



## Melissa Shipley

Year of call: 2011

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*"An excellent junior with a very sharp mind. Melissa works hard as part of the client's team and can pick up and understand technical issues quickly. She is a tenacious advocate."* The Legal 500 UK Bar 2023

Melissa specialises in construction law. Her experience spans litigation, arbitration, adjudication, mediation and dispute board proceedings.

Her recent cases have ranged from international energy and infrastructure projects to high-value, legally complex domestic work. She has a wide-ranging international practice: she has worked on disputes involving projects in Africa, the Middle East, the Far East, the Caribbean, South America and mainland Europe.

Melissa has extensive experience of delay and extension of time claims, defective design and workmanship claims, variation claims and termination claims.

She frequently appears as sole counsel, against much more senior counsel, and has been led by some of the most highly-regarded construction silks in the country.

Melissa is ranked in Chambers and Partners, Chambers Global and The Legal 500 for construction.

## Areas of expertise

Construction

International Arbitration

Energy

Adjudication

## Construction

*"A brilliant junior barrister, she has a sharp intellect and always has a thorough grasp of both technical and legal aspects of the case."* Chambers Global 2022

Melissa acts in a wide range of technically complex construction sectors domestically and internationally: energy (including oil and gas, hydroelectric plants and solar power plants); infrastructure (including roads,

bridges and rail); residential and commercial building projects (including ultra-prime developments, hotels, shopping centres and residential schemes); and large-scale PFI projects. She has worked with numerous standard form and bespoke contracts, with particular experience of the FIDIC and JCT forms.

### Cases of note:

- Acted for an engineering, procurement and construction (EPC) contractor in a dispute (with a value in excess of €500m) concerning the construction of a large hydroelectric plant in Africa (amended FIDIC Silver Book).
- Acting as sole counsel for a large mechanical and electrical subcontractor defending a multi-million pound claim in relation to an ultra-prime residential development in London.
- Acting as junior counsel, led by Marion Smith KC, for a co-defendant in multi-million pound TCC litigation relating to the construction of a retail development in the UK.
- Acted as junior counsel for the defendant in TCC litigation concerning the supply and collapse of an allegedly defective crane. The case involved complex issues of contractual interpretation, including the interpretation of contractual indemnities and the application of the Unfair Contract Terms Act.
- Acted for the contractor in a multi-million dollar SIAC arbitration arising out of the rehabilitation, design and construction of a road of national significance in Asia (FIDIC Pink Book). Issues included delay and extensions of time, early completion, and the enforcement of dispute board decisions.
- Acted as junior counsel for a Dutch infrastructure contractor in a multi-million Euro delay dispute regarding the construction of the foundations of a production plant.
- **Connect Plus (M25) Ltd v Highways England Co Ltd [2018] EWHC 140 (TCC)** - Acted as junior counsel for Highways England. The case involved the proper interpretation of a £6.2bn, 30-year PFI contract for the M25 motorway.

### Qualifications

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- 2011: BPTC, Manchester Metropolitan University, Outstanding (ranked 1st in the year).
- 2010: GDL, BPP Manchester, Distinction (ranked 2nd nationally, out of approximately 1500 students).
- 2009: BA Hons History, Pembroke College, Cambridge, First.

### Scholarships & Prizes

- 2011: Certificate of Honour, Middle Temple.
- 2011: Four awards from Manchester Metropolitan University for the best performance in the relevant subject area of the BPTC (Business Law, Civil Litigation, Resolution of Disputes out of Court and Criminal Litigation).
- 2010-11: Queen Mother Scholarship, Middle Temple.
- 2009-10: Cohen Scholarship, BPP Manchester.
- 2009: Foundress Prize and Foundation Scholar, Pembroke College, Cambridge

### Recommendations

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Melissa is ranked in Chambers and Partners, Chambers Global and The Legal 500 for construction.

- *"An excellent junior with a very sharp mind. Melissa works hard as part of the client's team and can pick up and understand technical issues quickly. She is a tenacious advocate."* The Legal 500 UK Bar 2023
- *"Melissa's drafting is very good and to the point, has good technical knowledge and good client skills."* Chambers and Partners UK Bar 2023

- "She has a superb handle on the detail and is always responsive, positive and excellent at providing an alternative path forward." Chambers Global 2022
- "A brilliant junior barrister, she has a sharp intellect and always has a thorough grasp of both technical and legal aspects of the case." Chambers Global 2022
- "Melissa is an excellent junior, who is comfortable leading cases or working with QCs. Her detailed understanding of the technical and factual issues quickly earn her the respect and confidence of clients." The Legal 500 UK Bar 2022

## Publications

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Melissa regularly contributes to the 39 Essex Chambers Commercial, Construction and International Arbitration Blog. In addition, Melissa's publications include:

- Contributor to *Wilmot-Smith on Construction Contracts*, Fourth Edition
- *The fall of orthodoxy? Discussion of Triple Point Technology* (Construction Law Quarterly. Proceedings of the Institution of Civil Engineers – Management, Procurement and Law 172(5): 218–223)
- *I (or is it you?) don't like Mondays: Moylett v Geldof* (Practical Law Dispute Resolution Blog) May 2018
- *Sutton v Rydon, a Triumph of Common Sense* (Practical Law Construction Blog) June 2017
- *We are not enemies of the people* (Practical Law Dispute Resolution Blog) May 2017
- *Practical points on forum non conveniens in Deutsche Bank AG v CIMB Bank Berhad* (Practical Law Dispute Resolution Blog) February 2017
- *Negligence, deliberate concealment and unlawful means conspiracy: three lessons from Adams v Atlas International Property Services* (Practical Law Dispute Resolution Blog) December 2016

## Memberships

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- Technology & Construction Bar Association (TECBAR)
- The Society of Construction Law (SCL)
- The Adjudication Society
- Middle Temple

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