



ARBITRATION
ADJUDICATION
MEDIATION

Her Honour Frances Kirkham CBE

Chartered Arbitrator, Adjudicator & Mediator // fkirkham@atkinchambers.com

PRACTICE

Her Honour Frances Kirkham CBE acts as arbitrator in high-value construction and commercial disputes. She also accepts appointments as an adjudicator and expert determiner in relation to international and domestic disputes. She also acts as a mediator (evaluative, facilitative or hybrid), including in multi-party disputes, and has recently assisted parties in innovative evaluative mediations.

Frances is widely recognised for her contribution to law and the administration of justice, for example she was awarded Commander of the Most Excellent Order of the British Empire (CBE) in 2011, the Clare Edwards award from TeCSA, honorary membership of Arbrix and the award of honorary lifetime membership of the Society of Construction Law.

Frances qualified as a solicitor in 1978. She was a construction and engineering law specialist, assisting professional and corporate clients with contract formation and dispute resolution. In 2000 Frances was appointed the Technology and Construction Court (TCC) judge in Birmingham, a post she held until her retirement from the bench in 2011.

During this period, she built up the TCC work in the Midlands, and indeed in the early years attracted significant cases away from London. Frances case managed and tried cases not only in the TCC but also in the Chancery, Mercantile and Administrative Courts.

Before her appointment as a judge, she acted as arbitrator in consumer and commercial disputes. While a TCC judge, Frances acted as arbitrator in a number of high value construction disputes. In 2009 Frances was appointed coroner in the Lakeland House inquest following a fire at a residential tower block in London in which six people died and over twenty were injured. Since her retirement from the bench in 2011, she has acted as arbitrator in high-value construction and commercial disputes, including an International Chamber of Commerce arbitration.

Frances is a Justice of the Qatar International Court and Dispute Resolution Centre, a Fellow of the Chartered Institute of Arbitrators and is a Chartered Arbitrator. In 2020 she was appointed to the UKA Panel of Adjudicators.

ARBITRATOR APPOINTMENTS

- Appointed as party nominated arbitrator, ICC London seat, under the laws of Nigeria regarding Oil exploration off the coast of Nigeria.
- Appointed as sole arbitrator (RICS). The matter relates to a JCT contract for the construction of 198 dwellings and commercial units in London. Multiple defects occurred including fire safety and cladding issues.
- Appointed as party nominated arbitrator (ICC) regarding a number of contracts to carry out various installation and testing works at a Biomass Power Station in UK.
- Appointed as party nominated arbitrator in an ad-hoc arbitration under South African law regarding 2 power stations in South Africa.
- President in an ADCCAC arbitration regarding a hotel in UAE. Claims in excess of AED300million.
- Party nominated arbitrator (UNCITRAL rules, Qatari law)) regarding a wastewater recycle reduction plant in Qatar. Claims in excess of USD15million.
- Appointed as sole arbitrator (ICC) regarding an integrated tourism complex development in UAE. Claims in excess of USD6million.
- President of a DIFC-LCIA arbitration, Dubai seat, under the laws of Dubai regarding the construction of a Gas pipeline in UAE.
- Appointed as president of an arbitral tribunal (ICC, Dubai seat) regarding defects in relation to a metro system in the Middle East. Claims in excess of US\$40million.
- Appointed as sole arbitrator (ICE Arbitration) in relation to the construction of a road and associated infrastructure located in the UK. Claim over £26million.
- Appointed as president of an arbitral tribunal (DIAC) regarding construction works for a mixed-use development in the Middle East. Claims over AED\$80million.
- Appointed as party nominated arbitrator (ICC, Dubai seat) regarding sub-contractor claims at a mixed-use development comprising 257acres of land in the Middle East.
- Appointed as arbitrator concerning the defects in the design and construction of a roof of a leisure centre operated by a local authority.
- Appointed as president in an ICC arbitration concerning a large chemical complex located in Kingdom of Saudi Arabia. Claims in excess of US\$139million.
- Appointed as sole arbitrator by the QICCA.
- Appointed as an expert concerning the design and delay refurbishment of a luxury development in London.

- Appointed as co-arbitrator on an ICC dispute relating to the design and construction of a sub-sea pipeline.
 - Appointed as co-arbitrator in an LCIA arbitration in respect of an EPC Contract for the construction of a recovered wood fuel chip fired power plant in the UK.
 - Appointed as president in an ICC arbitration in respect of the design and construction of 2 multi use towers located in Middle East.
 - Appointed as co-arbitrator in an LCIA arbitration regarding the design and construction of a data centre located in Ireland.
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MEDIATOR APPOINTMENTS

- Appointed as mediator in a dispute regarding the refurbishment and maintenance of more than 1500 properties in the north of England under a PFI agreement.
 - Successfully mediated a case arising from claims from a fire in a commercial property.
 - Appointed as mediator in a dispute with a contractor regarding the construction of new college buildings in the north of England claim circa £4million (successful).
 - Appointed as mediator regarding a trade agreement concerning a freight and customs brokerage contract (successful).
 - Appointed as mediator concerning the delays in the refurbishment of a property in London under a JCT IFC contract (successful).
 - Appointed as mediator regarding the construction of a social housing development in UK.
 - Appointed as mediator regarding the provision of plumbing and heating services.
 - Appointed as mediator regarding the delays in the construction basement works at a residential property in London
 - Appointed as mediator regarding the delays in the installation of a baggage handling system at a major airport in UK
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ADJUDICATOR & EXPERT APPOINTMENTS

- Appointed as adjudicator in respect of the refurbishment of five high rise residential tower blocks. Issues concerned the defects in the design and implementation of the over cladding and external wall insulation.
- Appointed as adjudicator in connection with the construction of a prestigious 5-star hotel located in an iconic London building.
- Appointed as adjudicator in respect of delays to the redevelopment of a large property in London and the conversion from offices to 35 luxury apartments.
- Appointed as adjudicator in respect of delays to the upgrade of a major road in UK of approx. 40km.

- Appointed as an expert concerning the design and delay refurbishment of a luxury development in London.
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ADDITIONAL INFORMATION

Appointments include:

- Fellow of the Chartered Institute of Arbitrators
- Chartered Arbitrator
- Justice of the Qatar International Court and Dispute Resolution Centre
- UKA Panel of Adjudicators

Accolades include:

- Most Excellent Order of the British Empire (CBE) in 2011
- The Clare Edwards (TeCSA)
- Honorary membership (Arbrix)
- Honorary membership (TECBAR)
- Honorary membership (TeCSA)
- Honorary lifetime membership (Society of Construction Law)

Her Honour Frances Kirkham CBE read modern languages at university.

Her Honour is ranked in the Legal 500 for Dispute resolution: mediators.

Legal texts:

HH Frances Kirkham CBE. Foreword. Britton, P. and Bell, M. (2021) *Residential Construction Law* Ebook 1st Ed (Epub & Mobi) Hart Publishing