



**EXPERT WITNESS CONFERENCE
COMMERCIAL, CONSTRUCTION, PROPERTY and NEGLIGENCE CLAIMS
5 April 2019 10.00 - 16.30 hours.
University of London Conference Central, Malet Street, London, WC1E 7HY.
Fee (to include sandwich lunch) £299 plus VAT.**

This conference expands the knowledge and practical skills of expert witnesses instructed in commercial, construction, property and professional negligence claims. Experts will evaluate their roles and responsibilities during litigation and alternative dispute mechanisms and learn from leading practitioners in the field. Each session will be followed by questions and answers.

Chair's opening address 10 - 10.10

Dealing with conflicting pressures – a practical guide 10.10 - 10.55

An expert witness must often deal with external pressures from other experts, instructing solicitors, counsel, and clients. There is a need to balance these pressures against an overriding need for independence and compliance with the duty to the court. A session of practical guidance with reference to case law.

Mark Wheeler, Head of Diales Expert Witness Service.

Break 10.55 - 11.15

The role of experts in construction adjudication 11.15 - 12.00

Adjudication is the most prevalent forum for disputes in construction projects. This session traverses the adjudication process itself, the types of disputes determined by adjudication and expectations of experts' contributions and roles.

Digby Hebbard, Partner, Fladgate.

Mediation and the role of experts 12.00 - 12.40

An introduction to mediation, why people are using it and what part experts can and should play. How co-mediation helps to resolve complex multi-party disputes.

Rosemary Jackson QC, Keating Chambers and Elizabeth Repper, Barrister, Keating Chambers.

Lunch 12.40 - 13.30

Expert Witness Meetings (EWM) tips on procedure, process and preparation 13.30 - 14.10

Understanding the role of experts at an EWM, the importance of an agreed agenda, preparing to question and be questioned, distilling areas of agreement and the reason for disagreement - facts or method?

Liam Holder, Managing Director, Secretariat and Paul Barry, Founding Partner, gb2.

Expert Witness Meeting Master Class 14.10 - 14.55

A role play to demonstrate what to avoid in EWM and how to work effectively for the benefit of the parties and the tribunal. The session will stop and start to allow for comment and questions.

Liam Holder, Managing Director, Secretariat and Paul Barry, Founding Partner, gb2.

Break 14.55 - 15.15

Expert witness law updates 15.15 - 15.45

Mark James MA (Oxon), Barrister, Temple Garden Chambers, London.

What the legal team really want – duties, dos and don'ts 15.45 – 16.20

Working with the legal team during an arbitration – instructions, writing the report, practical tips, helping the legal team to question expert evidence and anticipating challenges to expert evidence at the hearing.

James Dingley MA (Oxon), Solicitor, Senior Associate, Clifford Chance.

Close and final questions 16.20 - 16.30

Speaker profiles

Mark Wheeler FCInstCES, FQSi, MCIArb, LCIBSE LLB (Hons) Head of Diales Expert Witness Service.

Mark has 30 years' engineering experience within the construction industry. He trained as a mechanical and electrical engineer before moving into construction and property development. Undertaking a wide range of building services installations in commercial buildings, on both a pre-designed, and design and build basis, Mark gained site experience in office developments, industrial projects, and a number of schools and hospitals. This has involved work on a wide range of contracts including JCT; PPC2000; BE Collaborative; FIDIC; and the NEC3 form, with which he has worked extensively.

Mark has acted as an Expert Witness in both technical mechanical and electrical (M&E) matters and quantum disputes. He has also been instructed as expert in NEC3 disputes, from both a project management and quantum perspective. Sector experience includes building including: hospitals, schools and colleges, power stations including: nuclear, coal and gas fired, subsea mining, and a number of major infrastructure projects. Mark has provided advice on the correct application of the NEC3 form of contract, including highways and remediation projects. His quantum claims experience includes those relating to additional payment for variations, re-measurement, damages, disruption, prolongation, and increased costs. Particular areas of expertise include issues such as: re-rating of billed items, valuation of disruption, preliminaries thickening, head office overheads, site overheads, and plant depreciation. Mark continues to practice as a project manager and has completed a challenging project for one of the world's leading artists, delivering advanced new art storage, gallery space and studio production facilities.

Digby Hebbard, Partner, Fladgate.

Digby Hebbard is a Partner in the Construction team at Fladgate. He specialises in advising parties to domestic and international construction, engineering and building projects on commercial and contractual issues. Digby's clients include main contractors, specialist contractors, funders, developers, cultural institutions, materials suppliers and water treatment operators.

Digby works closely with clients through project delivery. He assists with drafting and reviewing project documentation, identifying potential risks and developing strategies to navigate through them. Where unavoidable, Digby represents clients in the formal dispute resolution avenues of adjudication, arbitration and litigation. Digby is particularly skilled at conducting dispute resolution cost-effectively.

His expertise covers a range of sectors including transport and infrastructure, traditional construction, energy, mixed-use development, healthcare, education and heritage. Digby is regularly asked to advise on issues such as dealing with change, payment mechanics, delay and disruption, defects and termination. He is experienced in working with all major construction and engineering contracts.

