

James Bowling

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James Bowling is a leading commercial barrister specialising in construction, energy, infrastructure, international arbitration and related areas of professional liability.

James is qualified to undertake Public Access work.

Projects, Construction & Engineering

James advises and represents clients in all manner of construction disputes. He regularly acts in largescale, complex multi-party cases, either alone or heading up a team with the assistance of a junior. He enjoys highly technical cases, especially those involving large teams of experts and is an experienced cross-examiner. He has significant experience of insolvency-related construction disputes as well as those giving rise to serious allegations of fraud and dishonesty.

James appears regularly in the TCC dealing with complex adjudication enforcement issues, and he has been involved in some of the leading reported cases (e.g. *Pilon v Breyer* [2010] BLR 452, *PC Harrington v Systech* [2012] EWCA Civ 1371, *RMC v UK Construction* [2016] BLR 241 and *Jawaby v The Interiors Group* [2016] BLR 328.)

Featured Projects, Construction & Engineering cases

A high profile 3-week TCC trial of an alleged dishonest conspiracy between a contractor and project manager, including substantial cross-examination.

TCC dispute concerning economic duress as a vitiating factor in relation to inter-related plant supply contracts for a major high-profile redevelopment in London.

\$200m ICC arbitration concerning a major hub airport culminating in a multi-week hearing.

£5m multi-party TCC dispute in relation to the redevelopment of a care home.

TCC trial concerning an “ambassadorial” status property in central London giving rise to complex issues of termination, extensions of time and prolongation, together with related allegations of professional negligence against the design team. The trial involved allegations of dishonesty and extensive cross-examination, as well as urgent injunctive relief

A large final account dispute in the TCC concerning a leading London hotel chain involving allegations of multiple design and construction defects.

3-week arbitration on termination and final account disputes between a main contractor and a borough council involving allegations of fraud and dishonesty, as well as substantial claims for extensions of time and associated prolongation costs, as well as counterclaims involving allegations of substantial defects and health and safety issues.

Acting in concurrent ICC arbitrations concerning a World Bank funded road redevelopment scheme in Ethiopia.

HKIAC arbitration concerning major airport redevelopment disputes over a final account.

HKIAC arbitration concerning piling and ground conditions disputes concerning allegations of economic duress and extensions of time and prolongation, with substantial expert evidence and factual disputes.

DIFC arbitration concerning a major infrastructure project in the Middle East, involving disputes over the duty of good faith, programming and quantum evidence, acceleration and delay issues.

Acting in large multi-party TCC proceedings for consulting engineers regarding alleged defects in fire strategy and cladding systems.

Acting for a contractor in relation to a dispute with a large hotel chain in relation to complex design disputes, BREEAM considerations and cladding issues.

Energy & Natural Resources

James undertakes domestic litigation and international arbitration in this area. He has particular experience in disputes in Africa, the Middle East and the Far East.

Recent domestic work includes several waste-to-energy disputes, e.g.: cases involving Mechanical-Biological Treatment (MBT) plant for processing Refuse Derived Fuel (RDF); Energy-From-Waste (ERF) and biomass power generation disputes; and disputes concerning ERF design-and-build and operations and maintenance contracts, including “chain” dispute resolution provisions.

Featured Energy & Natural Resources cases

ICC arbitration in relation to disputed termination of an operations and maintenance contract for a gold mine in Equatorial Guinea involving allegations of fraud.

UNCITRAL arbitration dealing with issues arising from a power plant fire in Ghana.

LCIA arbitration relating to an EPC contract for crude oil processing in Kuwait.

ICC arbitration concerning the termination of a joint venture agreement for offshore exploration in the Niger basin.

Shipbuilding arbitration regarding complex claims for additional time and money relating to redesign allegations and Lloyds' certification for a J-Lay vessel tower for off-shore oil exploration.

Professional Negligence

James is ranked in the directories for professional negligence and advises and represents clients in all construction and engineering related areas.

Featured Professional Negligence cases

Advising and representing a property developer in a multi-million pound dispute relating to a redevelopment in central London where the architect was said to have been negligent in his duties regarding planning consent.

Advising an allegedly negligent director of a property developer on his personal liability for professional negligence and in relation to disputed policy coverage with his insurer.

Advising and representing private clients in their claim against their professional team arising out of the abortive re-development of a large property in central London which included an "iceberg" basement.

Advising and representing a monastery in relation to allegations of professional negligence surrounding a complex and challenging design of new church furniture.

Advising and representing a trust regarding a major property development in an alleged negligently-conducted tender selection process which also involved over-certification disputes.

Insurance & Commercial

James' combination of commercial, construction and professional negligence experience means that he often advises on coverage issues in related policies of insurance. He has particular expertise in relation to JCT "joint names" insurance.

Featured Insurance & Commercial cases

Advising and representing building owners in relation to complex claims against the contractor concerning insured and uninsured losses following the sudden closure of an office block in the City of London for emergency structural repairs.

Advising and representing insurers in relation to professional negligence and public liability insurance issues arising out of the total loss of Weston-Super-Mare Pier.

Obtaining urgent mandatory interim injunction for delivery up of insurer's case files by their delegated authority agent. The case gave rise to consideration of the Court's jurisdiction to grant interim injunctions where the agency agreement included an arbitration clause.

Represented an offshore insurance undertaking in relation to a complex series of claims against its broker and its broker's directors, involving urgent applications under s44 of the Arbitration Act 1996, an arbitration and subsequent litigation, and follow up tracing of monies allegedly misappropriated by the directors in breach of trust.

Appointments

- TECBAR approved adjudicator

Publications

- Contributing author of LexisNexis online Adjudication KnowHow
- Consulting Editor for LexisNexis Consulting Editorial Board

Education

- Dip Law (City University)
- BA Hons (Oxon) Modern History

Recommendations

James is recommended as a leading junior in Chambers & Partners, the Legal 500 and the Legal Who's Who for construction disputes.

Comments include:

- Mixes intelligence with tenacity. Able to get straight to the heart of what really matters on even the most complicated of instructions
- Strong on the law, meticulous over the facts and a brilliant performer in court
- Extremely sharp-witted, able to cut through to the nub of the issue, and someone with great charm and a masterly turn of phrase
- He brings an academic but practical approach to the analysis of complex cases, and is very approachable to solicitors and extremely personable with clients
- A good fighter who is very confident and robust
- He has an encyclopaedic brain and understands both the legal and construction process, so his advice is relevant,

practical and commercial

James won Construction Junior of the Year at the Chambers & Partners Bar Awards 2017 and was nominated as Construction & Energy Junior of the Year by the Legal 500 in 2019. He has also consistently been named as one of the four “mostly highly regarded” juniors at the Construction Bar by Who’s Who Legal.