

# Sean Brannigan KC

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Sean Brannigan KC's practice focuses first and foremost on advocacy and with particular expertise in:

- Energy
- Construction & Engineering (including allegations of fraud arising in relation to those areas, Cladding cases and Projects involving PFI)
- International Arbitration
- Professional Negligence

He is most regularly instructed in large scale international and domestic litigation and arbitrations where teamwork, together with detailed and effective cross examination and other advocacy is required. His clients include UK and foreign governments and many of the world's largest construction companies.

He has particular experience of cases involving:

The Law of other Jurisdictions, having conducted trials and arbitrations concerning the laws of the UAE, Hong Kong, Northern Ireland and the Republic of Ireland, New York, Texas, Indonesia (Bali), Switzerland, and Greece. He has appeared regularly in the DIFC Courts in Dubai; and

Cladding cases both in the UK (where he has been involved in many of the most high profile multi-party cladding actions) and other jurisdictions around the world.

PFI related disputes of the greatest complexity and value.

## International Arbitration, Energy, Construction & Engineering

Sean's work in this area includes ICC, UNCITRAL and ICSID arbitrations as well as many of the most high value and significant cases appearing before the Technology and Construction Court and many Queen's Bench and Chancery Division trials.

## Featured International Arbitration, Energy, Construction & Engineering cases

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Acting as sole advocate for Fluor against a team of four counsel in the five week trial resulting in the widely reported TCC case of *Fluor v ZPMC*.

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Leading the team representing the successful contractor in the widely reported case of *Walter Lilly v Mackey*.

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Representing a substantial international contractor defending claims brought by a sub-contractor for variations arising from infrastructure works to an oil field in Iraq. The claim involved simultaneously dealing with TCC proceedings in London, Court proceedings in Hong Kong and a DIAC Arbitration in Dubai.

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Representing an Asian government in a very high value arbitration in relation to a high value dispute arising from extensive quarrying and land reclamation works.

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Representing contractors and employers in relation to numerous high value energy projects, and ICC arbitrations arising therefrom, in Africa.

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Representing a major international contractor in relation to a complex and very high value series of disputes arising from the rebuilding of a power plant in the UK.

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Representing a major Malaysian Contractor in relation to a US\$750m DIAC Arbitration against a Middle Eastern employer.

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Representing a major Middle Eastern Contractor in relation to a US\$250 million DIAC Arbitration arising from the construction of an iconic set of buildings in Dubai: that case involved securing a freezing injunction from the DIFC Court following receipt of a successful Arbitrator's award.

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Representing a European governmental agency in relation to US\$300m of claims brought in a series of long running and extensive ICC Arbitrations by EPC contractors building an oil pipeline (including pumping stations) through that European country, and the 'passing up' of those claims via an ICSID Arbitration.

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Representing a major international contractor in relation to the construction of a power station in Malaysia.

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Representing a major international contractor in relation to the construction of a number of very large power stations in South Africa.

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Representing a sub-contractor in an ICC Arbitration in relation to high value claims in relation to the construction of a petrochemical refining plant in the Middle East: governed by Swiss Law.

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Representing a major developer of gas processing facilities in an ICC Arbitration in relation to a dispute arising from the cost of constructing a gas processing plant in Libya; resolution of that dispute involved a substantial ICC Arbitration with its seat in London.

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Representing in an ICC Arbitration a company engaged in the business of developing specialist equipment for testing the content and quality of gases for use in gas processing plants and power stations in relation to extensive claims arising from the reliability of such equipment: resolution of that dispute involved representing that company in long running ICC Arbitration proceedings with its seat in New York.

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Representing a contractor engaged in the business of providing specialist valves for use in oil rigs, processing plants and power stations in relation to a substantial and lengthy case alleging delay to the construction of oil rigs and processing facilities arising from allegedly faulty valves; resolution of that case involved preparing for a three month trial in London

and an extensive but entirely successful resolution procedure.

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Representing the supplier of building materials in a series of Arbitrations and actions in the Texas courts arising out of allegations of defects in those materials.

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Representing the supplier of gas turbines to a development in Abu Dhabi in an ICC Arbitration arising out of failure to pay for those turbines.

