

# Jessica Stephens KC

Call 2001 Silk 2019



Jessica Stephens KC has advised in and represented employers, contractors, professional advisers, local authorities and government departments in domestic and international disputes relating to the design and construction of buildings, infrastructure and installations.

She regularly appears in arbitrations (international and domestic) and the Courts, both the TCC and the Commercial Court (in relation to offshore energy disputes). She has experience of all standard form construction and engineering contracts (including JCT, NEC, FIDIC) and has significant experience in international arbitrations (LCIA, ICC and LMAA) concerning a variety of subject matters ranging from shipbuilding, the construction of ultra-harsh environment jack-up rigs, offshore energy and infrastructure projects in the Caribbean, Africa, the Middle East and Far East.

Jessica regularly acts and advises in relation to PFI/PPP contracts in relation to cladding on high-rise developments, the construction and maintenance of hospitals, schools and other projects.

Jessica has considerable experience of all aspects of adjudication including advising on and drafting documents within the adjudication process and has regularly appeared at enforcement hearings, injunctions to restrain the continuation of adjudications and declarations as to the adjudicator's jurisdiction.

Jessica provides advice (often on short notice) in relation to bonds, guarantees and indemnities on construction, energy and shipbuilding projects.

Jessica also has experience of disputes concerning fire, floods, asbestos, subsidence and party wall matters as well as related insurance matters.

Jessica specialises in the following areas:

- Construction & Engineering
- Offshore & Marine Engineering
- Energy & Natural Resources
- Professional Negligence
- International Arbitration
- PFI & PPP
- Utilities & Infrastructure

- Technology & Telecoms

## Construction & Engineering

Jessica has 20 years of specialist experience of substantial construction, energy and infrastructure disputes involving complex technical disputes. She has experience of advising in relation to the principal standard forms of contract used on domestic and international projects. She is familiar with the rules of litigation in the TCC as well as the rules of major arbitral institutions.

### Featured Construction & Engineering cases

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Acting for a main contractor in High Court proceedings in relation to cladding on high rise residential and university accommodation projects.

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Acting for an architect in TCC proceedings with an NHS Trust, Project Co, main and specialist subcontractor in relation to a PFI scheme for the construction/redevelopment of a hospital. Issues include alleged fire safety and other defects.

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Advising specialist contractor in relation to allegedly defective façade on landmark project in North West.

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Acting for a main design and build contractor in several High Court proceedings in relation to cladding on hotel properties in relation to fire safety defects.

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Acting for a main design and build contractor in a complex multi-party dispute works approx.. £200m under a PFI refurbishment scheme concerning cladding and fire safety issues.

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Acting for an employer in a DIAC arbitration in relation to a AED 30 million delay and disruption claim concerning the Dubai Tram Project.

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Acting for the employer in an Abu Dhabi ADDCAC arbitration in relation to a US\$9 million claim for termination of a contract for the construction of an iconic mixed-use development in Kazakhstan.

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Acting for an employer in relation to a £10 million High Court proceedings concerning the basis of the parties' contractual relationship and final account claim.

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Advising a contractor in relation to potential liability in respect of cladding on substantial residential developments.

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Advising an employer in relation to a final account claim in respect of the development of a new eco-town.

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Advising a contractor in relation to claims for delay and disruption arising out of the construction of a ferry terminal.

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Advising an employer in relation to defects, fraud and misrepresentations and related limitation issues.

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Acting for a groundworks contractor in High Court proceedings for regarding alleged defects and delay in the construction of foundations for an amusement park ride.

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Acting for the owner of high value residential premises in High Court proceedings for negligence and nuisance arising out of the construction of a substantial basement.

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Acting for a vehicle designer in High Court proceedings concerning the development of a new electric London taxi.

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Acting for a main contractor in High Court proceedings regarding alleged defects in the mechanical systems of an office development.

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Acting for a county council in relation to long-running disputes regarding delays, variations and defects (adjudication, arbitration, proceedings in the TCC for an injunction and declaratory relief) arising out of an NEC3 contract for the design and construction of an In-Vessel Composing facility.

