



'One of the great doyens of construction.'

Legal 500 2021

"Tough, unequivocal in his advice and excellent with clients." "An absolute star."

Chambers & Partners 2021

'He delivers first-class advice on complex legal issues and strategy.'

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'Always going to be one of the small circle of silks that we will consider on our most important cases.'

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'Extremely able and experienced in his field, as well as very hardworking and reliable.'

Legal 500 2021

'Excellent, particularly in his imaginative strategies and meticulous cross-examination.'

Legal 500 2017

Richard is a specialist in all aspects of construction and engineering litigation and arbitration and has over forty years' experience in that field, thirty of them at the highest level. He has been in silk since 1994 and sits as an arbitrator and adjudicator worldwide in high value cases. He is Editor of *Wilmot-Smith on Construction Contracts* Fourth Edition OUP 2021.

His expertise also extends to issues involving European law, environmental law (including coal and nuclear power, and waste incidents), libel, health & safety, railways and oil & gas. He has acted in litigation and arbitration concerned with major projects in the United Kingdom, the United States, Tanzania, Egypt, India, Singapore, Hong Kong, Canada, Iran, Iraq, Dubai, Qatar and Saudi Arabia.

His major projects include airports, roads, tunnels and structures, including ports and dry docks, housing estates, schools and universities, factories, transport and energy systems (including power stations), food processing, and oil platforms and refineries. He has acted as advocate and as arbitrator, in the UK and abroad, in matters ranging from substantial and complex construction and commercial matters, to the smaller arbitrations. His reputation is particularly strong in matters with a heavy technical and engineering content.

He is associated with innovation in court procedure, such as the *University of Manchester* case (1984) 2 Con LR 43, where he persuaded the TCC to pioneer the first trial using witness statements as evidence in chief and, in 1995, appearing as Leading Counsel for Eagle Star in the six month long Carlton Gate case which was the first major paperless civil trial in the UK.

His past involvement in arbitration and litigation encompasses many iconic structures in the UK and abroad, such as the Tan-Zam highway, Dubai Creek, the GMEX complex, Lloyd's of London and the second Dartford Tunnel. Recent matters in which he has been involved include London's 'Cheesegrater' building.

Richard commenced acting as arbitrator in 1989 in a large domestic construction dispute between a major national contractor and its steelwork sub-contractor. He lectures on international arbitration and construction law extensively; most recently in New Zealand (NZ SCL), Hong Kong (HK SCL), Delhi (ICC) and London (SCL).

He is a frequent keynote speaker at commercially sponsored conferences – most recently in such arbitral centres as Abu Dhabi, Dubai, Singapore and Seoul. He is author and editor of *'Wilmot-Smith on Construction Contracts'* (OUP Third Edition).

He has acted as sole arbitrator, party nominated arbitrator and chairman of arbitration panels under LCIA, DIAC and ICC Rules.

His appointments as sole arbitrator or chairman of the tribunal include:

- Sole arbitrator pursuant to ICC nomination in franchise dispute. ICC rules: London seat. Parties: Turkish and South African.
- President of arbitration panel regarding oil facilities roads and warehousing in Iraq. Seat: Paris. ICC rules.
- Sole arbitrator pursuant to ICC nomination in a dispute concerning alleged delay and defects to 323 residential units in Bahrain. Seat: Bahrain. ICC rules.
- Chairman of arbitration panel regarding ancillary oil facilities in Iraq. Seat: Dubai. DIAC rules.
- Chairman of arbitration panel regarding a dispute relating to delay and defects in an estate comprising over 300 villas in Dubai. Seat: Dubai. DIAC rules.

As a panel member his party nominated appointments include:

- Multi-billion US dollar dispute concerning a hospital complex in Qatar. Seat: London. ICC rules.
- Disputes concerning an oil and gas treatment facility in Kuwait. Seat: London. LCIA rules.
- Disputes regarding a racecourse, hotel and sporting complex in Dubai. Seat: Dubai. DIAC arbitration.
- Dispute regarding a guarantee given under a construction contract in Qatar. Parties: Qatari and Spanish. Seat: London. ICC rules.
- Dispute regarding the redevelopment of a hotel complex in Abu Dhabi. Seat: Dubai. DIAC Rules.
- Dispute about Heavy Naptha Hydrotreater and Continuous Catalytic Regeneration Platformer Unit and associated works off-shore and onshore in Trinidad. Seat: New York. ICC rules.
- Dispute concerning delays and variations regarding an EPC contract for the procurement of nineteen non-process buildings. Seat: UAE. ICC rules.
- Dispute concerning EPIC contract for a Block 4 Riser Platform and sub-sea pipelines in Turkmenistan. LCIA rules.

His experience in international arbitrations include power stations, hospitals, roads, oil platforms, undersea pipelines, naptha plants, docks and oil refineries as well as hotels, housing estates, tunnels and bridges.

CASES

Construction

Makers UK Ltd v Camden [2009] All ER (D) 301; 124 Con LR 32: Resisting the imposition of conditions which would restrict a party from having recourse to adjudication.

