



*'He is excellent on tactics, very commercial and a real street fighter for advocacy.' 'He is dynamic, a team player and hugely intelligent – he doesn't expect to be served things on a platter but works with you to find the strengths and weaknesses of a case.'*

## Chambers & Partners 2020

Andrew is an experienced and highly regarded construction and engineering barrister. He is also a Chartered Arbitrator, has judicial experience, and is an experienced construction Adjudicator accredited by both TeCSA and TECBAR, and an accredited and active Civil Mediator. He acts nationally and internationally in a wide range of energy, construction and engineering disputes and has almost 30 years' experience advising developers, end users, national and international contractors, subcontractors and consultants and their insurers. He has acted for many household name main contractors. He also acts in commercial and property cases.

Andrew originally qualified as a solicitor in 1992 and became a partner at Pinsent Masons, specialising in construction. He was called to the Bar in 2007.

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## PRACTICE AREAS

- Commercial
- Construction
- International Arbitration
- Mediation
- Professional Negligence
- Property Damage & Insurance Disputes

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## PRACTICE AREAS

### COMMERCIAL

Andrew is available to act in a range of commercial disputes. He for example developed a niche specialism advising providers of social care in relation to the fees properly payable by local authorities. He acted as lead counsel in a long running and high profile arbitration and related High Court proceedings for one such provider, where the local authority was represented by a senior QC. Thereafter he advised over 40 care homes.

He also appeared at trial in the Mercantile Court in relation to a claim on a promissory note arising out of an informal joint venture to build luxury villas in France, involving a subsequent freezing order and an application to commit a party to prison for contempt.

### CONSTRUCTION

Andrew has nearly 30 years' experience of construction disputes and is frequently instructed in sophisticated and high-profile cases.

He advises developers, end users, national and international contractors, subcontractors and consultants, and has acted for many household name main contractors. He is well known for his adroit handling of matters involving professional negligence elements. Andrew is noted for his cross examination of witnesses, including expert witnesses. He regularly appears in the TCC in London and on Circuit, and in adjudication and in domestic and international arbitration.

His recent construction work includes claims concerning an oil pipeline, a major highway, a landmark public building, an oil facility, flue gas desulphurisation, a biogas plant, renewable energy facilities, offshore wind farms, offshore pipeline activities, structural engineering failures, civil engineering and flooding, claims for time and money under various bespoke and standard form contracts, defects claims, fraud claims and deliberate over application, and claims against approved inspectors for deceit.

Andrew is highly experienced in adjudication under the HGCR Act 1996. As Adjudicator he has made over 70 decisions. He has been appointed to advise other Adjudicators on jurisdiction mid-adjudication. He also regularly acts for parties in adjudication, either appointed direct or as part of a team with solicitors or claims consultants, and in adjudication enforcement (and Part 8 cross claims or pre-emptive strikes) in the TCC.

He is a regular speaker on adjudication or construction related topics.

### INTERNATIONAL ARBITRATION

Andrew acts as lead counsel and co-counsel in international arbitration.

His recent international arbitration work includes acting as lead counsel in an ICC arbitration concerning an oil pipeline in Yemen; lead counsel in an ICC arbitration for a Turkish contractor concerning a major highway in Oman (both seated in Europe); lead counsel in a DIAC arbitration for a UAE contractor concerning a landmark public building in Abu Dhabi; resolving without a final hearing a London ICC dispute against a major Australian contractor concerning an oil facility in Iraq; and as lead counsel in a dispute concerning an energy facility in the UK (English seat).

Andrew is also a Chartered Arbitrator, and a Fellow of the Chartered Institute of Arbitrators, and available for arbitral appointments.

## MEDIATION

Andrew is an accredited and active Civil Mediator, and has been a mediator for almost 15 years. He has particular experience in construction and commercial disputes (including within the NHS and in respect of local authority funding of social care) and has recently mediated a number of multi-party construction disputes over multiple days.

Andrew is a mediation panel member of specialist provider Mediation for Construction and Insurance (M4CI). Andrew is willing to consider appointment as evaluative mediator in construction dispute mediation if the participants request this approach.

Andrew is an experienced dispute resolver, having held various legal roles since 1985 and having a broad perspective as a result. He has been involved in the successful mediation of many apparently intractable disputes, His focus on identifying interests and facilitating solutions and his wide dispute resolution experience make him suitable for appointment as mediator in any civil dispute.

Andrew also has wide experience as a party representative in mediation, and is a specialist in mediation representation – which often requires a different skillset to traditional adversarial advocacy.

## PROFESSIONAL NEGLIGENCE

Andrew's construction cases often involve bringing or defending professional negligence claims against engineers, surveyors, architects and project managers, including in adjudication. He is often instructed by insurers, or acts as mediator, in such cases. He has also advised in respect of valuers' negligence in property purchases.

Andrew represented the project manager in a high profile claim arising out of the near destruction by fire of a landmark listed building during the course of a major construction project. He has acted for and against civil engineers, structural engineers, architects and others. He acted for a hotel owner in a claim against an internationally renowned architect. He is currently acting for a large number of leasehold owners in claims in respect of defective fire compartmentation and combustible cladding.

## PROPERTY DAMAGE & INSURANCE DISPUTES

Andrew has dealt with technical and defect or damage related disputes for almost 30 years. He acted for a water undertaker defending a substantial subrogated claim by insurers in respect of the partial demolition and rebuilding of a property, where the allegation was that subsidence resulted from the washing away of fines caused by escape of water from pipes vested in the undertaker.

He has acted in cases involving escape of water during construction operations, the partial destruction by fire of a publicly owned landmark listed building and damage caused by tree roots.

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## RECOMMENDATIONS

*"Widely regarded as the Western Circuit's leading barrister for construction and engineering disputes. 'Very much number one in this region.' 'He is excellent on tactics, very commercial and a real street fighter for advocacy.' 'He is dynamic, a team player and hugely intelligent – he doesn't expect to be served things on a platter but works with you to find the strengths and weaknesses of a case'" Chambers & Partners 2020*

*"... he is frequently instructed in sophisticated and high-profile cases. Regularly coming up against London silks, Kearney represents national and international contractors in a variety of cases, including those in the Middle East. He is also an accomplished arbitrator and accredited mediator."* Chambers & Partners 2020

*"He has an extensive and impressive knowledge of construction law and practice."* The Legal 500 2020

*"Incredibly intelligent, he is able to drill down into the issues and dig into things we might not have thought about; he certainly adds something to the team." "Andrew is an excellent sounding board, who provides well-considered advice quickly and efficiently. Nothing is too much trouble for Andrew and he is very enjoyable to work with."* Chambers & Partners 2019

*"A brilliant tactician who instils confidence in his clients."* The Legal 500 2019

*"Absolutely first-class...an accomplished and astute advocate, as good on his feet as he is in print."* Chambers & Partners 2018

*"His technical knowledge is first class."* The Legal 500 2018

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## APPOINTMENTS

- TECBAR accredited Adjudicator
- TeCSA accredited Adjudicator
- Fellow of the Chartered Institute of Arbitrators
- Chartered Arbitrator
- Accredited Civil Mediator
- Deputy District Judge (2004 – 2009)

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## MEMBERSHIPS

- Technology and Construction Bar Association
- Society of Construction Law
- Adjudication Society
- Chartered Institute of Arbitrators

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## QUALIFICATIONS

- BA (Hons) (Christ Church, Oxford University)
- PG Dip (with Merit) Construction Law and Arbitration
- FCI Arb
- Lord Mustill's CI Arb President's Prize (Award Writing)
- Former Solicitor

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