

Richard Osborne

Call 2005



Richard Osborne is a highly sought-after senior junior with particular expertise in construction & engineering, information technology & telecoms and commercial disputes.

He is ranked in the 2021 Legal 500 for his construction practice, noting “Richard is diligent and extremely clever. A good draftsman, a team player and able to read the client, the tribunal and the other side”. This is demonstrated by his regular involvement in complex litigation arising from very major projects, including acting as junior counsel (with Sean Brannigan KC) for Fluor in the quantum trial of its £400m pound claim against its steel manufacturer arising from defects in the welding of steel monopiles supplied for the Greater Gabbard Offshore Windfarm. He is regularly instructed as sole counsel in substantial and highly technical adjudications.

Richard’s complementary profile in IT is demonstrated by his rankings in both directories, with Chambers UK 2022 saying “He’s very approachable, and he’s good at formulating arguments, writing correspondence to the other side and thinking on his feet.” “He is very bright, agile and user-friendly with clients”. He has extensive experience working for both customers (including the Secretary of State for Health, BetFred, P&O and Sanctuary Housing) and suppliers (including IBM, Ericsson, InterSystems, Polycom, Portaltech and Hitachi). Richard is particularly adept with disputes concerning failed IT implementation projects, outsourcing and PFI disputes (including in relation to injunctive relief to prevent termination), in addition to disputes involving software licencing issues.

Alongside this, Richard has experience of advisory and trial work across a broad range of commercial disputes, including claims for the manufacture of defective products, sale of goods, insurance and professional negligence claims.

Construction & Engineering

Richard has acted in major construction disputes including in litigation, adjudication and expert determination.

Featured Construction & Engineering cases

Acting as junior counsel (with Sean Brannigan KC) for Fluor in the trial of its £400m pound claim against its steel manufacturer arising from defects in the welding of steel monopiles supplied for the Greater Gabbard Offshore

Windfarm.

Successfully acting for several months in a substantial adjudication arising from the M&E works at a landmark office and commercial redevelopment in central London.

Acting for a PFI contractor (Ensign) both in Expert Determination and subsequent High Court proceedings in a major dispute with Portsmouth City Council arising from a 25 year highways maintenance contract.

Engaged as junior counsel by Yorkshire Water in complex multi-party TCC litigation concerning a landslip and associated substantial property damage.

Acting (with Fiona Sinclair KC) for the contractor in a £20m-plus dispute arising from attempts to undertake a super-prime residential development.

Acting as sole counsel in two very substantial adjudications concerning the termination of a very substantial subcontract and recovery of tens of millions of pounds in damages for his client.

Information Technology & Telecoms

Richard has extensive experience working for both customers (including the UK government, BetFred, P&O and Sanctuary Housing) and suppliers (including IBM, Ericsson, InterSystems, Polycom, Hitachi and Portaltech Reply). He is “acclaimed for his work in major cases” (Chambers and Partners) and is used to integrating into teams of solicitors, experts and clients on major disputes, including as a specialist junior handling the IT aspects of broader litigation. He has considerable experience in outsourcing and PFI disputes, including in relation to injunctive relief to prevent termination, in addition to disputes involving database rights and licencing issues.

Richard also talks and writes about issues in IT law for law firms and specialist societies.

Featured Information Technology & Telecoms cases

Representing Polycom in High Court litigation in relation to a multi-million pound dispute under a licencing agreement.

Instructed by IBM as junior counsel in TCC litigation arising from an Oracle implementation undertaken by the National Trust.

Representing Sanctuary Housing (the UK’s largest Housing Association) in its substantial litigation against Ciber arising from a difficult SAP implementation.

Representing BetFred in its multi-million pound High Court dispute with the Premier League relating to Database Rights in relation to football data, in addition to litigation in relation to contracts for the upgrade and maintenance of its national printer estate.

Acting as junior counsel (with Lynne McCafferty KC) for Hitachi Services Europe in substantial High Court litigation concerning a Microsoft Dynamics 365 implementation.

Representing Reply Portaltech as sole counsel in litigation concerning the provision of a website for a substantial national retailer.

Commercial Disputes

Richard has experience of advisory and trial work across a broad range of commercial disputes, including claims for the manufacture of defective products, sale of goods disputes and banking work. In recent months he has been engaged as junior counsel on major litigation arising from a maintenance contract and has advised on numerous commercial disputes, including the construction of a retention of title clause, alleged penalty clauses and a disputes arising from shipbuilding agreements. He has experience of appearing in both the County Courts and the High Court.

Featured Commercial Disputes cases

Advised in relation to a £1m+ claim for damages arising from defects in the manufacture of a number of commercial vehicles, particularly in relation to the appropriate measure of damages under the Sale of Goods Act.

Successfully acted in a substantial dispute concerning the manufacture and supply of specialist storage tanks used to store fuel at commercial premises. The claim was for substantial damages resulting from defects in the tanks and/or their installation causing substantial damage.

Acting in proceedings for damages against the manufacturer of specialist equipment for the testing of brakes purchased for use in a factory constructing agricultural equipment.

