



## “A very sharp junior punching above her call”

The Legal 500

Rebecca Drake specialises in commercial and construction disputes, acting for both claimants and defendants. She appears regularly in court and undertakes pleading and advisory work, acting for a wide variety of contractors, manufacturers and their professional advisors.

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### PRACTICE AREAS

- Construction
- Commercial
- Common Law
- Planning, Environment & Property

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### PRACTICE AREAS

#### CONSTRUCTION

*“Her team spirit proves vital on long-running matters.”* Legal 500 2016

*“A very sharp junior punching above her call.”* Legal 500 2015

*“She has a tenacity in court generally associated with someone of a much more senior call”* Chambers UK 2013

Rebecca specialises in high value commercial and construction disputes, both as a junior and as sole counsel. She appears regularly in complex cases in the TCC and the Commercial Court and in arbitrations, both domestic and international.

Rebecca has acted in cases in the High Court and at arbitration concerning bonds and guarantees, both domestic

and international. Most recently, she has recently acted as junior to Paul Darling QC in a LCIA arbitration concerning the legitimacy of a demand on a bond.

Rebecca is particularly experienced in international arbitrations, in particular in the Middle East and Far East. Recent examples include:

- Acting as sole counsel in a 5 day Dubai construction arbitration worth AED 30,000,000 under DIAC rules with complex questions of jurisdiction necessitating 2 sets of pleadings;
- Acting as junior to Gordon Nardell QC in an ICC arbitration concerning solar energy in a dispute with a Danish company;
- Acting for Bahraini marine engineering contractors against a Singapore main contractor in a dispute arising from the construction of a Desalination Plant in Algeria. The case involved issues of the validity of determination of the contract by the main contractor, including pipe design engineering issues, adequacy of environmental permitting and issues of Algerian law;
- Being instructed in a multi million pound arbitration in Trinidad, where she was acting for an oil and gas company in relation to payment disputes over payment for changes, and delay and disruption, and as sole counsel by solicitors in Dubai in relation to an arbitration in accordance with the laws of DIFC;
- Acting as a junior to Sean Wilken QC in a multi million pound ICC Arbitration in relation to a project in the Kurdistan Region of Iraq;
- Acting as a junior to Roger Ter Haar QC and Adam Robb in a multi million pound ICC Arbitration on behalf of a Kuwaiti contractor in relation to a large plant in Qatar

Recent examples of her construction experience include:

- Acting as sole counsel in an international multi million pound construction dispute in Ghana and Burkina Faso, at an estimated cost of €3 million against an Israeli telecommunications company;
- Acting as sole counsel in ICC enforcement proceedings for a £20m arbitration;
- Acting as sole counsel in a 4 day trial concerning water damage to a long leasehold flat and breaches of covenant;
- Acting as sole counsel in a forthcoming 6 day trial concerning water damage to Russian art.

Rebecca has extensive adjudication experience, both as a junior and as sole counsel. She has also been instructed in adjudication enforcement proceedings in the TCC. Her experience includes:

- Acting as lead counsel in a £10m payment dispute
- Acting as sole counsel in a £1m asbestos dispute
- Acting in multi million pound PFI disputes
- Acting for schools and hospitals in payment disputes

## COMMERCIAL

Rebecca has particular experience in commercial fraud, contempt, asset tracing and obtaining injunctions in support of the same, both domestic and worldwide. She was junior counsel to James Ramsden in *Wilcox &*

*Kagalovsky v Balmore Invest* [2013] EWHC 3876 (QB) (Comm) in which they acted for former Yukos Oil head Konstantin Kagalovsky. They succeeded in an application for committal for contempt in relation to Orders made under S.25 CJA in aid of proceedings before the Commercial Court in Kiev. The claim was to recover ownership of TVi, one of the few independent media outlets in Ukraine. The Respondent was sentenced to 18 months in prison. During the proceedings she obtained several emergency orders and interim injunctions as sole counsel.

