

# Jennie Gillies, FCI Arb

Call 2000



Jennie Gillies is an experienced senior junior barrister and arbitrator with particular expertise in the following areas:

- Construction & Engineering
- Professional Negligence
- Commercial & Insurance Dispute Resolution

Jennie spent 15 years at the Bar – practising from 4 Pump Court – before making a lateral move in-house in 2015 when she became the global Head of Dispute Resolution for a major multi-national design and consultancy business overseeing a wide portfolio of disputes both domestic and international. She returned to the Bar in 2019 bringing with her a strong back catalogue of experience both at the Bar and in house. Her experience advising colleagues, sitting in the role of ‘the client’ and instructing legal representatives, makes her uniquely well placed to understand and interact with clients. Jennie prides herself on being ‘user friendly’ and is quick to roll her sleeves up and get involved.

Jennie regularly advises and represents clients in complex litigation –alone, as a senior junior working alongside silks and leading a team with junior assistance – and she is adept at running a multi-disciplinary team. Jennie has significant experience of major international arbitrations, conducted under ICC, LCIA and other institutional rules.

## Projects, Construction & Engineering

Jennie Gillies has a broad construction, engineering and energy practice. She advises and represents a wide range of clients and has expertise in conducting litigation both in the TCC and Commercial Court, in addition to domestic and international arbitration (with experience of disputes in America, Australia, Ireland, Hong Kong and the Middle East). She acts on behalf of all types of construction client – including employers (including financiers, large business and residential/private clients), developers, building contractors, design and engineering consultants and utility companies.

Jennie is also experienced in conducting adjudications and enjoys working closely with solicitors and clients to present arguments cogently and persuasively. She advises on the enforcement of adjudication’ decisions, the interpretation and application of ad hoc, statutory and contractual adjudication proceedings and has acted on behalf of various clients in proceedings to obtain and resist the enforcement of adjudicator decisions.

## Featured Projects, Construction & Engineering cases

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### **Housing and large developments**

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Representing Northumbria Healthcare NHS Trust against Lendlease Construction (Europe) Limited in relation to its £140m claim for remedial works to remedy significant structural and fire related defects in the PFI procured Northumbria Specialist Emergency Care Hospital

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Acting on behalf of lessees and residential management company of luxury London development in a £32m claim for damages (against developer and the NHBC) arising out of the use of non-compliant cladding and insulation materials.

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Acting on behalf of Rolls-Royce in a claim for £26m damages claimed in respect of significant structural defects identified post completion in the bespoke facility designed and constructed on Rolls-Royce's behalf by BAM and resultant claims for delay and disruption.

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Representing building contractor in relation to the development of commercial bakery premises.

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Advising on a dispute in relation to delays incurred a structure from the River Thames prior to commencement of development works.

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Acting for residential building developer in relation to claims for alleged building defects brought against it by the NHBC following remediation work.

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Representing developer in relation to disputes arising in relation to the development of the Rose Bowl stadium.

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Acting on behalf of developer in relation to development of a site to build agricultural auction mart.

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Advising social housing developer in relation to a claim against its building contractor for defective and delayed works.

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### **Rail and Transport Infrastructure**

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Advising consulting engineers in relation to services performed in connection with the development of Middle Eastern international airport development.

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Acting on behalf of rail consultancy company in relation to a series of £multi-million disputes referred to adjudication under the Railtrack Plc 1998 Adjudication Rules.

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Advising in relation to the interpretation of disputed provisions within rail concession agreements.

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Defending claim by local highways authority brought against road engineers.

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Acting on behalf of London Underground Limited in relation to £multi-million disputes arising out of PPP Contracts governing the operation of the tube network.

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Engaged in relation to a £multi-million dispute with the main contractor of a major motorway in the UK investigating and drafting responses to claims for damages and drafting submissions in relation to additional claims for value engineering savings.

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Leading counsel team on the direct instruction of a multi-national firm of designers and engineers in relation to major upgrade of the London Underground network; Jennie's 18-month instruction involved liaison with the in-house legal team and project designers and thereafter drafting detailed responses to over 500 separate intimated claims.

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### **Energy, utilities and processing**

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Advising major utilities company and its subsidiaries in relation to claims for breach of contract against sub-contractors arising out of defective equipment in a sewage facility.

Acting for water utilities company in relation to termination and disputes arising under a major infrastructure upgrade project concerning the failure of an innovative water treatment process.

Acting on behalf of engineers in relation to a dispute concerning offshore wind farm.

Acting on behalf of consultants following disputes arising in relation to a contract for the construction of a bio-energy process plant.

Acting on behalf of water utilities company in an adjudication instigated by framework contractor for declarations of entitlement to additional time following a compensation event.

Acting on behalf of an environmental technology contractor in relation to a series of £multi-million adjudications relating to delays to completion of a Waste from Energy plant.