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Representing a sub-contractor in an ICC Arbitration in relation to high value claims in relation to the construction of a petrochemical refining plant in the Middle East.

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A number of disputes involving high value claims and extensive trials in the TCC arising from the redevelopment of hotels.

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## Professional Negligence

Sean has extensive experience of professional negligence cases across all the main professions including cases involving solicitors, brokers and accountants. He is particularly well known, however, for Technology and Construction related professional negligence cases, where he was, before being elevated to silk, ranked as one of the two leading juniors in the country in that field.

### Featured Professional Negligence cases

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Appearing for the successful party in a three week trial arising from allegations of professional negligence against a specialist environmental consultant and project manager.

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Appearing in the largest valuer's negligence case to date which has come to trial in the Courts of Northern Ireland.

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Representing numerous Monitoring Surveyors in significant trials arising from allegations of fraud and professional negligence.

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Leading a large team in an 8 week case against a Project Manager, Cost Consultant and Contractor arising from a high profile and extensive fraud.

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Advising on coverage issues in relation to numerous high value alleged surveyors' frauds.

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Representing a specialist designer of waste to energy plants in relation to claims for more than £66 million arising from the design and construction of a bespoke waste to energy plant in the UK.

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Representing the specialist designer of Sea Defence works in relation to a claim for more than £35 million arising from the alleged negligent design of works intended to prevent sea erosion.

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Acting for the CEO of a Group of companies based in the Cayman Islands and Grenada which collapsed owing investors over \$200 million. The claim involves allegations of professional negligence against that director and auditors as well as allegations of fraud.

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Acting for structural engineers in relation to a claim for more than £10 million arising from the allegedly poor design for foundations and sewers for a major residential and shopping development.

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Acting (in Northern Ireland) for a firm of geotechnical engineers in Defence of a claim for £12 million arising from a landslip.

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Acting for an international firm of facilities and maintenance engineers in relation to a £7 million arising from a fuel spillage within a landmark London building.

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## Appointments

- Registered as an advocate in the Dubai International Financial Centre Courts (DIFC)
- Called to the Bar of Northern Ireland
- Appointed to ADGMAC's Panel of Arbitrators
- Experience of exercising EU rights of Audience in the Republic of Ireland
- Experienced Arbitrator
- Trained and experienced Mediator
- Joint Head of Chambers

## Education

- BA (Oxon) Jurisprudence

## Recommendations

Sean has twice been awarded the title of Legal 500 Projects and Energy silk of the year. He has also been awarded the Chambers and Partners Construction Silk of the year. He is listed in the Chambers 100: a list of the top barristers in the UK across all areas of work.

Sean is ranked as a leading Silk in the directories in the following practice areas:

- International Arbitration: Construction and Engineering
- Construction
- Energy and Natural Resources
- Professional Negligence
- Professional Negligence: Technology and Construction

Comments from the leading legal directories include:

- Sean Brannigan is probably the best cross-examiner in London. He does the work and the preparation. He knows the documents and he listens to the answers, and his follow-up questions are refined.
- You want Sean in your corner on the big-ticket, bet-the-farm disputes
- A once-in-a-generation advocate. Judges hang off his every word in the courtroom. He is bright, charming and incredibly astute, but modest and down to earth at the same time.

- A first-choice advocate... the Gold Standard of advocacy.
- An unbelievably skilled advocate who thinks outside the box.
- Always has an answer – and it’s always the right one.
- He is tough – and the go-to guy.
- A fantastic litigator – approachable, hard-working and a team player. He is also very friendly.
- Is fiercely bright...he is nothing short of outstanding and is one of the true all-rounders at the Bar.
- Is a force to be reckoned with; a ruthless advocate who can tear the other side apart.
- A fabulous, fearless advocate who won an application I thought was unwinnable.
- He’s probably the most persuasive advocate we instruct; he really turns cases around with his arguments.
- He’s outstanding on complex issues. I would recommend him to any colleague or friend. I would never recommend him to my enemies, though, as he’s so formidable.
- Sean is the best construction silk bar none. Great to work with. Very easy manner. Brilliant on strategy, tactics and big picture thinking. His cross-examination can be brutal but devastatingly effective. You would definitely want him on your side rather than against you.