Rebecca is currently acting as junior counsel into James Ramsden QC in the Commercial Court in a matter concerning a \$250m global fraud, where assets of that fraud include rare supercars stationed in England worth in excess of \$50m.

Rebecca acted as junior counsel to James Ramsden QC acting for the Claimants in *Green v Vossen Capital Partners LLP*, where they were successful in their £45m civil fraud claim. Rebecca has also acted as junior counsel to James Ramsden QC in the *Van Dutch* litigation.

Rebecca's other commercial experience is wide ranging. Recent experience includes appearing in enforcement proceedings in the Commercial Court arising out of an international arbitration worth AED 80 million, appearing in the Chancery Division in a £14m dispute over the wording of a share purchase agreement, and appearing in the Queen's Bench Division in a case involving breach of confidence and privacy issues.

Rebecca has experience of acting in cases concerning IT issues; she has been instructed in a case concerning the purchase of defective software, and arbitration concerning disputes on IT related matters.

Rebecca's commercial law experience also extends to instructions in cases concerning international shipping, insolvency and insurance. She regularly acts for insurers in policy dispute and indemnification matters, including involving questions of subrogation.

Before coming to the Bar, Rebecca worked at Norton Rose in the Project Finance division of the Banking department. She assisted in arranging finance for a range of large construction projects.

## COMMON LAW

Rebecca has a broad common law practice including cases involving property damage, nuisance, and professional negligence.

Rebecca has a specialist equine law practice. As an experienced horsewoman with her own horses, she understands technical terminology. She acts in cases involving high value racehorses and competition horses, up to Olympic level standard. She has experience of a number of areas of dispute in this field, including breach of contract for sale, agency, pre-purchase vetting, doping, disputes with racehorse trainers, and breaches of contract and/or negligence arising after purchase.

## PROPERTY DAMAGE

Rebecca has acted in a large number of property damage cases, ranging from damage caused by tree roots, to damage caused by fires and floods in residential buildings and large commercial premises, factories and warehouses. She has acted in several property damage matters which have contained product liability issues.

## PRODUCT LIABILITY

Rebecca has acted in a wide range of product liability cases. She has been instructed in relation to defective transport (a car and a motorbike) as well as several defective agricultural machinery cases.

Her product liability experience extends to consequential damage by fire, with multi million pound losses.

## PLANNING, ENVIRONMENT & PROPERTY PLANNING AND ENVIRONMENTAL LAW

Rebecca has experience of the Building Regulations and advising on them.

She has experienced a number of planning and environmental law cases, including an appeal against the refusal of planning permission, a prosecution brought by the environment agency, waste disposal contracts, and odour and noise nuisance cases.

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## RECOMMENDATIONS

Rebecca has been recommended for Construction law in Chambers UK & The Legal 500.

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## MEMBERSHIPS

- The Society of Construction Law
- COMBAR
- TECBAR

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## QUALIFICATIONS

- LLM, University College London (Distinction): 2007-2008.
- Bar Vocational Course, College of Law (Very Competent): 2006-2007.
- BA, Law, Cambridge University, Corpus Christi College (2:1): 2003-2006.

### Scholarships & Awards

- Organ Scholarship, King's College, London: 2007-2008.
- Mary MacMurray Major Scholarship, Lincoln's Inn: 2006.
- Hardwicke Entrance Award, Lincoln's Inn: 2006.
- Avory Award, Corpus Christi College, Cambridge: 2006.
- Hewitt Exhibition, Corpus Christi College, Cambridge: 2006.
- Organ Scholarship, Corpus Christi College, Cambridge: 2003-2006.

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## ADDITIONAL INFORMATION

### Seminars

Contributor to *Transparency and the Well Regulated Procurement System*, SCL talk in Hong Kong in December 2009

Construction (Design and Management) Regulations 2007 seminar in January 2011

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