



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ADJUDICATION
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
GUARANTEES AND INDEMNITIES
GENERAL COMMERCIAL

Felicity Dynes

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PRACTICE

Felicity specialises in all aspects of Chambers' work including in the areas of construction and engineering, energy, IT and professional negligence and also has experience in a number of other commercial practice areas. Felicity acts for a wide range of domestic and international clients.

In the field of construction, Felicity has experience of bespoke and standard form contracts and is familiar with the JCT and NEC forms.

Felicity speaks French, German, basic Spanish and has a working knowledge of Guadeloupean Creole.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

- Assisted in preparation of claims in English and French for a Korean client relating to a power plant in North Africa.
- Junior counsel in arbitration proceedings relating to an oil processing facility.
- Junior counsel in a final account claim relating to a major infrastructure project.
- Junior counsel in a claim by a lessor of a pan-European fleet of locomotives in relation to defects suffered by those locomotives.
- Instructed in arbitration proceedings relating to the design, procurement, fabrication and installation of an offshore wind farm.
- Representing an engineering company at trial in a claim by a painting contractor for unpaid invoices and in its counterclaim for costs to complete following the contractor leaving site.

- Advising on the operation and termination of a construction contract.
- Advising on and drafting the Particulars of Claim in a claim for payment under a demolition contract with negative consideration.
- Advising on contractual termination for insolvency under a standard form JCT contract.
- Representing a builder at a County Court trial in a claim for payment of an invoice where defences of breach of contract and negligence were advanced.
- Advising on domestic building disputes.
- Advising on the merits of a defence in a claim by the NHBC.
- Drafting advice on the operation of clauses limiting the liability of the employer for variations in a bespoke construction contract.
- Drafting a final account claim against a subcontractor on a residential development.
- Drafting a defence and counterclaim in response to a claim by a project manager for payment of fees.
- Drafting a claim for payment in respect of compensation events on a waste recycling construction project.
- Drafting advice on the effect of clauses limiting the liability of the engineer under contracts for the detailed design and engineering of an oil and gas processing plant.
- Drafting advice on whether delay by a contractor constituted a 'major default' under a construction contract and drafting a termination notice.
- Drafting a defence and counterclaim in an arbitration relating to the final account for the construction of a luxury building in the Middle East.

PROFESSIONAL NEGLIGENCE

- Representing a quantity surveying company in a professional negligence claim by an employer.
- Representing a structural engineer in a professional negligence claim.
- Drafting an engineering and surveying consultancy's defence to a Part 20 claim that it was negligent in the project management of remediation works to a premises following a fire and representing it to the point of settlement.
- Drafting a claim in negligence and under the Defective Premises Act 1972 against an architect.
- Drafting a claim in negligence and for breach of contract against an architect and a builder.
- Drafting advice on the limitation issues and the prospects of success of a claim by a builder against an architect.

ADJUDICATION

- Acting for successful and unsuccessful parties to adjudication upon enforcement.
- Acting for the employer in disputes under an NEC Contract relating to the design and construction of airport facilities.
- Acting for homeowners in a final account adjudication.
- Representing a council in an adjudication on the proper construction of contractual provisions.
- Representing a contractor in an adjudication under a Partnering Contract.
- Instructed to defend a claim for enforcement of an adjudication decision where the respondent was a subsequent treasurer of the industrial and provident society successor to the friendly society contracting party.
- Representing the respondent employer in an adjudication concerning whether a Final Certificate should have been issued under a JCT Intermediate Form of Contract.
- Representing the referring party developer of a PFI project in a contractual adjudication under a development agreement.
- Representing the claimant Referring Party at a hearing for its costs of enforcement including uplift under a CFA.
- Advising on the conclusivity of a final certificate for the purposes of adjudication submissions.
- Drafting advice on whether a contract constituted a construction contract for the purposes of the HGCR 1996.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Advising and drafting a defence in a professional negligence claim against a supplier of IT support services.
- Advising on and drafting Particulars of Claim in a claim against a developer of software and hardware for use in biomedical equipment.
- Representing a telecommunications company in a claim for breach of contract/negligence against it by a customer.
- Acting for the claimant customer in a domestic arbitration relating to breaches of contract and duty in the provision of a software system.
- Acting for the IT service supplier in a claim by the customer relating to the provision of IT services.

GUARANTEES AND INDEMNITIES

- Drafting advice on the proper interpretation of various indemnities in a professional services contract for an international development project.

