

# Claire Packman QC

Call 1996 Silk 2021



Claire Packman QC has a commercial practice.

She specialises in the following areas:

- Construction & Engineering
- Professional Negligence
- Energy
- Insurance
- Commercial Disputes
- Technology & Telecoms

## Construction & Engineering

Claire is recommended in Legal 500, Chambers & Partners UK and Chambers Global for construction disputes. She is regularly instructed in high-value TCC litigation and arbitration (international and local), and in adjudications, adjudication enforcement proceedings and disputes relating to payment. Recent cases relate to the construction of airports, shopping centres, motorways, hotels, student accommodation, government offices, dredging projects, naval dockyard premises, a solar power plant, off-shore wind farms, housing developments and high-end residential projects. She is experienced in the standard contract forms, including the JCT contracts, NEC, FIDIC, ICE, IChemE and professional appointments under ACE, RIBA and RICS standard appointments. She acts for employers, contractors, sub-contractors and members of the professional team in cases involving a broad range of legal and technical issues.

Claire was formerly an elected member of the Society of Construction Law Council. She is regularly involved in adjudications, adjudication enforcement proceedings and disputes relating to payment. She is a contributing author to the Architect's Handbook and to the LexisNexis online *Adjudication KnowHow*. She is a former editor of the Adjudication Society newsletter.

## Featured Construction & Engineering cases

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Acting for a Middle Eastern port in a contractual dispute with a dredging contractor.

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Acting for developers in a TCC dispute with asbestos removal contractors in relation to the redevelopment of a power station.

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Acting for architects/ design team in a Middle Eastern arbitration relating to the construction of an airport.

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Acting for an MEP sub-contractor in an ICC arbitration relating to the construction of a government offices complex in a Middle Eastern capital.

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Acting for a subcontractor façade designer in a dispute relating to cladding.

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Acting for a waste removal subcontractor in relation to an oil leak at a hospital.

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Acting for a contractor in relation to various disputes under contracts with a local authority for the upgrading of council properties.

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*Mears v Costplan* [2018] EWHC 3363 (TCC): Acting for contractors in a case where the prospective tenant sought an injunction and declarations from the Court to prevent practical completion being certified.

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Acting for a contractor in an ICC arbitration concerning a high value dispute over the construction of a motorway in the Indian Sub-continent under a FIDIC contract. Issues include the role of the Dispute Board and delay.

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Acting for a government body in the Caribbean in a high value dispute with a contractor over a major road building project in a LCIA arbitration. Issues included delay and termination.

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Acting for the operators of a naval dockyard in a claim against sub-contractors.

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Acting for a UAE contractor in a DIAC arbitration in a high value dispute over the construction of accommodation blocks. Issues include delay, disruption, variations and defects including concerns over structural stability.

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Acting in an ICC arbitration for a major European construction company in a multi-million pound dispute with an energy company relating to the construction of an offshore wind farm. Issues included vessel mobilization, grouted connections, vibrations, termination and delay.

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Advising an offshore wind farm company in relation to faulty offshore cables.

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Acting for a structural steel fabricator in a claim for over £4 million involving the near total collapse of a church while under construction.

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Acting for a main contractor in a dispute under a PFI contract for the construction of an acute hospital.

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Acting for a main contractor under a design and build contract in a £6 million case concerning the adequacy of ground improvement works for an industrial building: *Commercial Management (Investments) Ltd v Mitchell Design and Construct Ltd and Regorco* [2016] EWHC 76 (TCC).

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Acting for the Environment Agency in relation to contractual disputes with various contractors over the payment terms in a framework agreement.

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Acting in an arbitration for the Ministry of Defence in a multi-million pound dispute relating to a redevelopment project on a naval base. Issues included M&E, glazing, fire protection, payment and delay.

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Acting for the Ministry of Defence in an arbitration relating to a contract for the maintenance of MoD housing stock.

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Acting for a major Japanese contractor in two international arbitrations relating to the construction of a motorway in Ghana.

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Acting for the Secretary of State in various actions relating to the construction of the M6 Toll Road and a number of adjudications arising from it.

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Instructed by the Highways Agency on various disputes relating to motorway widening projects: issues included bridges, tunnels, surfacing, earthworks and delay.

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Acting for engineers in a dispute relating to the design of the Mersey Gateway Bridge.

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Acting for quantity surveyors in a multi-party action relating to the development of a shopping centre (with residential housing) in Newbury.

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Acting for the employer against architects in relation to the development of a prestigious Middle Eastern shopping centre.

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Acting for project managers in a dispute about practical completion of a development of residential flats.

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Acting for architects in a Middle Eastern arbitration relating to the design and construction of an airport.

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Acting for a large engineering company successfully seeing off a claim for £25 million against them in relation to the design of 5 car parks.