Persimmon Homes (South Coast) LTD v (1) Hall Aggregates (South Coast) LTD (2) Cemex UK Properties LTD [2008] EWHC 2379 (TCC): A property developer was entitled to recover certain costs and damages arising from the need for the performance of certain remedial works on a development site.

Richardson Roofing Co Ltd v Ballast Plc & Compco Holdings Plc & The Colman Partnership (QBD) [2008] EWHC 1806 (TCC): When making a detailed assessment of costs, the costs judge should decide whether costs incurred in preparing for and attending a hearing that subsequently had been adjourned were recoverable.

Landfast (Anglia) Limited v Cameron Taylor One Limited [2008] EWHC 343 (TCC).

Trustees of Tate Gallery v Duffy Contractors Plc & anor (QBD) 15 February 2007 [2007] EWHC 361 (TCC); [2007] All ER (D) 197 (Feb): Preliminary issues in an insurance / construction case about the flooding of the basement of the Tate Gallery.

Harvey Shopfitters Ltd v ADI Ltd (CA) [2004] 2 All ER 982.

London Underground Limited v Pillar Broadway Limited (TCC) [2003] EWHC 28 TCC(2003) 87 Con LR 205.

Masons (A Firm) v WD King Ltd & Anor, Court of Appeal – Technology and Construction Court [2003] EWHC

3124 (TCC).

Alfred McAlpine Construction Limited v Forum Architects & others (TCC) [2002] CILL 1880.

Lord Norman Foster and Foster and Partners v Associated Newspapers [2002] EWHC 1885 (QB).

Nordic Holdings Ltd v Mott Macdonald Ltd [2001] EWHC 455 (TCC).

Trafalgar House Construction (Regions) Ltd v General Surety & Guarantee Co Ltd (HL) [1996] AC 199.

Commercial

Heathrow Airport LTD Thames Utilities Ltd [2009] EWCA Civ 992.

Tramtrack Croydon Ltd v London Bus Services Ltd (QBD) 31 January 2007, [2007] EWHC 107 (Comm): This case determined the levels of compensation to be paid to Tramtrack Croydon for carrying passengers who use bus passes and other concessionary cards on the system.

London Bus Services Ltd v Tramtrack Croydon Ltd (QBD) 19 December 2006, [2006] EWCA Civ 1743: This case concerned the long-term PFI project for the construction and operation of the Croydon Light Rail system.

Bermuda Trust (Guernsey) Ltd v Brackman Chopra and others (QBD) 29 July 2004, [2004] EWHC 1864 (QB).

Thames Trains v Network Rail Infrastructure Ltd [2004].

Smith (Administrator of Coslett (Contracts) Ltd) v Bridgend County BC (HL) [2002] AC 336.

Great Scottish & Western Railway Co Ltd v British Railways Board (CA).

Deepak Fertilizers and Petrochemicals Ltd v Davy McKee (London) Ltd [1999] 1 All ER 69 (CA).

Odebrecht Oil & Gas Services Ltd v North Sea Production Co Ltd.

Scottish Power v Britoil Exploration (CA) TLR 2/12/1997.

Professional Negligence

Charles Church Developments Ltd v Stent Foundations Ltd [2006] EWHC 3158 (TCC).

Charles Church Developments Ltd v Stent Foundations Ltd [2006] EWHC 3158 (TCC).

Bonds and Guarantees

AES-3C Maritza East 1 EOOD v Credit Agricole Corporate and Investment Bank and another [2011] CILL 2985; [2011] EWHC 123 (TCC); [2011] BLR 249.

Perar BV v General Surety & Guarantee Co (CA) 43 Con LR 110.

Administrative & Public Law

Cowl v Plymouth City Council (CA) (2002) 1 WLR 803; (2002) ACD 74

Alternative dispute resolution in judicial review and community care cases.

Construction & Engineering

Lanes Group Plc v Galliford Try Infrastructure Ltd [2011] EWHC 1696 (TCC) 137 Con LR 1 also Court of Appeal; [2011] EWCA Civ 1617.

Adjudication enforcement: the consequences of a refusal to serve a notice of referral.

Linklaters Business Services v (1) Sir Robert Mcalpine Ltd (2) Sir Robert Mcalpine (Holdings) Ltd (3) How Engineering Services Ltd (4) How Group Ltd (5) Southern Insulation (Medway) Ltd [2010] EWHC 2931 (TCC).

Southern Insulation (Medway) Ltd v How Engineering Services Ltd & How Group Ltd [2010] EWCA Civ 999; [2010] ALL ER 99 (Aug).

Linklaters Business Services v (1) Sir Robert Mcalpine Ltd (2) Sir Robert Mcalpine (Holdings) Ltd (3) How Engineering Services Ltd (4) How Group Ltd (5) Southern Insulation (Medway) Ltd [2010] BLR 537; [2010] 130 Con LR 111; [2010] NPC 61.