Acting on behalf of a multi-national engineering contractor to lead investigations in relation to a series of £multi-million disputes (relating primarily to delay and disruption) and then instructed to advise the international group holding company on the merits of the disputes. Thereafter instructed to draft a variety of submissions and witness statements for the adjudication proceedings, to liaise with experts and to appear in adjudication hearings convened by the adjudicator.

### **Fee Claims**

Acting in arbitration on behalf of multi-national developer of a hotel in Dubai in respect of significant contra-charges owing under the terms of the sub-contract with the specialist M&E contractor following delay and disruption to the completion of the project.

Advising building contractor in relation to a fee dispute arising in relation to a number of contracts for the construction of residential healthcare centres.

Advising engineering consultancy firm in relation to project to design and build a sports stadium in the Middle East.

Acting for building contractor on final account claim brought against commercial bakery following multiple variations.

Acting on behalf of consultancy firm in relation to successful £1.2 million professional fees claim and subsequent enforcement of the Adjudicator's award.

Advising engineering consultancy firm in relation to project to design and build an airport in the Middle East.

### **Military / Defence**

Advising on a £multi-million contractual dispute between parties to a major defence contract, considering contractual interpretation (in particular termination provisions) and claims for inducement of breach of contract against third parties.

Acting on behalf of designer and manufacturer of specialist software products used by government agencies to simulate aircraft for training purposes. Instructed in relation to a £multi-million arbitration against a UK government department.

Advising on the incorporation of terms within a contract between a contractor and its M&E designers for refurbishment of commercial premises.

# Professional Negligence

Jennie is experienced in professional liability disputes across the main professions and has experience of claims involving lawyers, accountants, insurance brokers, valuers and all types of construction industry professionals. The focus of Jennie's in-house experience was in respect of professional liability claims.

## Featured Professional Negligence cases

### **Accountants and Directors**

Advising in relation to director's potential personal liability for negligence.

Acting for leading firm of Chartered Accountants in relation to a claim for professional negligence arising out of the acquisition of a company and 'white wash' requirements under the Companies Act 1985.

Acting for Chartered Accountants in relation to a claim for professional negligence arising out of a retainer regarding an HMRC Investigation.

### **Architects**

Representing charity in claim against architects arising out of the defective design and installation of an extension to the existing hospice building, which resulted in significant water ingress and damage to the structure of the building.

Representing claimant owner in claim against architect arising out of luxury London residential development.

Instructed on behalf of architectural advisor in relation to a residential development in Devon.

Instructed on behalf of architects preparing detailed adjudication submissions in response to allegations of professional negligence, providing assistance to solicitors in relation to witness evidence, attending adjudication hearings and subsequently advising on quantum negotiations.

Acting on behalf of architects, both drafting detailed pleadings and providing advice, in relation to claims of professional negligence arising out of the renovation of a luxury property.

Acting for residential homeowners in relation to claims for professional negligence against the architect responsible for supervising major refurbishment works.

### **Engineers**

Acting on behalf of acoustic engineers appointed in relation to a project to construct a Manchester hotel.

Instructed as junior counsel for engineers in relation to a claim concerning defective concrete hardstanding at a Sainsburys' distribution centre.

Acting on behalf of claim against plastics extrusion engineering consultancy.

Acting for claimant waste company in relation to claim against civil and structural engineers arising out of design of new waste treatment plant.

Advising structural engineers in relation to the development of major London tourist attraction.

Acting as junior counsel on behalf of M&E engineers, in relation to the design and build of a chilled beam cooling and heating system in a Bristol office development.

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Acting on behalf of M&E engineers in relation to allegations of negligence in relation to the M&E infrastructure of a complex scientific research facility.

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Acting on behalf of M&E consultancy in relation to disputes arising in relation to services provided for NHS trust under a framework agreement.

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Acting on behalf of a multi-national firm of designers and engineers in relation to a £multi-million claim involving allegations of negligence regarding the design of a major road construction project.

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Instructed in relation to a claim against consulting surveyors / engineers arising out of negligent design for underpinning at a residential property.

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Advising in relation to claim for damage arising out of negligent design and construction of agricultural machinery.

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#### **Insurance Brokers**

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Advising insured in relation to potential action against insurance brokers for failure to advise of exclusions imposed on policy terms.

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#### **Project Monitors/Surveyors/Valuers**

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Instructed as junior counsel on behalf of bank appointed project monitoring surveyors in relation to alleged failures in the monitoring of a development in North London.

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Instructed as junior counsel on behalf of bank appointed project monitoring surveyors claiming a contribution from bank appointed valuers in relation to a development in Manchester.

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Acting in claim for contribution brought by surveyor defendants against solicitors acting on the relevant transaction.