Rosemary Jackson QC, Keating Chambers, London.

Rosemary Jackson is in full-time practice as a Mediator and Conciliator. This follows a successful practice at the Construction Bar from 1983. Rosemary was appointed as Queen's Counsel in 2006.

Rosemary has been an accredited mediator since 2001 and has built up a first-class reputation as the 'ideal facilitator', a personable and user-friendly mediator of domestic and international commercial disputes of all types. She draws praise for her "*gravitas*" and "*shuttle diplomacy in difficult circumstances*" (Chambers & Partners 2017). She is featured as a Leading Silk for construction mediations by Legal 500, 2017 and listed in Band 1 (Mediation) by Chambers and Partners UK and UK Bar Guides 2018. Rosemary is recognised in the Legal 500 Hall of Fame for mediators. She is consistently listed as one of the world's leading construction mediators in Who's Who Legal: Construction, and as a Global Elite Thought Leader in Who's Who Legal: Mediation 2018.

Rosemary's background in construction litigation, combined with good preparation, enables her to identify the issues incisively. This enables her to reality-test the parties' cases and assist them in evaluating their strengths and weaknesses. Rosemary's approach is adaptable, and she is able to deploy a blend of facilitation and evaluation to suit the particular mediation. Where invited (and if appropriate) she is willing to assist the parties by making evaluations, recommendations or post-mediation assessments. Many complex or multi-party mediations benefit from Rosemary's ability to case-manage the dispute and participate in a structured mediation process over a number of months. Rosemary is much appreciated for her calmness, patience and tenacity. She understands that parties sometimes need time and patience to make the necessary move to clinch a deal and times when firm handling is needed to help them bridge the seemingly unbridgeable final gap. She is excellent at injecting a little humour when necessary, to relieve the tension. She is also mindful that it must be the right deal for the parties, and not one which they feel bullied into.

Rosemary's practice at the bar was in the field of construction, engineering, energy, professional negligence and commercial/contract law, including advice and advocacy in relation to litigation and arbitration, adjudication and mediation, and contract drafting. Rosemary has acted as an arbitrator and as an adjudicator.

Elizabeth Repper, Barrister, Keating Chambers, London.

Elizabeth Repper has been in practice at Keating Chambers since 2005 representing clients in arbitrations (domestic and international), adjudications and court (including in party wall disputes). Since 2014 she has mediated disputes throughout the UK and in the Channel Islands. She is ranked as a mediator in the Legal 500 and has been appointed as mediator over 130 times. Liz now focuses her practice solely on alternative dispute resolution appointments and is now only available to act as mediator, including under the Keating Chambers' Fixed Fee Mediation Packages.

Liz mediates construction, energy, property and professional negligence disputes (including those involving solicitors, architects, engineers and surveyors) and has a growing practice mediating general commercial cases (including disputes involving liquidators and trustees in bankruptcy). She also regularly co-mediate multi-party disputes and has been appointed as co-mediator in cases involving 6, 8 and 10 parties.

A popular choice with clients who appreciate her "*attention to detail*", "*relaxed style*" and knowledge of the subject area, Liz has been commended for being "*really excellent*" as well as "*very perceptive as to where the main issues would lie*". She has also been praised for really "*bending her back*" on behalf of the parties and brokering a settlement that would have been impossible without her help.

Liz is regularly invited to give her workshop about practical tips for parties attending mediations. Feedback includes that she has "*tremendous insight into the process and what works and what does not*" and "*is easy to talk to and gets the best out of people*". She is the author of the Practical Law Note 'Mediation of Construction Disputes' and a regular blogger for Practical Law Construction. Her articles have also appeared in the ICE Construction Law Quarterly, the JCT Newsletter and the RICS Property Journal.

Liam Holder BSc (Hons) MSc FRICS, FCI Arb, MCI OB MAE, Managing Director, Secretariat International.

Liam Holder is a Fellow of the Royal Institution of Chartered Surveyors (FRICS) with 30 years' experience of major international construction projects and is regularly appointed as Quantum Expert on large international construction and engineering projects. Liam's project involvement spans many sectors and geographies, including the UK, mainland Europe, the Middle East, Africa, Asia and South America. He specialises in the valuation of complex claims involving aspects such as valuation and measurement, delay, disruption, variations, defective works and termination claims. Liam has provided evidence to formal Tribunals on many occasions, including the provision of concurrent evidence (hot-tubbing), to the English High Court and numerous international arbitrations, as well as to dispute boards, adjudications and mediations. He has testified in the UK, the Middle East, Europe and Canada.

Who's Who Legal says: Liam Holder is "*Widely respected for his skills as a quantum expert*" who "*Has notable experience giving evidence on construction and engineering projects around the world*" and who is recognised as "*an absolutely first-class quantum expert*" who wins praise for his "*thorough and straightforward approach*". Who's Who Legal Consulting Experts 2017 says: The "*tremendous*" Liam Holder boasts "*a great presence in the market*", is recognised for his "*truly excellent work*" and "*receives international recognition for his impressive quantum experience in major international projects*". He is recognised by Who's Who Legal as a Thought Leader in Construction 2018.

