



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL LIABILITY
PRODUCT LIABILITY
ARBITRATION
COMMERCIAL DISPUTE RESOLUTION
INSURANCE AND REINSURANCE

Katie Powell

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PRACTICE

Katie Powell specialises in commercial disputes with a particular emphasis on construction, professional liability and insurance disputes.

Katie is ranked as a leading junior in The Legal 500 (in both the UK and Middle East directories) and in Chambers and Partners (in both the UK and Global Directories). They have recognised her as “*an absolute star, with sharp intellect and an amazing work ethic*” and she wins “*universal praise*”. She has a formidable reputation both on paper and on her feet, being described as an “*outstanding construction and construction related junior*”, as “*unfailingly charming, super bright, incredibly hard-working and highly competitive*”; “*very tough and persuasive, and incredibly good in court*”; “*pure class: super-clever and down to earth*”, “*phenomenally bright*” and as being “*simply brilliant and passionate about everything she does*”.

Katie is confident in conducting all major forms of dispute resolution on both a led and an unled basis. She has substantial experience in large litigation, arbitrations, adjudications and appeals, and is frequently instructed in place of silks.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Katie undertakes a wide variety of work both in a litigation and arbitration context concerning in both pure construction claims and claims against construction professionals. She was junior counsel in the **Co-op v Birse** litigation, which gave rise to some of the leading decisions on limitation in a construction context.

The directories say: Katie is a “[a] *very sharp barrister and great to work with. Adapts perfectly to challenging circumstances*” (Legal 500 (2021), London Bar, Construction); “*Her drafting is concise and packs a bunch, and her advocacy is careful, measures and reflective of her deep understanding*”

of the issues” (Legal 500 (2021), Middle East: the English Bar, Construction); “*She is quick to grasp complex issues, easy to work with and an effective advocate in a case*” (Chambers & Partners (2021), Global, Construction); “*Direct and bold advocacy... ambitious and able, extraordinarily hard-working and a punchy advocate*” (Chambers & Partners (2021), London Bar, Professional Negligence: Technology & Construction).

Examples of the cases she has been involved (both led and unled) in include:

- Acting as junior counsel on behalf of an international design company in relation to the design of a metro system in the Middle East.
- Acting on behalf of a construction company in connection with the construction of a sizeable house in the Midlands, said to be the most important private house to be constructed in the country for many years.
- Acting on behalf of PFI company in connection with the construction and maintenance of a major hospital in the north of England.
- Acting for an engineering and construction company in an arbitration arising from the construction of and conversion of power plants in Iraq and Kurdistan.
- Acting unled in 4-day TCC trial in relation to the redevelopment of a £35M home in Mayfair.
- Representing an insurance syndicate in relation to a claim brought against it under the Third Parties (Rights against Insurers) Act 1930 arising from alleged defects in a mechanical biological treatment facility in the North West of England.
- Acting as junior counsel for Carillion Construction in claim arising from the construction of the Norfolk & Norwich hospital; **Octagon Healthcare Limited v John Laing Construction & Ors.**
- Acting (unled) for a structural engineering company in relation to a claim brought against it under the Civil Liability (Contribution) Act 1978 in relation to the design of a major national museum.
- Acting for a civil engineering and building company in connection with a claim arising from the construction of a basement level car park; **Lagan v MV Kelly & Anor.**
- Acting for specialist flooring sub-sub-contracts in connection with the construction of concrete flooring in a major warehouse. Successfully argued that proposed amendments substantially increasing the amount claimed should not be allowed; **Co-operative Group Limited v Birse Developments Limited & Ors.**
- Acting for the structural engineer in a claim arising from the construction of a hospital in the Rhondda Valley; **Cwm Taf University Local Health Board v Nightingale Architects & Ors.**
- Acting in relation to a claim arising from contract for the installation of solar energy panels on council property; **Preston County Council v Enterprise Managed Services Limited.**

- Advising in respect of liability for alleged defects in the ‘Cheesegrater’, a major London skyscraper.
- Defending an air conditioning supply company in connection with an allegedly defective air conditioning system installed in a BMW showroom; **Knights North West v Adonis Construction & Anor.**

PROFESSIONAL LIABILITY

Katie’s professional negligence experience is substantial, having practised for a number of years in a leading professional negligence set. She has acted for against a wide range of professionals, including architects, engineers, surveyors, solicitors, barristers and accountants and has been involved in some of the most important recent cases in this area.