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Acting for a leading contractor in an arbitration regarding the final account under a JCT contract for the extension and refurbishment of a country house hotel.

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Acting for a contractor in a substantial ICC arbitration concerning defects in the construction of a container port in the Caribbean.

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Advising an employer in relation to liquidated damages under an NEC2 contract for the design and construction of a tram system.

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Acting for a leading contractor in an adjudication concerning low performance damages under an NEC2 contract for the construction of a pumping station.

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Acting for an Indian manufacturer of process plant equipment in a dispute concerning delay and defects relating to the construction of a demineralised water treatment plant.

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Acting for a main contractor in High Court proceedings brought by an employer in relation to an allegedly deficient M&E system and related arbitration against the specialist M&E contractor.

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Acting for a manufacturer of allegedly defective concrete supplied for a development in Wales.

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Acting for a housing trust in a dispute concerning contract administration in relation to the development of social housing.

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Acting for a manufacturer of automotive testing equipment and developer of associated software in a dispute involving specification and copyright issues relating to the supply of automotive testing equipment in India.

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Acting for policyholders and the NHBC in disputes concerning the NHBC Buildmark Policy.

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## Offshore Construction & Marine Engineering

Jessica is often instructed in substantial disputes concerning pipelines, rigs and offshore platforms and infrastructure as well super and mega-yachts.

### Featured Offshore Construction & Marine Engineering cases

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Acting for an equipment supplier to an oil exploration company in £25 million TCC litigation following the expiration of a supply agreement. Issues included the interpretation of bonus provisions.

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Acting for a major international sub-sea gas pipe laying contractor following the termination of a major sub-sea gas pipeline project.

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Acting for an employer in High Court proceedings concerning modifications to the topsides of a North Sea oil rig.

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Acting for a Korean shipyard in a US\$500 million international arbitration under LCIA rules concerning specification and delay issues relating to the construction of two ultra harsh condition jack up oil rigs.

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Acting for the Singaporean shipyard in relation to a long-running arbitration (the largest marine arbitration ever held in London) under LMAA rules. The dispute related to the contract to convert the bulk carrier “Solitaire” into a pipe-laying vessel for the oil & gas industry.

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Acting for a German shipyard in a substantial arbitration under the LMAA rules relating to a contract for the construction of a mega-yacht.

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## Energy & Natural Resources

### Featured Energy & Natural Resources cases

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Advising the owner of a solar wind farm in relation to termination issues including a bond call.

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Advising waste management contractor in relation to Change in Law provisions of a PFI scheme for the management and treatment of waste.

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Acting for employer in relation to contractor’s COVID-19 claims under IChemE contract.

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Acting for an oil company defending a US\$125 million in relation to the refurbishment of an Aruban oil refinery.

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Acting for a supplier of oil field equipment in a £25 million High Court claim for unpaid bonus payments.

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Acting for an Arab contractor in a \$45 million dollar dispute in relation to a project in Kuwait constructing oil pipelines and tanks.

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Advising the project manager in relation to the rights and obligations of the parties to a contract for the reconstruction and supply of equipment for the rehabilitation of Basrah Port, Iraq.

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Acting for an oil company defending a £65 million claim brought in the High Court in respect of commission allegedly due following the introduction of a farminee to oil blocks owned by the defendant.

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Advising a contractor in relation to a dispute with an employer concerning the provisions of an agreement for the installation of photovoltaic systems.

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Advising a joint venture employer to a US\$1 billion contract in relation to liquidated damages and delays in the construction of production platforms offshore in Thailand.

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Acting for a Nigerian oil company in relation to disputes (one in arbitration under LCIA rules and the other in the Commercial Court) in respect of seismic surveys carried out offshore in West Africa.

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Acting for a water company in relation to High Court proceedings regarding liability for sewage discharges.

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Advising a water company in relation to charges levied on airports and universities for the provision of water and sewage.

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Advising a telecommunications provider in relation to claims by a contractor for variations relating to contracts for the installation of cables for its 4G mobile network and associated civil engineering work.

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## Utilities & Infrastructure

### Featured Utilities & Infrastructure cases

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Acting for the contractor in a £40 million dispute on a UK road building NEC3 contract.

