.
- Acting for a Korean contractor in an ICC arbitration dispute between an engineering and construction company, and a power company in relation to a gas and oil-fired combined cycle electric generation plant in Jordan.
- Acting in LCIA arbitration concerning the world's largest offshore wind farm in construction, involving the installation by a joint venture of 140 3.6 MW wind turbines located around two sand banks off the UK coast.
- Acting for the owner in an international arbitration hearing in London under LCIA rules concerning the construction of an oil and gas platform in the Far East. Issues in respect of design and engineering, weight growth, miscellaneous variations and the valuation of loss caused by deferred production.
- Acting on behalf of a foreign government in respect of a multi-million-pound ICC arbitration regarding a tube tunnel and commuter rail mass transit system.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

David has extensive experience of acting for employers, contractors, sub-contractors and consultants both domestically and internationally, and has acted in connection with projects all over the world. His experience includes disputes on most standard forms, in relation to a wide range of projects, including hospitals, shopping arcades, large scale residential and mixed-use developments, roads, tunnels, bridges, railways, docks, jetties and other infrastructure. More recent examples include:

- Acting for Connect Plus (M25) Limited (a joint venture between Balfour Beatty, Skanska, Atkins and Egis) in a £100 million dispute in the TCC arising out of payment provisions in £6 billion 30-year PFI DBFO Contract for operation of the M25 motorway, **Connect Plus (M25) Ltd v Highways England Company Ltd** [2018] EWHC 140 (TCC).
- Representing contractor in multi-million-pound PFI dispute concerning claims of defective highway works against local authority. A 16-week trial from January 2016 in the Manchester Technology & Construction Court.
- Led a multiple counsel team in the London Technology & Construction Court regarding a project agreement between a city council and a contractor in respect of PFI works relating to the rehabilitation, maintenance, management and operation of the roads and street lighting in that city. Issues principally regarding payment deductions levied for allegedly defective works.
- Acting for state-owned corporation in an ICC arbitration regarding major infrastructure works package in a Middle East mixed-use development.
- Lead counsel on claim brought in the Technology and Construction Court regarding design and works in respect of a city centre guided travel system.
- Advising main contractor on a project governed by a JCT contract and contractual performance

issues on a city centre tower.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

David has significant experience of disputes concerning technology of a number of kinds and has acted in relation to computer hardware/software disputes as well as in connection with different sorts of communication systems, control systems and building management systems. Experience includes the following:

- Appointed as leader on counsel team of seven, acting for a major IT company in an ultra-high value dispute (claims in excess of £1billion) against the UK Government relating to a software system that culminated in an 82-day arbitration, involving cross examination of over 80 professional and lay witnesses.
- Acting for the defendant in an IT contract dispute in a claim for damages totalling approximately £186 million against The Secretary of State.
- Advising on a possible judicial review of a marine licence for the installation of a subsea fibre optic cable.
- Advising on a dispute with the UK Ministry of Justice in respect of a failure to deliver agreed milestones and of a breach of contract concerning the provision of services in respect of the Criminal Justice Systems Exchange.

ARBITRAL APPOINTMENTS

Whilst the majority of David's practice encompasses counsel appointments, he also accepts arbitral appointments (party nominated and chair) and has recently been appointed under LCIA, ICC and ad hoc rules. The subject matters covered include construction and engineering, IT, shipbuilding, energy, professional negligence and more general commercial disputes.

Subject to confidentiality sensitivities, further information and specific case examples can be provided upon request.

ADDITIONAL INFORMATION

David is an accredited TECBAR arbitrator and DRB member.

RECENT RECOMMENDATIONS

"David is an intellectual powerhouse. A very reassuring presence."
Construction, The Legal 500 2024

"A great advocate with a fantastic mind, David is strategically astute and has good industry knowledge."
Energy, The Legal 500 2024

"David has a profound ability to pick up a substantial, complex construction case and present it forcefully and convincingly at a hearing. He is innovative in his thinking, always bringing a new angle to

the issues and the manner in which a case should be put – a formidable cross-examiner, knows exactly how to read a tribunal and drafts with clarity and persuasively."