Katie is rated as a leading junior in this field in both Chambers & Partners and Legal 500. Recent comments include: “[a] very smart cookie who will be a KC a few years down the road”; “incredibly dedicated”; “she did a really good job in front of a scary bench. One to watch”, “a very clear advocate who gets to the issues quickly”; “bright, able, user friendly and definitely performs beyond her year of call”; “She’s very hands-on and approachable, and her advice is very practice whilst also being detailed.”

She is regularly instructed in relation to claims against lawyers, auditors and accountants, construction professionals, surveyors and valuers, practising both domestically and internationally.

Katie was for many years a chapter editor of ‘*Jackson and Powell on Professional Negligence*’.

Examples of her cases (both led and un-led) include:

- Acting for a D&B contractor in connection with the fit-out of a high-end boutique in Mayfair.
- Acting for various professionals in the context of post-Grenfell cladding claims.
- Acting for a firm of architects in defence of a claim brought against it arising from the redevelopment of a major site in Manchester.
- Acting in a claim against an engineering consultancy in connection with expansion of a major shipping port.
- Advising in connection with a claim brought against a leading international law firm in connection with its drafting of a termination notice.
- Acting for one of the ‘Big Four’ accountancy firms in relation to proceedings brought in Hong Kong arising from various audit reports it provided; **Moulin Global Eyecare Holdings Limited (in liquidation) v Olivia Lee Sin Mei & Ors.**

- Acting as junior counsel in the high-profile appeals arising from identity fraud in property purchases; **P&P v Owen White & Anor / Dreamvar v Mischcon de Reya & Anor (co-joined appeal)** [2018] 3 W.L.R. 1244.
- Acting in claim against Mischcon de Reya in relation to claim arising from the sale of QPR Football Club; **Caliendo v Mishcon de Reya** [2016] EWHC 150 (Ch); subsequently, advising in relation to multiple claims arising from similar factual scenarios.
- Acting for solicitors in relation to a claim arising from a lost arbitration; **Fincantieri v Clyde & Co.**
- Acting for a firm of solicitors in a multi-party dispute arising from an alleged fraud perpetrated in connection with a major investment property transaction; **Bank of Baroda & Anor v George Davies & Ors.**
- Acting in a multi-party claim defending multiple firms of solicitors in relation to alleged failures to advise about the adequacy of a property insurance policy; **Rendlesham Estates v Jeffrey Myers & Ors** [2014] EWHC 3968.
- Acting for Nationwide Building Society in £2m claim against valuer arising from a commercial development in Cheltenham; **Nationwide Building Society v APR Properties.**
- Acting for Strutt & Parker in one of the leading cases on the extent of a professional's tortious liability to third parties; **Hunt v Optima (Cambridge) Ltd** [2014] P.N.L.R. 29.
- Acting for senior employee of WCUK (unled) in his appeal to the Court of Appeal; **Weaving Capital (UK) Ltd (In Liquidation) v Dahbia** [2013] EWCA Civ 71.
- Acting for a barrister in defence of a claim brought against him in his capacity as an arbitrator.

ARBITRATION

Katie has a substantial arbitration practice. She acted as junior Counsel in the ground-breaking decision in **Secretary of State for the Home Department v Raytheon Systems** [2014] EWHC 4375; [2015] EWHC 311, the first time an arbitral award was set aside in its entirety under s.68 of the Arbitration Act 1996 for serious irregularity.

Examples of her recent arbitration work include:

- Acting as junior counsel on behalf of an international design company in relation to the design of a metro system in the Middle East.
- Acting as junior counsel on behalf of an international architectural and project management firm in a dispute over the design, procurement and construction of a major airport in the Middle East.

- Acting for an engineering and construction company in an arbitration arising from the construction of and conversion of power plants in Iraq and Kurdistan.
- Acting for the Home Department in its dispute with Raytheon Systems the £75 million e-Borders technology system; **The Secretary of State for the Home Department v Raytheon System**.
- Acting in claim between two Russian oligarchs arising from an alleged forced takeover of a building in central Moscow.
- Acting in insurance coverage dispute arising from an international publishing company's alleged failure to disclose material information prior to the inception of the policy.
- Acting in claim arising from a contract for the installation of photocopiers at major UK supermarket.

INSURANCE AND REINSURANCE

A significant element of Katie's practice comprises insurance disputes, both for and against insurers. She has particular expertise in Contractors All Risk insurance policies and is the current editor of the section on Insurance in *Hudson's Building and Engineering Contracts*.

