



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND
UTILITIES
PROFESSIONAL NEGLIGENCE
PARTY WALL
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
ARBITRATION / ADJUDICATION

Lucie Briggs

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PRACTICE

Lucie specialises in construction and engineering, energy, information technology, and professional negligence disputes for a wide variety of contractors, private employers, manufacturers and their professional advisers.

She has a broad practice with expertise in domestic and international arbitration, domestic courts, mediation and all aspects of adjudication proceedings. As part of her diverse practice she appears regularly as sole counsel in court, arbitration, mediation and adjudication hearings. She has also advised on and acted in appellant proceedings.

Lucie has more recently developed extensive experience and a particular specialism in cladding disputes and the Building Regulations relating to fire safety following the Grenfell fire. As well as advising on and representing parties in relation to cladding disputes, Lucie is regularly invited to give talks and seminars on the subject of the Building Regulations and cladding litigation post Grenfell.

Lucie has been recommended in Chambers and Partners and The Legal 500 as a leading junior in the field of construction for a number of years and is described as an “excellent advocate” in this year’s Legal 500 recommendations in the field of construction. She is also recommended in The Legal 500 as “A top-choice barrister” in the field of professional negligence.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Lucie regularly acts in a wide range of general construction and engineering disputes both domestic and international. Cases include construction projects both domestic and commercial, large infrastructure and transportation projects, geotechnical and contaminated land disputes, technical engineering projects, M&E and manufacturing and cladding disputes. The disputes cover a wide

range of issues including delay, defects, valuation, final account and contractual disputes. Cases include:

- Representing a contractor in DFIC-LCIA arbitration proceedings (seat Dubai, Law UAE) concerning the construction of an agreement for the construction of a high profile tower in Dubai.
- Representing a Joint Venture contractor in ICC Arbitration proceedings (seat Vienna, Law English) in a high value dispute relating to a large gas infrastructure project in Tunisia.
- Representing the owners of a high-rise building in a claim against contractors arising out of defects in the cladding / roof system, including allegations that the cladding did not comply with Building Regulations relating to fire safety.
- Representing a contractor in UNCITRAL Arbitration proceedings (Seat Muscat, Law Omani) concerning a large water distribution / infrastructure project in Oman.
- Representing the defendant contractor in TCC proceedings relating to alleged defects in the roof / cladding and windows of a Travelodge in London.
- Representing a developer in TCC proceedings arising out of allegedly unsafe cladding on a high rise hotel (alleged to be in breach of Building Regulations relating to fire safety). Claim involved multiple defendants.
- Representing a property developer in a dispute arising out of a large residential and commercial property development (circa £65 mil) on Regent Street.
- Acting in a High Court TCC dispute between a housing association and a design and build contractor concerning the construction of a supermarket and housing development. Claims of circa £2 million concerned defective design and construction works.
- Representing an M&E contractor in a claim concerning alleged defects in the heating and hot water installation for a large block of flats (both privately owned and housing association).
- Acting on behalf of a contractor in a dispute arising out of the design and installation of a waterproofing system for a multi-story car-park.
- Acting for the owner of a warehouse complex in a dispute against its structural engineers arising out of the defective design of the warehouse floor slabs.

ENERGY, NATURAL RESOURCES AND UTILITIES

As a chemistry graduate, Lucie has particular expertise in energy, natural resources and utilities claims with a particular emphasis on renewable energy. Cases include:

- Representing the owners of a 1MW biogas plant in IChemE arbitration proceedings concerning the design, construction and commissioning of the plant which produces electricity from energy crops. Dispute concerned the design, construction and performance of the Plant.
- Representing a Joint Venture contractor in ICC Arbitration proceedings (seat Vienna, Law English) in a high value dispute relating to a large gas infrastructure project in Tunisia.
- Representing a contractor in UNCITRAL Arbitration proceedings (Seat Muscat, Law Omani) concerning a large water distribution / infrastructure project in Oman.