Advised in relation to a claim arising from the supply of defective specialist cooling equipment installed at a manufacturing facility in South Africa. The equipment failed causing substantial damage.

Acted as junior counsel in a series of arbitrations arising from the construction of 4 chemical tankers (including complex delay claims, liquidated damages provisions, variation orders/ work scope issues and defect claims).

Worked as one of the team of counsel representing the Defendant (a national supermarket) in relation to a claim involving thousands of alleged breaches of a maintenance agreement.

Defended proceedings for an interim injunction seeking to restrain alleged breaches of an option agreement.

Defended an appeal against an arbitrator's award before the Commercial Court in proceedings arising from the construction and sale of a ship.

Insurance

Richard undertakes a large volume of work for insurer clients, including many of the leading UK insurers. He has acted in numerous disputes relating to contracts of insurance, including cases involving allegations of fraud. Richard has acted in his own right in cases involving disputes over policy construction, non-disclosure, failure to comply with claim conditions, late notifications and delayed and defective rectification works. He has also gained valuable experience working in-house within the legal department of a leading London insurer and reinsurer.

Featured Insurance cases

Successfully represented a major insurer in an arbitration to determine which of four insurers was liable to meet a

substantial claim against a mutual insured.

Acted as junior counsel for the Defendant in a substantial fraud claim against the former director of an insurance company.

Worked for a year as one of the team of counsel in litigation arising from the £1bn collapse of Independent Insurance.

Advised and represented insurers in defending a claim on the basis of the Insured's use of a fraudulent document in support of a claim.

Acted for an insurer in relation to breaches of the duty of utmost good faith in relation to an income protection policy.

Acted for insurers in successfully resisting a substantial claim for robbery of diamonds on the basis of late notification.

Successfully represented insurers in a claim brought against them for delays in the settlement of a claim.

Advising in respect of coverage issues relating to business interruption consequent upon property damage.

Acted for insurers in defending a claim arising from a £300,000 theft by the financial director of an insured.

Professional Negligence

Richard has experience of a wide range of professional negligence litigation and has been involved in numerous claims against or on behalf of solicitors, insurance brokers, surveyors, engineers, architects, quantity surveyors, builders, actuaries and managing agents.

Featured Professional Negligence cases

Drafting proceedings against a bank in a £25m claim (settled pre-action) arising from advice surrounding loss-making property investments.

Represented a waste recycling company in its c£20m claim against its insurance broker for allegedly negligent advice leading to substantial under-insurance.

Acting as junior counsel for a firm of accountants accused of negligence in relation to the execution of a complex financial model in relation to a PFI contract.

Advising and successfully representing surveyors in relation to allegations of negligent over-valuation of a property.

Advising auctioneers in relation to allegations of negligence arising from the auction of a £1.3m commercial property.

Advising solicitors concerning alleged negligence in relation to the conveyance of a substantial domestic property.

Working as a team of counsel on a £400m claim brought by the liquidators of an insurance company against its former actuaries and accountants.

Successfully representing solicitors in a claim brought against them arising from advice concerning limitation.

Defending engineers in a claim brought against them in relation to the allegedly negligent design of rectification works

to sections of railway.

Representing architects in a claim concerning allegedly negligently caused cost-overruns, and defective heating and acoustic systems in a new-build office design.

Advising the Claimant in respect of a claim against planning consultants regarding a failed planning application.

Represented a large insurance broker in relation to alleged negligence in relation to the reporting of claims.

Publications

- A Tangled Web (Solicitor's Journal): Liability for negligent misstatements made on websites.
- Warranty Reform (Insurance Day): Interpretation of warranties in insurance contracts.
- R & R v AXA (Insurance Day): Review of recent case concerning the interpretation of Insurers' questions contained in proposal forms.
- Dispute Resolution by Expert Determination: Exploring the possible role of expert determination in resolving disputes, and IT disputes in particular.
- Injunctions, Limitation of Liability and True Loss (Society for Computers and Law): Discussing the impact of limitation of liability clauses in applications for interim injunctions to restrain breaches of contract.

Education

- MA (Oxon) PPE
- Dip Law (City)

Recommendations

Richard has for a number of years been ranked as a leading junior by both Chambers & Partners and the Legal 500.

Previous comments include:

- "Extremely bright (but very humble) and an outstanding draftsman. He is also tenacious – like a dog with a bone, even in respect of the more tedious aspects of cases." (Legal 500, leading junior, Construction)
- "Has a forensic mind and can absorb a huge amount of material. He has great people skills and a wonderful sense of humour." (Chambers & Partners, leading junior, IT & Telecoms)
- "Approachable, relaxed and self-assured, he's willing to think around a problem with you." (Chambers & Partners, leading junior, IT & Telecoms)
- "A good junior who inspires confidence and has fantastic client-handling skills." (Legal 500, leading junior, IT & Telecoms)

Previous comments include that Richard is "a real team player, who is hard-working, very capable and good with clients. He has qualities beyond his years." "very good, very personable and a good communicator." and "an excellent

junior, who is really hard-working and user-friendly”.