Further examples of her insurance experience (both led and unled) include:

- Advising and acting in relation to a large number of contractors' all risks disputes.
- Acting in relation to a coverage dispute arising from the construction of the West Coast Mainline. The claim gave rise to a number of novel insurance points, including the extent to which insurers can bring an assigned claim in circumstances where insurers have waived rights of subrogation; **Lexington Insurance Company v Trittech Rail**.
- Acting for the former members of Cobbetts LLP in relation to a dispute concerning the extent to which insured members of an LLP are liable for excesses under policies entered into by an LLP of which they are members; **Barbican Corporate Member Limited v Former Members of Cobbetts LLP**.
- Acting in relation to a coverage dispute arising from an international publishing company's alleged failure to disclose material information prior to the inception of the policy.
- Advising on coverage dispute and the scope of a of "coastal erosion" exclusion clause in a household insurance policy.
- Advising on a wide variety of coverage disputes under solicitors' professional indemnity policy and on the implications of the Minimum Terms.

GENERAL COMMERCIAL

Katie is regularly instructed in both domestic and international commercial dispute resolution. Examples of her work include:

- Acting as sole counsel for a pharmaceutical company against one of its former directors, alleging, inter alia, breaches of duties s.171-7 of the Companies Act 2006.
- Acting as junior counsel for the liquidators of Stanford International Bank against a well-known bank in connection with its alleged facilitation of a Ponzi scheme.
- Acting as junior counsel in resisting an application for permission to appeal a judgment arising over a dispute over the ownership of a diamond mining company in Angola; **Gaydamak v Leviev** [2012] EWCA Civ 1561.
- Acting as junior counsel for a South African company in relation to an international supply contract for the sale of sulphur to various companies in the Copperbelt.
- Acting as junior counsel in an arbitration between two Russian oligarchs arising from an alleged forced takeover of a building in central Moscow.
- Acting in 12-week commercial court trial in relation to the claim for the supply of allegedly defective plastic resin for the purposes of the manufacture of oil storage tanks; **Kingspan v Borealis** [2012] EWHC 1147.

NOTABLE REPORTED CASES

- **P&P Property Ltd v Owen White & Catlin LLP** [2018] EWCA Civ 1082; [2019] Ch. 273
- **Caliendo v Mishcon de Reya** [2016] EWHC 150 (Ch); [2016] 2 WLUK 154
- **Secretary of State for the Home Department v Raytheon Systems Ltd** [2015] EWHC 311 (TCC); [2015] Bus. L.R. 626; [2015] 1 Lloyd's Rep. 493; [2015] 1 C.L.C. 466; 159 Con. L.R. 168
- **Secretary of State for the Home Department v Raytheon Systems Ltd** [2014] EWHC 4375 (TCC); [2014] 12 WLUK 774
- **Rendlesham Estates Plc v Barr Ltd** [2014] EWHC 3968 (TCC); [2015] 1 W.L.R. 3663; [2015] B.L.R. 37; [2015] T.C.L.R. 1; 157 Con. L.R. 147; [2015] C.I.L.L. 3604
- **Hunt v Optima (Cambridge) Ltd** [2014] EWCA Civ 714; [2015] 1 W.L.R. 1346; [2014] 2 C.L.C. 89; [2014] B.L.R. 613; 155 Con. L.R. 29; [2014] P.N.L.R. 29; [2014] 3 E.G.L.R. 169; Times, August 19, 2014

- **Tanweer (t/a Auto Service Centre) v UK Insurance Ltd**; [2014] 7 WLUK 712
- **Co-operative Group Ltd v Birse Developments Ltd** [2014] EWCA Civ 707; [2014] 5 WLUK 751; [2014] B.L.R. 477
- **Co-operative Group Ltd v Birse Developments Ltd (In Liquidation)** [2014] EWHC 530 (TCC); [2014] 2 WLUK 945; [2014] B.L.R. 359; 153 Con. L.R. 103; [2014] P.N.L.R. 21
- **Co-operative Group Ltd v Birse Developments Ltd** [2013] EWHC 3145 (TCC); [2013] 10 WLUK 537
- **Co-operative Group Ltd v Birse Developments Ltd** [2013] EWCA Civ 474; [2013] B.L.R. 383; 148 Con. L.R. 264; [2013] 19 E.G. 96
- **Hunt v Optima (Cambridge) Ltd** [2013] EWHC 681 (TCC); [2013] 4 WLUK 678; 148 Con. L.R. 27
- **Weaving Capital (UK) Ltd (In Liquidation) v Dabha** [2013] EWCA Civ 71; [2015] B.C.C. 741
- **Gaydamak v Leviev** [2012] EWCA Civ 1561; [2012] 11 WLUK 808
- **Kingspan Environmental Ltd v Borealis A/S** [2012] EWHC 1147 (Comm); [2012] 5 WLUK 32
- **Galliford Try Infrastructure Ltd (formerly Morrison Construction Ltd) v Mott MacDonald Ltd** [2008] EWHC 1570 (TCC) | [2008] 7 WLUK 518 | 120 Con. L.R. 1 | [2009] P.N.L.R. 9 | [2008] C.I.L.L. 2612
- **Galliford Try Construction Ltd v Mott MacDonald Ltd** [2008] EWHC 603 (TCC); [2008] 3 WLUK 352; [2008] T.C.L.R. 6