- Representing the owners of a biogas plant in IChemE arbitration proceedings concerning the design, construction and commissioning of a biogas plant which produces electricity from food and animal waste.
- Acting as junior counsel in a high value arbitration (circa £300 mil) concerning a large offshore wind farm. The case has received some media attention and concerns a disputed variation to the works, the defective manufacture of the turbine foundations along with claims arising out of project delays to manufacture and offshore installation.
- Acting as junior counsel in an ICHEME arbitration dispute arising out of piping and mechanical works for a new Distillate Hydrotreater HDS3-3 ISBL project. Acted for the main contractor in a claim against its subcontractor. The dispute concerned allegations of wrongful suspension by the sub-contractor and the valuation and certification of the final account.
- Advising the designer of a sewage treatment plant in defending a claim of negligent design.
- Appearing as junior counsel on behalf of the owner of former industrial premises in proceedings relating to cyanide contamination on site. The claim involved allegations of fraudulent misrepresentation and breach of contract against the previous owners in relation to the presence of the contamination, **Lambson Fine Chemicals Ltd v Merlion Capital Housing Ltd** (2008) Env LR 37.

PROFESSIONAL NEGLIGENCE

Lucie has considerable experience in the professional negligence field acting for claimants, defendants and their insurers in relation to claims brought against a wide range of professionals including architects, engineers and contractors. Cases include:

- Acting as sole counsel on behalf of the claimant developer against Foster & Partners Architects in a TCC dispute concerning the design of a 500 bed 5* hotel at Heathrow. **Riva Properties Ltd v Foster & Partners Ltd** [2017] EWHC 2574 (TCC).
- Acting for the claimant main contractor in a professional negligence claim (circ £5million) against a firm of architects in relation to the development of a mixed greenfield / brownfield site in Bristol comprising 69 new residential dwellings and associated infrastructure. Claim involved allegations of negligence / delay caused by negligence requiring complex delay and liability analysis.
- Acting for the claimant building owners in a claim against a structural engineer relating to the design of a basement involving failure to give competent advice in relation to the feasibility / risks relating to de-watering on site to facilitate the construction of the basement.
- Acting for the claimants in a dispute concerning alleged negligent advice from specialist flooding consultants in relation to a proposed residential and commercial development on a greenfield site.
- Acting for an architect in an action which involved allegations of negligent costing, supervision and certification.
- Advising on a claim against a building society for a negligent survey.
- Acting for a solicitor in a professional negligence claim.

- Advising on the recovery of an architect's fees.
- Acting in proceedings against a firm of architects in relation to allegations of negligent advice, design, supervision and administration of the building contract.
- Advising a firm of architects in relation to a substantial claim for works they carried out on a spa and fitness centre.
- Acting on behalf of the insurers of a structural engineering firm in a negligence claim concerning the design of the structural steelwork for a commercial premises.
- Preparation of the defence in proceedings against a surveyor in relation to advice given on agricultural compensation and payment schemes.

PARTY WALL

Lucie has extensive experience of party wall matters under the Party Wall Act 1996 including:

- Acting for a contractor in a dispute involving the alleged breach of a party wall award.
- Advising a homeowner in relation to a claim against a neighbor for damage caused by party wall works. In particular serious subsidence arising out of excavation works at the neighboring property. Proceedings included injunctive relief and a claim for damages.
- Acting in a party wall appeal in which the question of the extent of a Party Wall Surveyor's jurisdiction under Section 10 of the Party Wall Act was decided, **Mr. A. Onigbanjo v (1) Mr. Mark Pearson (2) Mrs Mark Pearson** [2008] 8 BLR 507 (approved by the Court of Appeal in **Reeves v Blake** [2010] 1 WLR 1).
- Acting on behalf of a registered charity in a dispute about a shared wall alleged to be in a dangerous condition and in need of remedial works.
- Acting on behalf of the residents of a residential block of flats in West London in relation to a dispute arising out of unauthorised works to a party wall, in particular the knocking through of that wall to install windows.
- Acting on behalf a party wall surveyor successfully resisting an application to join him to the appeal of his own award under the Act, **Chliaifchtein v Wainbidge Estates Belgravia Ltd** (unreported).

Lucie also regularly appears in the High Court to obtain or resist injunctions arising out of party wall matters.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Lucie has considerable experience in disputes in the IT and telecommunications field acting for contractors and suppliers. Cases include:

- Acting as junior counsel in a multi-million pound dispute (proceedings heard in the TCC, London) concerning the design and implementation of an ERP package for a multinational company. This case involved issues of fraudulent misrepresentation, software failure and delay.