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Acting for the contractors in an ICC arbitration concerning a multi-million US\$ claim for alleged defects in the construction on FIDIC terms of a Caribbean container port.

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Acting for a major international sub-sea gas pipe laying contractor following the termination of a major sub-sea gas pipeline project.

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## Professional Negligence

Jessica has a particular interest in professional negligence claims concerning construction professionals representing both claimants, defendants and their indemnity insurers particularly in relation to cladding and fire safety defects.

### Featured Professional Negligence cases

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Advising and acting for project architect on PFI hospital development scheme in TCC proceedings arising out of alleged fire safety defects.

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Acting for a firm of geotechnical engineers in TCC proceedings arising out of the presence of asbestos on a substantial housing development site.

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Acting for an architect in TCC proceedings for the allegedly negligent design of roofs for schools.

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Advising an engineer in relation to allegedly negligent ground improvement works for a residential development in Oman.

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Acting for an Italian shipyard in TCC proceedings against a London law firm for the allegedly negligent conduct of a mega-yacht shipbuilding arbitration.

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Acting for a monitoring surveyor in High Court proceedings for the allegedly negligent reporting to the funder on a construction development.

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Acting for an architect in TCC proceedings for the allegedly negligent specification of materials for a 5 star hotel refurbishment.

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Advising an engineer in relation to the allegedly inadequate ground improvement works and negligent design of a warehouse floor.

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Acting for a mechanical and electrical engineering consultant in TCC proceedings in relation to the allegedly negligent design of windows and management of solar gains at several schools.

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Acting for a project manager in High Court claims brought by sub-consultants in respect of the construction of a gymnastics arena in Baku, Azerbaijan. Fees disputes with counterclaims for poor performance and delays.

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Acting for a surveyor in High Court proceedings relating to alleged negligence in respect of planning issues and contract administration.

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Acting for a housing trust in a dispute concerning contract administration in relation to the development of social housing.

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Advising owners of substantial residential premises in relation to their claim against their architect for negligent specification and failure to properly administer the construction contract.

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Advising and acting for residential employers in a claim against a structural engineer concerning the defective design of a substantial subterranean extension.

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Advising a contract administrator in relation to alleged failings leading to an invalid final certificate.

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Appearing as advocate in the High Court in matters relating to alleged architect's negligence in relation to commercial premises, namely an alleged failure to properly supervise works and administer the contract.

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Appearing as advocate in an adjudication relating to alleged architect's negligence in relation to residential premises, defects in the works and an alleged failure to properly supervise and administer the contract.

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## PFI & PPP

### Featured PFI & PPP cases

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Advising and acting for maintenance contractor in relation to PFI scheme for residential properties. Issues concern liability of original refurbishment contractor for latent defects.

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Advising and acting for waste management subcontractor in relation to PFI scheme for waste treatment and management. Issues concern change in law provisions.

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Acting for and appearing in the High Court and Court of Appeal in proceedings concerning the interpretation of Key Performance Indicators in a PFI contract.

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Acting for and advising the local authority in relation to defects and availability deductions arising out of a PFI contract for the construction of schools.

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Acting for and advising a PFI contractor in relation to allegedly defective cladding and termination of a PFI Project Agreement.

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Acting for and advising a PFI contractor in relation to a dispute regarding responsibility to carry out fire safety surveys.

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## Technology & Telecoms

### Featured Technology & Telecoms cases

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Acting for the developer of wind farm technology in TCC proceedings for misuse of confidential information (including obtaining a search order).

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Advising and acting for a developer of automotive testing software in a dispute involving termination, late delivery, specification and copyright issues.

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Advising a Government Department on its rights and remedies under a contract for the supply of electronic monitoring equipment.

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Advising a telecommunications provider in relation to claims by a contractor for variations relating to contracts for the installation of cables for a mobile network and associated civil engineering work.

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## Insurance & Reinsurance

Jessica has experience of coverage and avoidance disputes.

### Featured Insurance & Reinsurance cases

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Acting for an insurer in High Court proceedings relation to avoidance for misrepresentation and non-disclosure.