Liam holds an MSc in Construction Law & Arbitration from Kings College, London, a BSc (Hons) degree in Quantity Surveying and BTEC and HNC Certificates in Building Studies. Liam is a Fellow of the Chartered Institute of Arbitrators (FCI Arb), a Member of the Chartered Institute of Building (MCI OB) and a practicing Member of the Academy of Experts (MAE). He is a CEDR accredited Mediator, a practicing Adjudicator on the RICS President's list and acts as a Dispute Board Member. Liam was Lead Technical Author for the 4th RICS Practice Statement and Guidance Note for Surveyors acting as Expert Witnesses. He is member of the Adjudication Society, the Society of Construction Law and the Dispute Resolution Board Foundation. Liam is a published author and lectures regularly. He is a visiting practitioner and dissertation supervisor to the MSc Construction Law and Dispute Resolution course at Kings College, London.

Paul Barry FRICS, Founding Partner, gb2.

Paul is a former senior partner and founder of gb², now a consultant. The practice provides quantum services to the building, engineering, and construction industries. Based in London, Paul is a chartered quantity surveyor with over 45 years of experience advising on major projects around the world. He specialises in quantity surveying and cost engineering; the provision of strategic procurement, contract and commercial advice; measurement; valuation of works, prolongation, disruption/uneconomic working and acceleration; and undertakes forensic investigation.

A large part of Paul's career was as a senior partner on the main board of EC Harris (now Arcadis). He had particular responsibility for managing the mechanical & electrical department and for many years was responsible for a multi-disciplinary office in Saudi Arabia and associated offices in Abu Dhabi, Nigeria, Indonesia, Singapore, Australia, Hungary and Belgium. His time as a managing director at Navigant also involved responsibility for international clients. Paul has experience of most forms of procurement (including traditional, design and build, turnkey, management, cost reimbursable, partnering and bespoke methods) and the different methods of measurement. He was a member of the RICS committee that reviewed the SMMIEC (the standard method of measurement for industrial engineering construction).

Paul has been appointed as a quantum expert on numerous disputes and provides advice to employers, contractors and consultants. He has written expert witness reports, attended expert witness meetings and given evidence on many occasions in the TCC and at arbitration under UK, ICC and UNCITRAL rules. He has been instructed as a single joint expert in the TCC and a tribunal appointed expert and has experience of 'hot tubbing'. Paul continues to advise on live projects and specialises in the presentation, strategy, risk and settlement of disputed issues. Paul undertakes investigation into the technical provisions of contracts, pricing, costs and claims under differing procurement and contractual regimes. Paul is a successful mediator and has been instrumental in the settlement of a number of civil engineering and building related disputes. He has also provided expert determination in both the UK and Middle East. Paul is a DAB member and been involved in formal hearings on large disputes arising out of the construction of a major power project in Africa.

Mark James MA (Oxon), Barrister, Temple Garden Chambers.

Mark James is the author of "*Expert Evidence: Law and Practice*" published by Sweet and Maxwell. This is the seminal text book on expert evidence and is used as a primary source of reference by the courts and practitioners. Mark is recognised as an expert in the field of costs and conducts professional negligence claims involving barristers and solicitors. He has extensive experience in insurance-backed litigation specialising in fire and property damage claims and policy disputes. He handles high-value claims and disease litigation, insurance contract disputes and claims for fire and subsidence damage to property and business (including subrogated claims). He also undertakes construction work and general commercial work.

Mark has appeared in some of the leading cases on champerty, solicitors' retainers and other solicitor-client disputes. He frequently appears in applications for wasted and non-party costs. He represented both claimants and defendants in the cost budgeting pilot schemes for defamation and in the TCC and continues to do so now that cost budgeting is generally in use. He is commonly asked to advise in cases that raise complicated legal and technical issues (such as whether CFAs can be assigned) and has a reputation for providing incisive and practical advice. He has created a niche in the field of costs and is recommended in this area by 'The Legal 500' and 'Chambers UK'. Because of this expertise he is also frequently instructed in professional negligence claims and disciplinary matters involving claims against solicitors and/or barristers. Mark does direct access work.

Chambers and Partners UK (2016) "*He has the brain the size of the planet and is brilliant on very technical issues*" and "*An excellent technical lawyer and a good advocate who gives good quality, clear and concise advice.*"

James Dingley MA (Oxon), Solicitor, Senior Associate, Clifford Chance

James is a senior associate within the Litigation & Dispute Resolution Group and is a member of the firm's international arbitration practice. James has over 12 years' experience of handling complex, high-value international disputes. He advises on a range of both international commercial and investment treaty arbitration proceedings. He has particular experience of disputes in the energy & infrastructure and natural resources sectors. He also regularly advises as to suitable dispute resolution regimes and investment protection strategies for major energy & infrastructure and natural resources projects.

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