- Advising on the removal of a telecommunications mast under the Telecommunications Act 1984 (as amended by the Communications Act 2003).
- Advising in an action for damages under a software license agreement.
- Acting for a software company in proceedings concerning the alleged failure of software designed for use as part of a remote security monitoring system.
- Acting as junior counsel on behalf of UK-based subsidiary of a major global software and systems contractor in respect of claims relating to design, supply, integration and operation of IT system forming part of new nationwide IT solution for UK government involving claims against the UK government and against the sub-contracted software supplier.
- Acting for the claimant in a claim for damages for breach of contract and/or the transfer of ownership of the defendant's software source codes, copyrights and declarations of indemnity in respect of software and use. The defendant denied such breaches or entitlement and by counterclaim sought an injunction restraining the claimant and a third party from infringing the defendant's copyrights in the software, and declarations as to the claimant's entitlement to licence or the grant of maintenance licences in respect of the defendant's software together with damages. Lucie was involved in the case from the initial advisory stages through to the conclusion of the High Court trial.
- Acting in a dispute concerning the terms of a framework agreement for the development of a website for an event's organiser to promote and sell tickets to their events through a social media integrated platform. The dispute included a claim for outstanding fees by the claimant and a counterclaim for breach of the agreement, in particular alleging failure to complete the website, the existence of bugs in the software, and the assertion of intellectual property rights over the code that had been produced.

ARBITRATION / ADJUDICATION

Lucie has extensive experience in the conduct of both adjudication and arbitration proceedings. Lucie also regularly advises upon and appears in adjudication enforcement proceedings. Most recently Lucie appeared in the following cases:

ARBITRATION

- Representing a Contractor in DFIC-LCIA arbitration proceedings (seat Dubai, Law UAE) concerning the construction of an agreement for the construction of a high profile tower in Dubai.
- Representing a Joint Venture Contractor in ICC Arbitration proceedings (seat Vienna, Law English) in a high value dispute relating to a large gas infrastructure project in Tunisia.
- Representing a Contractor in UNCITRAL Arbitration proceedings (Seat Muscat, Law Omani) concerning a large water distribution / infrastructure project in Oman.
- Representing the owners of a 1MW Biogas Plant in IChemE arbitration proceedings concerning the design, construction and commissioning of the plant which produces electricity from energy crops. Dispute concerned the design, construction and performance of the Plant.

- Representing the owners in IChemE arbitration proceedings concerning the design, construction and commissioning of a biogas plant which produces electricity from food and animal waste.
- Acting as junior counsel in a high value arbitration (circa £300 mil) concerning a large offshore wind farm. The case has received some media attention and concerns a disputed variation to the works, the defective manufacture of the turbine foundations along with claims arising out of project delays to manufacture and offshore installation.
- Acting as junior counsel in an IChemE arbitration dispute arising out of piping and mechanical works for a new Distillate Hydrotreater HDS3-3 ISBL project. Acted for the main contractor in a claim against its subcontractor. The dispute concerned allegations of wrongful suspension by the sub-contractor and the valuation and certification of the final account.

ADJUDICATION

- **Philpott & Orton (Liquidators of WGL Realisations 2010 Ltd) v Lycee Francais Charles de Gaulle School** [2016] 1 All ER (Comm) 1, in which the court decided that an arbitration clause in a building contract ‘trumped’ the procedure for the taking of an account imposed by the Insolvency Rules.
- **South Coast Construction v Iverson Road Limited** [2017] EWHC 61 (TCC) in which the TCC decided that it was appropriate to lift the moratorium on proceedings imposed by the Insolvency Act 1986 when a company serves a Notice of Administration, in order to allow the enforcement of an Adjudicator’s Award.
- **Seadown Developments Ltd v SMCC Construction Ltd** LTL 6/11/17 in which the TCC dismissed the Claimant’s request for a Part 8 Declaration that an adjudicator’s decision was unenforceable applying the principles set out by Mr Justice Coulson in **Hutton Construction Ltd v Wilson Properties (London) Ltd** [2017] EWHC 517 (TCC).

NOTABLE CASES

Medical Associates of Northern Virginia Inc v Steward Malta Ltd [2020] EWHC 1995 (Comm)

Taylor Wimpey UK Ltd v Harron Homes Ltd [2020] EWHC 1190 (TCC)

Paolo Castelli SPA v (1) Buckingham Securities & Investments LTD (2) Simon Halabi (2020) QBD (TCC)

Imperial Chemical Industries v Merit merrell Technology Ltd (No 2) [2018] EWHC 1577 (TCC)

Riva Properties Ltd v Foster & Partners Ltd [2017] EWHC 2574 (TCC)

South Coast Construction v Iverson Road Limited [2017] EWHC 61 (TCC)

