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Chambers & Partners 2018

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“Excellent analysis of technical issues, he is approachable, hard-working and bright.”

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Patrick Hennessey is a barrister qualified in England & Wales but with extensive international experience, particularly in South East Asia and the Middle East. His practice is focussed on commercial and construction disputes in both international arbitration and UK litigation with significant experience in transport and energy infrastructure and project finance.

In 2017 Patrick was Highly Commended in Legal Week’s “Stars at the Bar 2017” recognition his growing stature as a sought after junior in the construction and commercial fields and was appointed to the Attorney General’s London C Panel.

Patrick is instructed as sole-counsel and junior in a broad range of construction, engineering and infrastructure disputes and has experience in ICC, LCIA, SIAC, DIAC and ad hoc arbitration and in the TCC and adjudication. Patrick has considerable international experience (having worked on secondment in the Arbitration & Dispute Resolution team of a leading international law firm in Singapore and in-house with a leading UAE property developer) and has worked closely with the litigation teams at a number of top-tier UK construction and energy law firms. Patrick undertakes advisory work for a range of employers, construction professionals and adjudicators and has experience with all major standard form building contracts (JCT, FIDIC, NEC3) and working with various consultants and handling experts, witnesses and pleadings.

Patrick also advises the UK and other governments on defence and security matters having spent five years as an officer in the British Army.

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## PRACTICE AREAS

- Construction, Engineering and Infrastructure
- International Arbitration
- Commercial
- Administrative & Public
- Civil Liability

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## PRACTICE AREAS

### CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

RECENT EXAMPLES PATRICK'S CONSTRUCTION WORK INCLUDE:

#### TCC

- Acting for the employer in enforcement proceedings arising from £10M rail adjudication.
- Acting for the homeowner in a (£500,000+) claim against indemnifier syndicate of new build insurance policy for claim arising out of significant defects and remedial scheme.
- Instructed as junior to Sean Wilken QC and Adam Robb in high-value (£5M+) adjudication under the M1 motorway refurbishment project agreement.
- Acted for the claimant sub-contractor in claim arising from the London Overground construction project in successful interim applications resulting in settlement for the full sum claimed (£500,000+).
- Acting for specialist sub-contractor in interim relief and possession claims arising from the construction of a high-profile theme park ride.
- Acting for sub-contractor in respect of claims arising from dispute over high-speed internet and associated communication cable installation.

#### ARBITRATION

- ICC Arbitration: advising contractor in multi-million dollar dispute concerning delay and disruption claims arising from the construction of USD 3.7 billion refinery complex in North Africa.
- DIAC Arbitration: acting for Employer in multi-million AED dispute concerning landmark residential tower complex in Dubai.
- SIAC Arbitration: acting (as foreign legal consultant) for the contractor in SIAC arbitration arising out of a dispute over the construction of a signature engineering project in Dubai.
- ICC Arbitration: as junior counsel to Stuart Catchpole QC and Alex Bodnar in an ICC arbitration relating to a multi-million dollar dispute concerning payment issues and delay and disruption claims on a large-scale energy project in Saudi Arabia.
- ICC Arbitration: acting as junior counsel to Richard Wilmot-Smith QC and Jess Connors in an ICC

arbitration arising out of a termination dispute on a multi-million dollar off-shore gas pipeline project in the Caribbean

## ADJUDICATION

- Instructed as sole counsel for the employer in £10M+ adjudication under the High Speed 1 rail link project.
- Instructed as sole counsel for Highways England in £10M+ adjudication in respect of defective works to major A road.
- Instructed as sole counsel for the employer in £1M+ luxury home refurbishment adjudication under a JCT agreement.
- Instructed as junior counsel for SPV contractor in high-value (£10M+) claim for damages and cost of remedial works under complex PFI agreement against construction sub-contractor and associated defence to claim by public body employer.
- Other recent adjudication experience includes:
  - Acting for a specialist lift-subcontractor in multiple claims alleging defective installation of lifts at various office and hotel locations across SE England;
  - Acting for M&E subcontractor in multiple adjudications arising from delayed completion of a mixed use residential, retail and social housing development;
  - Acting for SPV in claims arising from defective fire-stopping and associated issues in a PFI hospital project;
  - Acting for SPV in claims arising from defective cladding in a PFI university project.