QUALIFICATIONS AND AWARDS

2003 B.A. Magdalen College, Oxford

2004 Diploma in Law, City University

ADDITIONAL INFORMATION

Katie is the current editor of the insurance section in *Hudson's Building and Engineering Contracts*.

Katie is a member of COMBAR, SCL, TECBAR and PNBA.

RECENT RECOMMENDATIONS

"In terms of her grasp of the issues, she can't be faulted."

"She knows the law really well, and is great at factual and legal research."

Construction, Chambers UK Bar 2023

"She is very responsive and personable, very clever and able to provide advice clearly."

"Very bright and well thought of across the Bar."

Professional Negligence, Chambers UK Bar 2023

"A really super bright advocate. Totally committed. I think she is excellent."

"I was really impressed with how forceful she was - she seems quite fearless."

Professional Negligence: Client, Chambers UK Bar 2023

"An impressive ability to communicate complex legal concepts to clients. She has a keen eye for detail, which she leverages to develop winning strategies for the most challenging issues in the case."

Construction, The Legal 500 2023

"An absolute star and someone you always want on your team. Sharp, detail-orientated and a real client favourite."

Middle East: Construction, The Legal 500 2023

"She is extremely efficient with an ability to handle incredible volumes of information and still cut to the heart of the main issue at hand."

Construction, Chambers UK Bar 2022

"She is phenomenally bright and hard-working. She's a really tough advocate with a very combative style, but she's charming as well as a real fighter."

Professional Negligence, Chambers UK Bar 2022

"A great barrister, she is really good with clients and the judge, and very enjoyable to work with."

"She's bright and phenomenally hard-working. She is a very tough advocate too, a real fighter."

Professional Negligence: Technology & Construction, Chambers UK Bar 2022

"Katie is quick to grasp the facts of a case, extremely pleasant to work with, hard-working and very bright."

Construction, The Legal 500 2022

'Her drafting is concise and packs a punch, and her advocacy is careful, measured and reflective of her deep understanding of the issues.'

Construction, Middle East, The Legal 500 2022

"She is quick to grasp complex issues, easy to work with and an effective advocate in a case."

Construction, Chambers UK Bar 2021

"She produced excellent written advice which was incredibly thorough and helpful, and engaged with the facts. She's very hands-on and approachable, and her advice is very practical while also being detailed." "An excellent advocate."

Professional Negligence, Chambers UK Bar 2021

"Direct and bold advocacy." "She very ambitious and able, extraordinarily hard-working and a punchy advocate."

Professional Negligence: Technology & Construction, Chambers UK Bar 2021

"She has a fantastic understanding of the law and the issues in play. Superb attention to detail and excellent drafting. Very clear and thorough advice, but easy to follow and practical."

Professional Negligence, The Legal 500 2021

"A very sharp barrister and great to work with. Adapts perfectly to challenging circumstances."

Construction, The Legal 500 2021

"An outstanding construction and construction-related professional indemnity advocate." "She is extremely user-friendly, very bright and responsive."

Construction, Chambers UK Bar 2020

"She is very resilient for her clients and has a very good manner in dealing with both the court and opponents." "She is unfailingly charming, super bright, incredibly hard-working and highly competitive."

Professional Negligence, Chambers UK Bar 2020

"Hard-working, diligent and excellent in court."

Professional Negligence: Technology & Construction, Chambers UK Bar 2020

"She is extremely good at writing skeleton arguments and her advocacy is good. She's done a lot of multiparty cases and is a general all-rounder who never lets you down."

"She is unfailingly charming, super bright, incredibly hard-working and highly competitive, which makes her a winner."

Professional Negligence, Technology & Construction, Chambers UK Bar 2020

"Experienced in multiparty disputes"

Construction, The Legal 500 2020

"Hardworking and bright; without doubt a rising star."

Product Liability, The Legal 500 2020

"She is a strong junior. "

Professional Negligence, The Legal 500 2020

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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.