- Drafting advice on the merits of an appeal regarding the scope and interpretation of an indemnity under an asset purchase agreement.
 - Advising on the liability of a builder to a developer for third party damage under a JCT contract and the possibility of successfully claiming costs under project insurance and/or claiming the costs against the insurance broker in a claim for breach of contract or negligence.
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GENERAL COMMERCIAL

- Instructed to assist in a disclosure exercise in a multi-million pound claim for unpaid fees and expenses by an investment bank against a mining company.
 - Drafting a defence in a claim for return of a deposit.
 - Advising and drafting a defence in a claim for damages in respect of trespass by oversailing cranes.
 - Advising on the prospects of success of a winding up petition and possible defences.
 - Advising on the prospects of success of a strike-out application in a claim for payment.
 - Drafting advice on the governing law of a professional services agreement for an international development project.
 - Drafting a note on the consequences of a statutory instrument being declared *ultra vires*.
 - Drafting a note on an unsuccessful tenderer's entitlement to disclosure of documents in a public procurement process.
 - Drafting a mediation position paper concerning insurance issues and the Jersey law concept of *voisinage*.
 - Drafting advice on potential waiver of privilege in a series of without prejudice communications.
 - Drafting advice on the effect of a 'held-covered' clause in a project insurance policy.
 - Appearing in the bankruptcy court on behalf of a petitioning creditor.
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NOTABLE CASES

Vinci Construction UK Ltd v Beumer Group UK Ltd [2018] EWHC 1874 (TCC)

QUALIFICATIONS AND AWARDS

2011	Shelford Scholarship, Lincoln's Inn
2011-2012	BPP Law School: LLM in Professional Legal Practice
2009 – 2010	BPP Law School: Bar Vocational Course (Very competent) Semi-finalist, BPP Mooting Competition
2008-2009	City University: Graduate Diploma in Law/Common Professional Examination

	(Commendation)
2008	Lord Haldane and Hardwicke Scholarships, Lincoln's Inn
2003 – 2007	New College, University of Oxford: BA (Hons) Modern Languages First Class (with Distinction in the colloquial use of the German language) Heath Harrison Scholar
2004	New College Scholar

LEGAL TEXTS

Felicity is general editor of the Building Law Reports (Informa).

ADDITIONAL INFORMATION

FURTHER LEGAL EXPERIENCE

Prior to coming to the Bar Felicity worked as a French and German speaking paralegal at Addleshaw Goddard LLP on one of the largest pieces of commercial litigation ever to be dealt with in the English courts. During this time she also assisted in a piece of banking litigation.

She completed an internship in the Litigation Department at Noerr in Munich, Germany and has undertaken work experience in the Energy and Infrastructure Department at CMS Cameron McKenna in London.

Felicity has marshalled two high court judges:

- Mr Justice Akenhead (TCC): March 2012
- Mr Justice Morgan (Ch): April and July 2008, June 2010

She has also undertaken pro bono work for the Free Representation Unit (Employment), a legal advice centre in South London and the BPP Pro Bono Translation Unit.

OTHER EXPERIENCE

Before studying law Felicity worked at a small oil exploration company.

She has worked abroad as an English teacher in Guadeloupe and Germany. In addition she worked in Germany as an intern in the Finance Department of a company that provides credit to haulage companies and a company in Germany that provides components for vacuum physics.

MEMBERSHIPS

Felicity is a member of COMBAR, SCL and TECBAR.

RECENT RECOMMENDATIONS

"Her cross-examination skills are fantastic and she has the killer instinct, she drafts accurately and concisely, and she's really easy to deal with."

"Her clear advice and her being available to us and our client has been invaluable."

"Her written work is well considered and presented."

"Felicity has an impressive depth of knowledge."

Construction, Chambers & Partners UK Bar 2023

"Felicity is a very effective advocate – very incisive, good at tackling large amounts of material, and a clever cross-examiner."

Construction, The Legal 500 2023

"Her drafting is excellent and she understands what the key points are in a case."

"A very measured barrister. She's good and thorough on the detail and gets on top of things quickly."

Construction, Chambers & Partners UK Bar 2022

"A very measured and well prepared advocate, who takes any last minute instructions and variations in her stride."

Construction The Legal 500 2022

"She is hands-on, gets stuck in and is helpful and responsive."

"She is very incisive."

Construction, Chambers & Partners UK Bar 2021

"She is quietly assertive and doesn't take any nonsense – from the lay client or the other side. She has excellent attention to detail and is prepared to plead difficult arguments."

Construction, The Legal 500 2021

"A very able individual with especially good written work."

"Keeps a cool head with difficult clients."

Construction, Chambers & Partners UK Bar and Global 2020

"An outstanding junior; tough and hardworking."

Construction, The Legal 500 2020

"A very good junior destined for great things. Bright and conscientious and very approachable."

Construction, Legal 500 2018