Seadown Developments LTD v SMCC Construction LTD LTL 6/11/17

Philpott & Orton (Liquidators of WGL Realisations 2010 Ltd) v Lycee Francais Charles de Gaulle School [2016] 1 All ER (Comm) 1

Softlanding Systems Inc v KDP Software Ltd [2010] EWHC 326 (TCC)

Camillin Denny Architects Ltd v Adelaide Jones & Co Ltd [2009] EWHC 2110 (TCC)

Mr. A. Onigbanjo v (1) Mr. Mark Pearson (2) Mrs Mark Pearson [2008] 8 BLR 507

Lambson Fine Chemicals Ltd v Merlion Capital Housing Ltd [2008] EWHC 168 (TCC)

QUALIFICATIONS AND AWARDS

2003	Sir Thomas Moore Scholarship, Lincoln's Inn
2002	Lord Bowen Scholarship, Lincoln's Inn
2003-2004	BVC (Outstanding), College of Law (London)
2002-2003	PGDL (Distinction), College of Law (London)
1998-2001	BSc Chemistry (1 st Class), King's College London

LEGAL TEXTS

"*Stop Playing Games*" Building, (No. 10 pages 40-41 published March 2017)

Contributing editor of Hudson's Building and Engineering Contracts, 12th edition.

"*Good news for good neighbours*" Building July 2008

ADDITIONAL INFORMATION

Lucie is a member of the Society of Construction Law

RECENT RECOMMENDATIONS

"She is a fantastic advocate who gets to grips with all the technical details in a confident manner, and she has a great approach with clients."

"She is quick to understand complicated matters whilst being commercially aware of how a contract operates in a given situation."

"She is a calm, unflappable and persistent advocate."

"Lucie can be relied upon to produce high-quality legal advice in relation to complex disputes."

Construction, Chambers UK Bar 2023

"She's an extremely effective cross-examiner."

International Arbitration, Chambers UK Bar 2023

"She has the ability to make complex legal and technical issues readily understandable to the clients. She is a calm, unflappable and persistent advocate."

Professional Negligence, Chambers UK Bar 2023

"She is quick to understand complicated matters whilst being commercially aware of how a contract operates in a given situation."

AtkinChambersBarristers

"Lucie is a first-rate barrister. She is an effective advocate, gets to grips with issues quickly, and is very user friendly. She has an enviable understanding of the construction sector, and her knowledge of the law is first class."

Construction, The Legal 500 2023

Her drafting work is good, she is a fierce advocate and very good on cross-examination." "She is excellent on detail, the law, and practical and commercial issues."

"She is incredibly bright, very strong on the detail and strong on her feet."

Construction, Chambers & Partners UK Bar 2022

She's an excellent drafter, very commercially aware and digs into the detail. A very practical barrister and a ferociously hard worker."

Professional Negligence, Chambers & Partners UK Bar 2022

She is a fierce advocate and she's very good in cross-examination."

"She's insightful, diligent, user-friendly and extremely bright."

"Lucie cannot be recommended highly enough. She has the ability to convey complicated legal issues to tribunals in a simple yet persuasive manner. She cuts straight to the point with a level of well-earned confidence."

International Arbitration, Chambers & Partners UK Bar 2022

"Lucie is very clear and concise in her dealings with us. She is able to explain matters in a way that is easy to understand and is also commercially aware in her approach."

Construction, The Legal 500 2022

"She is pragmatic, responsive and attentive, and provides clear and concise advice."

Professional Negligence, The Legal 500 2022

"She is very user-friendly and a great advocate who prepares thoroughly." "Her cross-examination is crushing."

Construction, Chambers & Partners UK Bar 2021

"She advanced the points clearly and succinctly, without getting carried away with theatrics. She has a precise and persuasive style."

Professional Negligence, Chambers & Partners UK Bar 2021

"I would characterise her as a smart, charming assassin. No nonsense. Superb preparation. Excellent advocate."

Construction, The Legal 500 2021

"Lucie provides excellent advice on very technical matters, often with little preparation time. Her advice is clear, concise and to the point. She is also very friendly and approachable."

Professional Negligence, The Legal 500 2021

"Very good on the law and a very good advocate. In trials, she's incredibly hard-working and has all the detail completely at her fingertips."

Construction, Chambers & Partners UK Bar and Global 2020

AtkinChambersBarristers

“Outstanding and extremely organised.”

Construction, The Legal 500 2020

“She excellent for technical cases that need a experienced head but not a silk.”

Professional Negligence, The Legal 500 2020

Construction, Chambers & Partners UK Bar 2018

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.