## INTERNATIONAL ARBITRATION

### SIGNIFICANT ARBITRATIONS INCLUDE:

- Instructed as sole English counsel (with local counsel assistance) in enforcement proceedings in Tanzania and the UK relating to an ICC arbitration arising out of a dispute over the construction of a luxury resort hotel
- JAMS Arbitration: instructed as junior counsel to Sean Brannigan QC in a multi-million dollar employment dispute.
- SIAC Arbitration: instructed as foreign legal consultant in SIAC arbitration and linked Indian court proceedings arising from an investment/restructuring dispute concerning foreign direct investment into large-scale Indian transport infrastructure projects.
- ICC Arbitration: advising contractor in multi-million dollar dispute concerning delay and disruption claims arising from the construction of USD 3.7 billion refinery complex in North Africa.
- DIAC Arbitration: acting for Employer in multi-million AED dispute concerning landmark residential tower complex in Dubai.
- SIAC Arbitration: acting (as foreign legal consultant) for the contractor in SIAC arbitration arising out of a dispute over the construction of a signature engineering project in Dubai.
- ICC Arbitration: as junior counsel to Stuart Catchpole QC and Alex Bodnar in an ICC arbitration relating

to a multi-million dollar dispute concerning payment issues and delay and disruption claims on a large-scale energy project in Saudi Arabia.

- Patrick has also been appointed as Arbitrator in ad hoc arbitral proceedings.

## COMMERCIAL

### SIGNIFICANT COMMERCIAL CASES INCLUDE

- *Libyan Investment Authority v Societe Generale & Ors* (2016-2017) acting for Fifth Defendant in claims brought by the LIA to set aside \$1.5 billion of structured investments on the basis of alleged fraud and bribery.
- *Duncan Macleod v Mears Group Plc* [2014] All ER (D) 15 Jul, [2014] EWHC 3140 (QB) and associated hearings: acting for the successful claimant in claim for non-payment of a contractual bonus (and secured permission for late amendment to pleadings as cited in the 2015 White Book).
- Acting as junior to James Ramsden QC in a claim for damages and relief pursuant to a disputed joint venture property investment vehicle.
- Instructed as junior to Adrian Hughes QC in a £10M+ bench-marking adjudication under a PFI care homes project.
- Instructed as sole counsel in an arbitration under the Metals Trade Association rules concerning non-delivery and delivery of sub-standard tin.
- Instructed as sole counsel in *Peter Gray v Gibson Dunn & Crutcher* CFI-012 02016. Acted for the claimant and appellant in the DIFC Court of Appeal in a claim relating to the enforceability of an arbitration clause in contract underlying \$1m+ claim.
- Acting for successful claimant investors for damages arising from the operation of a collective investment scheme in contravention of the Financial Services Management Act 2000.

## ADMINISTRATIVE & PUBLIC

Patrick was appointed to the Attorney General's C Panel (London) in 2017 and regularly acts for the government in cases concerning matters of defence and security.

### SIGNIFICANT CASES INCLUDE:

- *Al-Sadoon v Secretary of State for Defence* [2016] 1 WLR 3625 – acted for the government in cases relating to inquiries into alleged abuse of Iraqi citizens by UK Forces during the Second Gulf War.
- *The "Snatch Landrover" and "Challenger 2" Claims* – acted for the government in test cases on combat immunity following the decision of the Supreme Court in *Smith and others v MOD* [2013] UKSC 410
- *The Cyprus Colonial Litigation* – acted for the government in test cases on historic liability for alleged abuse of Cypriot citizens by UK and Cypriot during the Cyprus Emergency.

## CIVIL LIABILITY

Patrick regularly undertakes defendant work in civil liability cases and frequently appears in court in insurance related matters in particular in Employer's, Occupier's and Public Liability and Highways Claims.

### SIGNIFICANT CASES INCLUDE:

- *King Lifting v Oxfordshire County Council* [2016] EWHC 1767 (QB) – acting for successful defendant authority in highways act claim brought by operator of damaged specialist plant equipment.
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## RECOMMENDATIONS

Patrick is ranked as an up-and-coming junior in Chambers & Partners for construction.

*“An advocate well beyond his years of call in terms of maturity and ability”*

*“Impressive intelligence coupled with pragmatism.” “Excellent analysis of technical issues, he is approachable, hard-working and bright.”*

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## MEMBERSHIPS

- Young International Arbitration Group
  - ICC Young Arbitrators Forum
  - Middle Temple
  - COMBAR
  - TECBAR
  - LCLCBA
  - PIBA
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## QUALIFICATIONS

Bar Vocational Course, BPP Law School (2009 – 2010)

Graduate Diploma in Law, BPP Law School (2008 – 2009)

BA (Hon’s) (English), Balliol College, Oxford (2000 – 2003)

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## SCHOLARSHIPS AND AWARDS

Astbury Scholarship, Middle Temple (2009)

The Queen’s Medal, The Royal Military Academy Sandhurst (2004)

Violet Vaughan Morgan Memorial Prize, Oxford University (2003)

Graham Greene Birthplace Trust Scholarship (2001)

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**LONDON**

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

**MANCHESTER**

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

**SINGAPORE**

Maxwell Chambers,  
28 Maxwell Road,  
04-03 & 04-04, Maxwell Chamber  
Suites  
Singapore 069120  
Tel: +65 6320 9272

**KUALA LUMPUR**

#02-9, Bangunan Sulaiman,  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +60 32 271 1085

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