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Acting for a large engineering company in a claim for non-payment of fees under IChemE.

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Acting for a large engineering company in a dispute with a main contractor over payment and the design of electrical services in a dual carriageway tunnel.

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*Sainsbury's v Condek & Others* [2014] EWHC 2016: Acting for Capita Symonds in successfully striking out a £6 million claim against them by Sainsbury's relating to a car park.

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Acting for a University in a claim against its architects in respect of a new campus building.

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Acting for a well-known architect in an adjudication over a high-value domestic project.

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Acting for an architect defending a claim in relation to the drainage design for a new housing development.

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Acting for engineers Mouchel Parkman defending a multi-million pound claim from a joint venture contractor in relation to the construction of parts of the A1(M).

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Acting for engineers defending a substantial claim in an arbitration relating to the failure of two motorway embankments.

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Acting for engineers in litigation brought by Manchester City Council arising from the design and construction of the “B of the Bang” sculpture in Manchester.

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Acting for engineers in relation to a design error which delayed construction of university student accommodation.

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Acting for engineers in an action against the Whipps Cross Hospital NHS Trust relating to unpaid fees for works done in redeveloping the hospital; the work included advice in relation to the planning stages of the proposed PFI project.

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Acting for an engineer in an action against Leyton Football Club pursuing fees for work in relation to LFC’s stadium and entertainment facilities and defending allegations of engineer’s negligence.

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Acting for a housing association against a developer where properties were subject to flooding.

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Advising the Secretary of State in relation to a landslip on the edge of the M60 and threatened proceedings by the owner of adjoining land.

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Acting for engineers in claim relating to adequacy of underpinning to remedy cracking caused by tree roots.

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Acting for insurers alleging fraud in two claims for fire damage, one at residential property and the other at business premises.

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Acting in a number of cases for the suppliers of products said to have caused a fire to start in residential premises.

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Acting for insurers in a dispute over the required remedial works in a case of tree-root caused subsidence.

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## Professional Negligence

A large part of Claire’s practice relates to professional negligence claims, both in the construction field and otherwise.

### Featured Professional Negligence cases

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Acting for engineers in a dispute relating to the design of the Mersey Gateway Bridge.

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Advising offshore wind farm company in relation to a potential claim against engineers in relation to the design of offshore cables.

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Acting for a large engineering company successfully seeing off a claim for £25 million against them in relation to the design of 5 car parks.

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Acting for a large engineering company in a claim for non-payment of fees under IChemE.

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Acting for a large engineering company in a dispute with a main contractor over payment and the design of electrical

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services in a dual carriageway tunnel.

*Sainsbury's v Condek and others* [2014] EWHC 2016: Acting for Capita Symonds in successfully striking out a £6 million claim against them by Sainsbury's relating to a car park.

Acting for a university in a claim against an engineer in respect of its Project Management and Lead Consultant roles.

Acting for engineers Mouchel Parkman defending a multi-million pound claim from a joint venture contractor in relation to the construction of parts of the A1(M).

Acting for engineers defending a substantial claim in an arbitration relating to the failure of two motorway embankments.

Acting for engineers in litigation brought by Manchester City Council arising from the design and construction of the "B of the Bang" sculpture in Manchester.

Acting for engineers in relation to a design error which delayed construction of university student accommodation.

Acting for engineers in an action against the Whipps Cross Hospital NHS Trust relating to unpaid fees for works done in redeveloping the hospital.

Acting for an engineer in an action against Leyton Football Club pursuing fees for work in relation to LFC's stadium and entertainment facilities and defending allegations of engineer's negligence.

Acting for the employer against architects in relation to the development of a prestigious Middle Eastern shopping centre.

Acting for architects in a Middle Eastern arbitration relating to the construction of an airport.

Acting for a university in a claim against its architects in respect of the design and project management of a project to build a new campus building.

Acting for a well-known architect in an adjudication over a high-value domestic project.

Acting for an architect defending a claim in relation to the drainage design for a new housing development.

Acting for quantity surveyors in a multi-party action relating to the development of a shopping centre (with residential housing) in Newbury.

Acting for project managers in a dispute about practical completion of a development of residential flats.

Acting for a valuer in a claim relating to the alleged overvaluation of a portfolio of mining vehicles.

Acting for a valuer defending a claim for the alleged overvaluation of properties in large portfolios.

Acting for a bank bringing a claim against valuers of "leasehold flats" which turned out to be hotel rooms.

Acting for a surveyor alleged to have overvalued a large number of properties in a portfolio over a number of years. Claim £3.3 million.

Acting for a registered conveyancer defending allegations of professional negligence in respect of a mortgage.

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Acting in a complicated valuer's negligence action, acting for surveyors being sued by trustees of various trusts.