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Advising an insurer in relation to the liability of sub- and sub-sub-contractors under the Joint Names policy effected under the JCT standard forms.

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Acting in High Court proceedings concerning coverage issues following the collapse of a tower crane.

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Acting in High Court proceedings concerning coverage issues following destruction of property by fire during the course of building works.

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## Other

Jessica also has experience of:

### Featured Other cases

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Acting in High Court proceedings for search and preservation of evidence orders in relation to the misuse of confidential information.

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Acting in High Court proceedings for an anti-suit injunction to restrain proceedings in China.

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Acting in High Court proceedings concerning several collapsed tower cranes.

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Acting in High Court proceedings concerning professional negligence by solicitors in relation to conduct of an arbitration.

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Acting in High Court proceedings between Alsom and Eurostar concerning the application of procurement legislation to Eurostar's procurement of new trains.

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Advising employers under PFI contracts in relation to the application of procurement regulations.

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Advising a government department in relation to a substantial (£100 million plus) claim in relation to overcharging for the provision of electronic monitoring services.

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Advising an insurer in relation to the liability of sub- and sub-sub-contractors under the Joint Names policy effected under the JCT standard forms.

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Acting in High Court proceedings concerning coverage issues following the collapse of a tower crane.

---

Acting in High Court proceedings concerning coverage issues following destruction of property by fire during the course of building works.

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Acting for a manufacturer of automotive testing equipment and developer of associated software in a dispute involving specification and copyright issues relating to the supply of automotive testing equipment in India.

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Acting for a contractor in High Court proceedings concerning a claim in respect of fire damage during the course of building works.

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Acting for a water and sewerage undertaker in High Court proceedings concerning property damage following an incident at a waste water treatment plant and similar claims for property damage following the failure of the undertaker's infrastructure.

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Advising contractors and developers in relation to rights of light disputes in relation to commercial and domestic developments.

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Acting for contractors, private individuals and developers in relation to party wall disputes.

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## Appointments

- Secretary of TECBAR since 2016
- Bar Council member (TECBAR representative)
- Accredited TECBAR adjudicator



## Publications

- Contributor, Architect's Legal Handbook, 2021
- Keating on Offshore Construction and Marine Engineering Contracts, 2015
- Contributor, Keating on JCT Contracts, 2010
- Contributor, Keating on Construction Contracts – Eighth Edition 2006 & (First Supplement), 2008

## Education

- LLB (First Class Honours) University of Western Australia

## Recommendations

Having been recommended by the directories as a junior for many years and identified as one of the 10 future stars of the Bar by The Times, Jessica took silk in 2019 and is now ranked as a silk in Construction and Professional Negligence (Technology & Construction) and was nominated by Chambers and Partners as Construction Silk of the Year 2021. In these directories, clients and instructing solicitors have provided the following recommendations:

- She offers incisive advice and has a strong grasp of the area. She relates to clients and is an extremely able advocate.
- Although her excellent reputation at the Bar precedes her, I was still bowled over by how very capable a barrister she is.
- Jessica is a joy to work with. She anticipates problems before they arrive, gives clear and concise advice and is a highly able advocate. She is also easy to work with and beloved by clients.
- A brilliant advocate with a fierce presence in the courtroom
- A recent silk who is destined to keep climbing
- An outstanding barrister well able to see the wood from the trees. An excellent cross-examiner
- A superb tactician who is able to use her outstanding grasp of construction law and court procedures to achieve fantastic results for her clients
- A sharp wit and excellent manner for cross-examination, she is very analytical and an excellent tactician
- She cuts to the chase, appreciates the underlying commercial factors and provides direct, clear advice
- Her written submissions are first-rate and she is wonderfully tough with the opposition
- An effective advocate who brings energy and steely determination... a big hit with clients
- Can be trusted to turn around good documents in quick time... is very competent and articulates her arguments very well
- Impresses commentators with her incisive mind and her provision of straightforward advice and nuanced arguments
- A very quick thinker who addresses the court fluently and cogently

# Accreditations



Jessica Stephens QC