International Arbitration, The Legal 500 2024

"Exceptionally clever and considered - extremely good advocate, persuasive and clear and very commercial and strategic whilst being the ultimate team player."

Professional Negligence, The Legal 500 2024

"David Streatfeild-James is a real brainbox. We always favour him when working on high-value, high-risk matters; he always gives insightful yet practical and useful advice."

"David is one of the best in this arena."

"He is simply brilliant."

Construction, Chambers UK Bar 2024

"David Streatfeild-James is one of the most outstanding silks."

"He's incredibly easy to listen to, very persuasive and extremely clever. It's a devastatingly effective combination."

"David Streatfeild-James is a brain of the Bar. He's got a great skill of making incredibly difficult topics understandable."

Energy & Natural Resource, Chambers UK Bar 2024

"For anything really important, he would be my top choice."

"You need him on the most complex cases, because he's so thorough."

International Arbitration: Construction/Engineering, Chambers UK Bar 2024

"David is a heavyweight in construction law and we seek his advice on the most complex and technical issues. His legal knowledge is second to none and he gets to the heart of the issue very quickly."

"David has a phenomenal grasp of everything, including strategy. He has huge gravitas with clients and tribunals for sure."

Professional Negligence, Chambers UK Bar 2024

"A man with a first-class, analytical brain. Being against him is a really stiff professional challenge."

Information Technology, Chambers UK Bar 2024

"David's ability to master the incredible level of details involved in this dispute is second to none. He is one of the easiest silks to use from the point of view of the solicitor; he is easy to deal with."

"It is impressive how quickly he assimilated the knowledge and got to the heart of the issues. Once the clients saw him in action they were super impressed."

International Arbitration – The Bar, Chambers Asia Pacific 2024

"David completely masters the case he is engaged on. He drills into the finest of detail of the facts and technical analysis and then produces the most robust legal submission. He brings that mastery of the detail to his oral advocacy where he demands the attention of the tribunal and extracts effortlessly what is needed from the opponent's witnesses and experts."

Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2023

"His brain is just phenomenal and he's a very down-to-earth guy who is easy to deal with."

"He's a first-rate KC who is quick to grasp the issue and very accessible and pleasant to deal with."

"He's extremely bright, so where there are tricky issues of law he would be our go-to for advice and representation."

Construction, Chambers UK Bar 2023

"A top of the tree advocate."

Energy & Natural Resources, Chambers UK Bar 2023

"David remains a powerhouse among his peers and a true heavyweight that we would go to for significant disputes."

"Clients like his approach to looking at things. He cuts through external noise and gets to the important things."

"He's scarily brilliant."

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"David is calm, reassuring and insightful. He invariably has the full confidence of the client."

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"David was calm, reassuring and insightful."

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"David Streatfeild-James is absolutely brilliant. I see him as one of the top names in Asia, where he has definitely been out a lot."

"David Streatfeild-James KC was very creative in finding a solution to some complex legal issues."

International Arbitration, Chambers Asia Pacific 2023

"David's advocacy is excellent; he knows how to persuade tribunals and is very effective."

"Phenomenal grasp of the detail and outstanding on his feet. He is a good leader who is not averse to rolling his sleeves up."

Construction, The Legal 500 2023

"Smart and focused, he is the most able of the construction Bar, he knows how to persuade tribunals."

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Information Technology, Chambers UK Bar 2023

"David well deserves his reputation. He has a profound ability to take a substantial, complex construction case, and bring a unique, often case-winning approach to how the case should be presented and argued. He is a brilliant advocate, and a master of cross examination."
Middle East: Construction, The Legal 500 2023

"David completely masters the case he is engaged on. He drills into the finest of detail of the facts and technical analysis and then produces the most robust legal submission. He brings that mastery of the detail to his oral advocacy where he demands the attention of the tribunal and extracts effortlessly what is needed from the opponent's witnesses and experts."
Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2023

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Middle East: Construction, The Legal 500 2023

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