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Acting for valuers in a claim for professional negligence arising out of the purchase of a property and a leasehold extension.

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Acting for commercial landlord following the purchase of premises in reliance of negligently prepared valuation survey report.

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Instructed by a firm of surveyors and valuers in a claim for professional negligence arising out of the purchase of a property and a leasehold extension.

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#### **Solicitors**

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Acting on behalf of client in a claim against its solicitors following the failure to issue proceedings prior to the expiry of limitation against the construction professionals who were responsible for the damage sustained.

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Acting on behalf of a major firm of solicitors in relation to a claim arising out of advice provided to a former senior partner of a large multi-national managing consultancy upon resignation of partnership.

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Advising solicitors in relation to allegations of negligence made in relation to registration obligations after conveyance of land.

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Advising in relation to negligent conduct of solicitors and counsel in relation to conduct of adjudication prior to new

representation being sought.

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Acting on behalf of a major firm of solicitors in relation to a claim arising out of advice provided to a former senior partner of a large multi-national managing consultancy upon resignation of partnership.

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## Commercial Disputes and Insurance

Jennie acts and advises on a range of contractual and commercial disputes. She is instructed by a wide range of clients.

### Featured Commercial Disputes and Insurance cases

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Acting on behalf of multi-national consultancy firm in relation to a claim for fraudulent breach of contract under a travel consultancy agreement.

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Advising residential management company in relation to potential claims for deceit, fraudulent misrepresentation and breach of fiduciary duties.

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Advising airport freeholder in relation to the effect of various financial provisions within an airport operating lease following the impact of government legislation during the Covid-19 pandemic.

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Advising local authority in relation to over-payment claim by refuse contractors.

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Advising local authority in relation to contractual interpretation of care contracts.

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Advising on fee claim in contract and/or quantum merit basis against NHS Trust.

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Advising NHS trust employer in relation to claims arising out of water ingress during works.

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Acting on behalf of holiday company following early termination of a services contract.

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Acting on behalf of buyer in relation to delayed delivery under a shipbuilding contract.

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Advising freeholder in relation to interpretation of an agreement for a lease involving a commercial property undergoing substantial renovation.

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Advising lessees in relation to the prospects of claims against management company in relation to defects and damage to building.

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Advising building lessees in relation to liability arising out of a fire causing extensive damage to commercial premises in Surrey.

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Representing auction house in relation to a claim for breach of contract brought in relation to the alleged wrongful sale of a property at auction.

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Acting for security firm in action against insurers refusing to provide an indemnity.

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Acting on behalf of insurers and loss adjusters in both arbitration and court proceedings in relation to a flood at the insured's property and the subsequent drying out procedure. Issues involved policy coverage and allegations of negligence made by the insured and occupants.

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Advising insurance brokers and their professional construction clients (principally engineers, architects and contractors) in relation to the compatibility of proposed contractual terms with their existing insurance cover.

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Advising insured in relation to wrongful avoidance of policy by insurers for non-disclosure, the identity of the insurer and drafting appropriate correspondence on insured's behalf to insurer and ombudsman.

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Advising insurers in relation to a claim for defective fabrication of lock gates, the settlement of the action by the insured at an under value and the effect of the same on the insurer's rights of subrogation.

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## Technology & Telecoms

### Featured Technology & Telecoms cases

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Acting in relation to a claim against a specialist IT provider arising out of a defective IT software and hardware package used for the payment of sub-contractors.

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Acting on behalf of IT consultants in relation to a stock management IT system installed for a major supermarket chain.

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Acting for Insurance Loss Consultants in contractual claim for commission following settlement of insurance claim.

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Acting on behalf of facilities management company in relation to £multi-million fees dispute under a telecom facilities management services contract.

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## Appointments

Fellow of the Chartered Institute of Arbitrators

## Education

- MA (Cantab) History
- Dip Law (City)

## Recommendations

Jennie is recommended for construction in Chambers & Partners and for construction and professional negligence in Legal 500. Comments include:

- Extremely bright, fantastic on the detail, and great on her feet. She slots seamlessly and works brilliantly with any
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team. An outstanding junior and go-to for many years now.

- An excellent barrister to work with. She very quickly gets to grips with the technical details and provides robust advice to clients.
- Very approachable and very, very good with clients.
- She has an ability to get into the real detail and rolls her sleeves up.
- Great attention to detail, quick to grasp the key issues and facts; good communicator and inspires confidence.
- Thorough on detail with a good understanding of the technical aspects of construction disputes.
- A formidably bright, very comprehensive and thorough barrister.
- A clear thinker, who is good fun and very unstuffy.
- Equally as good an advocate as she is on paper.
- A fiery barrister, who is committed to her clients.
- Produces excellent work in a very short time.
- Very commercial and gives sound advice.