How Engineering Services Ltd V Southern Insulation (Medway) Ltd [2010] EWHC 1878 (TCC); [2010] BLR 537: A breach of warranty claim arising out of the fit-out of Linklaters' London offices. The claim raised important and controversial issues relating to duties of care, the complex structure theory and limitation.

Southfield School for Girls v Briggs & Forrester Electrical [2007] EWHC 3403 (TCC): A six-week TCC trial dealing with issues of defective design and workmanship, architect's negligence and the concept of a *'reasonable settlement'*.

RECOMMENDATIONS

Richard is recommended as a Leading Silk for Construction, Professional Negligence and Energy & Natural Resources by Chambers UK, and as a Leading Construction, International Arbitration, Energy and Professional Negligence Silk by the Legal 500.

Quotes

"One of the great doyens of construction." – Legal 500 (2021)

"He delivers first-class advice on complex legal issues and strategy." – Legal 500 (2021)

"Always going to be one of the small circle of silks that we will consider on our most important cases." – Legal 500 (2021)

"Extremely able and experienced in his field, as well as very hardworking and reliable." – Legal 500 (2021)

"Always one of our first choices for serious, heavyweight construction matters."

"Super-clever and very strategic. He has got a very good bedside manner with clients." – Chambers & Partners (2018)

'Calmly persuasive in court, he delivers excellent results and is an obvious choice for bet-the-company disputes.' – Legal 500 (2017)

Extremely adept at mastering highly complex technical information.' – Legal 500 (2017)

'Excellent, particularly in his imaginative strategies and meticulous cross-examination.' – Legal 500 (2017)

"Incredibly tough, unequivocal in his advice and excellent with clients." "An inventive advocate." – Chambers & Partners (2017)

"He provides well-thought-out, sensible reasoning, with huge attention to detail." "He is always someone the tribunal

listens to, even when the points are difficult." – Chambers & Partners (2016)

"Highly recommended by solicitors." – Legal 500 (2015)

"Robust and reassuring in his advice." – Legal 500 (2015)

"Clients love the clarity of his strategy and advocacy." – Legal 500 (2015)

"A very effective cross-examiner." – Legal 500 (2015)

"He has great intellectual capacity, good insight and fine judgement." – Chambers UK (2015)

"He's commercial, pragmatic and solution-driven." – Chambers UK (2015)

"Recommended for construction and engineering related disputes" – Legal 500 (2014)

"A superb advocate with highly reliable judgement" – Legal 500 (2014)

"Commercially aware, intensely knowledgeable and fierce in cross examination." – Legal 500 (2014)

"An excellent advocate, he is very client-friendly and his legal advice is direct and focused." *"He's authoritative and robust in his advice."* – Chambers UK (2014)

"He has a commanding intellect, great insight and good judgement." – Chambers UK (2014)

"a genuine heavyweight who is robust and authoritative with his advice" – Legal 500 (2013)

"He has great intellectual capacity, good insight and fine judgement." – Chambers UK (2014)

"'a superb advocate' who 'moves instinctively to the right answer'. Instructing solicitors are impressed by his 'excellent grasp of difficult and complex cases and his particular gift for making the very complicated sound easy'" – Chambers UK (2013)

"extremely affable and incredibly bright" – Chambers UK (2013)

"Meets with universal praise...is never daunted by a case whatever its size or complexity" – Chambers UK (2013)

"Authoritative and charismatic when speaking and has amazing gravitas" – Chambers UK (2012)

"Staggering intellect" – Chambers UK (2012)

"has great insight thanks to his vast experience," – Chambers & Partners (2010)

"'affable yet sharp advocacy style' makes him an enjoyable performer to watch in court." – Chambers & Partners (2010)

"safe pair of hands who is totally unflappable." – Chambers & Partners (2010)

"infectiously enthusiastic and hugely dedicated to his work" – Chambers & Partners (2009)

"A sound strategist" – Chambers & Partners (2009)

"frighteningly clever" – Chambers & Partners (2009)

Always brings something new to the table, *"whether that be a novel way of looking at the facts or an interesting strategy"* – Chambers & Partners (2009)

"Articulate and great with clients" – Chambers & Partners (2009)

"an amazing sense of humour as well as brilliant legal skills" – Chambers & Partners (2009)

"judgement, user-friendliness and straightforward advice" – Chambers & Partners (2009)

"Good lateral and strategic thinker" – Legal 500 (2009)

"a stunningly bright man with the finest strategy skills" – Chambers & Partners (2006)

"giving clear, unambiguous advice" – Chambers & Partners (2006)

"ability to get on the right side of the judge" – Chambers & Partners (2006)

"good on his feet and good with judges" – Legal 500 (2006)

APPOINTMENTS

ICC Arbitration (Sole Arbitrator and Chairman)

Bencher Middle Temple. To be Treasurer in 2019.

MEMBERSHIPS

- Listed member of the Dubai International Arbitration Centre (DIAC)
 - Member of Chartered Institute of Arbitrators
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QUALIFICATIONS

CEDR accredited mediator

Inns of Court School of Law, Bar Finals: 1975-1978

University of North Carolina, BA: 1971-1975

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