



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

Adjudication

Melissa has extensive experience of adjudication. She acts and advises as sole counsel in adjudications for contractors and employers, including adjudication enforcement hearings in the TCC.

Cases of note:

- Successfully represented a main contractor in an adjudication with its subcontractor. Issues

included the correct interpretation and application of Option X1 under an NEC3 contract.

- Acted for the Part 8 claimant/Part 7 defendant in ***Sleaford Building Services Ltd v Isoplus Piping Systems Ltd* [2023] EWHC 1643 (TCC)**, successfully submitting that it would be unjust for the costs consequences in Part 36 to apply.
- ***Breyer Group PLC v Adam Michael Scaffolding Services* [2018] EWHC 3959(TCC)** - Melissa represented the claimant as sole counsel in its successful application for summary judgment for over £2m.
- ***4MA Ltd (t/a 4M Group) v Nash* [2019] 4 WLUK 210** - Melissa represented the claimant as sole counsel in its successful application for summary judgment, with the judge characterising the defendant's arguments as "ingenious but...hopeless".
- ***BM Services Inc Ltd v Greyline Builders Ltd* [2018] EWHC 3884 (TCC)** - Melissa represented the claimant as sole counsel in its successful application for summary judgment. The defendant had made allegations of fraud, but these had been considered by the adjudicator and were not a reason to refuse enforcement.

Qualifications

- 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

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

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

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

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