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Acting for a university in a claim against its solicitors in relation to EU procurement advice.

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Advising the purchaser of a stud farm in relation to a claim against his conveyancing solicitors.

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Acting for a bank in a claim against solicitors instructed in the conveyance of various hotels, including allegations of breach of fiduciary duty.

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Advising the London reinsurers of the Malaysian Bar Scheme which insures Malaysian lawyers; this involved undertaking a review of approximately 200 cases currently active in Malaysia against members of the legal profession in Malaysia.

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Acting for a firm of solicitors in a claim for fees countered by allegations of professional negligence.

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Acting for the owners of a business in an action against former solicitors relating to advice on the renewal of a lease.

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## Energy

### Featured Energy cases

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Acting for the purchasers of a Latin American solar power plant in an ICC arbitration relating to payment terms.

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Advising a contractor in relation to a dispute in relation to the construction of an offshore oil project in the Caspian Sea.

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Advising an offshore wind farm company in relation to faulty offshore cables.

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Acting for a company who supplied and installed equipment for an anaerobic digestion plant in a Commercial Court dispute relating to the performance of the plant.

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Acting in an ICC arbitration for a major European construction company in a multi-million pound dispute with an energy company relating to the construction of an off shore wind farm.

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Acting for engineers in a dispute relating to the design and construction of a new energy centre for Whipps Cross hospital, London.

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Advising a major Japanese contractor and joint venture company in an international arbitration relating to the construction of a hydroelectric plant in Kenya under FIDIC 4th edition contract.

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Advising Kuwait Petroleum on pipeline agreement for transport of fuel to Sydney airport.

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Acting for Birse Construction in relation to the construction of a "waste to energy" recycling plant in Wales: Birse Construction Ltd v HLC Engenharia Gestao de Projectos SA All ER (D) 89.

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## Insurance & Reinsurance

Claire acts frequently in insurance disputes, primarily for the insurer. She has considerable experience of disputes concerning policy wording, material non-disclosure, misrepresentation and fraud.

### Featured Insurance & Reinsurance cases

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Advising insurers as to coverage issues in relation to a claim by a developer against a subcontractor.

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Advising the London reinsurers of the Malaysian Bar Scheme.

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Advising a leading insurance company on the application of the Unfair Terms in Consumer Contract Regulations on its standard wording.

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Acting for insured whose business was damaged by fire; litigation against insurance broker and insurer complicated by the insolvency of the broker and the need to join those who had placed the business as agents for the broker.

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## Commercial Disputes

Claire acts regularly in commercial disputes.

### Featured Commercial Disputes cases

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Acting for a major bank in relation to a mortgage fraud where mortgages were obtained over hotel rooms.

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Acting for the Secretary of State for Business, Innovation and Skills in relation to a contractual dispute over the termination of a contract.

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Acting for the owner of a landfill site in an action for damages relating to a contract for the disposal of Carmarthenshire County Council waste.

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Advising a hotel in a Mediterranean resort in relation to a contractual dispute between it and a major package holiday provider with exclusive use of the hotel.

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## Technology & Telecoms

Claire has acted in a number of cases relating to the licencing of software and the design of bespoke computer systems.

## Featured Technology & Telecoms cases

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Acting for the Secretary of State for Business, Innovation and Skills in relation to a contract for technology consultancy.

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Advising a major high street retailer on the terms of a licence for software.

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Acting for Control Risks Group in litigation with sub-contractors arising from a contract to provide a computerized evidential presentation package in relation to the deaths of the Morecombe Bay cockle pickers. The trial required detailed cross-examination on the programming / coding requirements of HTML and Flash.

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Acting for London Borough of Harrow in relation to a contractual dispute regarding the purchase of a new computer system and associated software.

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## Appointments

- TECBAR adjudicator
- Trained mediator
- Elected to the Council of the Society of Construction Law

## Publications

- Contributing author of LexisNexis online Adjudication KnowHow

## Education

- BA (Oxon) Modern Languages 1<sup>st</sup> Class
- Dip Law (City)

## Languages

- Spanish (working knowledge)
- French (basic)
- Italian (basic)



## Recommendations

Claire is recommended in the fields of professional negligence and construction in Legal 500 for professional negligence, construction and international arbitration in Chambers & Partners, for construction in Chambers Global where comments in current and previous editions include:

- An excellent advocate who fights hard and is incredibly bright
- Brilliant to work with: when the pressure comes on you want her on your side
- An extremely talented advocate who is very charming and very effective in her arguments
- She's a fearless cross-examiner
- Her advocacy at a hearing was formidable and she was very clearly all over even the minute details of the case
- Highly intelligent, tactically astute, hardworking, efficient and friendly
- She's incredibly bright and her written work is exceptional