



## Anneliese Day QC

### Education

M.A. (Cantab.) (First Class), Harvard University

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Year of Call: 1996

Year of Silk: 2012

### Languages

French and Spanish

### Profile



Anneliese is an **"outstanding lawyer of her generation"** who has extensive experience of domestic and international disputes in the commercial, construction, professional liability and insurance sphere. She thrives on the cut and thrust of advocacy but also brings commerciality to the issues she deals with so as to achieve the best outcome for her clients.

In January 2015 Anneliese was listed in Debretts as **one of Britain's 500 most influential people** ([click here](#)) with her **"extraordinary talent"**, and her reputation for her client-facing skills, thorough work ethic and advisory skills being noted.

The **"truly exceptional"** nature of her work led Anneliese to win the prestigious **"Barrister of the Year" at The Lawyer 2014 Awards** ([click here](#)), following hot on the heels from her selection for **The Lawyer "Hot 100"** ([click here](#)).

The Lawyer Awards judges noted that she had a string of **"impressive achievements"** and were **"wowed by the application"**, adding, **"there's evidence of a fighter here – her versatility in both witness and expert handling really comes across. That is what we need in this profession"**.

Anneliese also won *Construction Silk of the Year* in the Chambers Bar Awards in October 2014 ([click here](#)).

Anneliese is typically instructed on high-profile and chunky cases, producing top-notch advocacy and achieving comprehensive victories for her clients. Their testimonies for the Lawyer Awards noted her **"eloquency, and ability to explain complex issues to lay clients"**.

Anneliese is also consistently rated as a leader in her field by the specialist directories in all of her areas of expertise:

*"Focuses on acting for claimants and defendants in complex and high-profile professional negligence cases. She is noted for the strength of her client-handling skills. "She is **fiercely intelligent, but also perfectly human**. She has **excellent client care skills, is exceptional on her feet, and her advice is succinct and to the point**." "She has a **tremendous brain, but what differentiates her is her unflappability - she is calm, methodical and logical, and always a pleasure to work with**."(Chambers & Partners 2015: Professional Negligence)*

*'An outstanding lawyer of her generation. She is **calm and controlled in the most tense of situations**.'* (Legal 500: Professional Negligence)

*"Truly exceptional" and well known among her peers for being a **tough and impressive opponent**. She is **"someone who can really be presented with a tricky case and see a way through"**. "She handles many complex matters" **"Exceptionally good with clients, she has a great sense of humour and produces work product of the highest quality"**. **"Brainy, incisive, but also human when appropriate"**. (Chambers & Partners 2014: Professional Negligence & Professional Negligence: Technology & Construction)*

*"Highly capable, she has a great eye for detail." She provides **"pragmatic, commercial advice"**.(Chambers &*

Partners 2015: Construction)

"A well-regarded silk with a **wealth of experience in construction disputes, including international arbitrations.** **"She's highly capable, and has a great eye for detail."** *"Energetic."* (Chambers & Partners 2014: Construction)

**"Hard-working, very bright and a pleasure to deal with, she's tough and impressive on her feet."** *"She reassured our clients and made insightful comments on their position from an early stage."* (Chambers & Partners 2015: Commercial Dispute Resolution)

*"she has continued to gain significant market respect for her commercial dispute practice. Her practical approach to cases and skilled advocacy gain her particular praise."* **"Has an incredible work ethic and is excellent with clients."** (Chambers & Partners 2014: Commercial Dispute Resolution)

**"Attracts praise for her intellectual rigour and client care, and her ability to inspire confidence in her strategy."** (Legal 500 2014: Insurance & Reinsurance)

In addition to her extensive domestic practice she is called to the Bar of Northern Ireland. Anneliese also has experience of acting in Dubai, Doha, Cayman Islands, Hong Kong, Singapore, Thailand, France, Germany, Ireland, USA and Turkey.

Anneliese has been an editor of *Jackson & Powell on Professional Liability* since 2002. In April 2013 Anneliese was appointed as a Board Member of the Legal Services Board.

Anneliese has acted and accepts instructions as an arbitrator and as an adjudicator. Anneliese also carries out public access work.

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## Professional Liability

The 2014 edition of Chambers & Partners comments on Anneliese's **"Truly exceptional"** practice in this area as follows:

**"Well known among her peers for being a tough and impressive opponent." She is "someone who can really be presented with a tricky case and see a way through."** **"She handles many complex matters including high-value mortgage fraud and commercial cases."** **"Exceptionally good with clients, she has a great sense of humour and produces work product of the highest quality."** **"Brainy, incisive, but also human when appropriate."**

Anneliese has been an editor of *Jackson & Powell on Professional Liability* since 2002.

Anneliese is a member of the Professional Negligence Bar Association.

## Accountants, Auditors & Actuaries

Anneliese is regularly instructed in claims for and against both large and small firms of accountants and auditors covering issues from tax advice to audit responsibilities to preparation, review and audit of management accounts and negligent advice (including negligent tax advice, both corporate and personal) on both an international and UK basis. She has particular experience of duty of care and causation issues.

Past and current cases include:

- Acting on behalf of Ernst & Young in relation to first ever proceedings before the Dubai Financial Markets Tribunal
- Advising in relation to a proposed claim by a major food retailer against large firm of accountants in relation to an outsourcing credit control agreement.
- Acting on behalf of well known football chairman in relation to claim against his former accountants.
- Defending a claim brought against accountants for allegedly negligent advice concerning CTG roll-over relief (*Bryant v Jackson Bly and BDO*).
- Acting on behalf of the former accountants of Neil Hannon (former lead singer of Divine Comedy) in respect of a claim brought against them.
- Advising Grant Thornton in respect of proposed claim against them arising out of allegedly negligent tax advice.
- Acting on behalf of BDO in respect of a claim against them arising out of their instruction as a joint expert. Successful in having claim struck out.
- Advising a well known DJ and composer in respect of proposed claim against accountants in relation to tax relief issues.
- Dealing with various claims against accountants and auditors concerning solicitors' accounts.
- Successful striking out of claim by shareholders against auditors on existence of duty of care point.
- Advising in relation to a claim concerning alleged fraud by accountants in preparation of charity's accounts.

- Defending a claim against accountants concerning the adequacy of business advice given and *Galoo*-type causation issues.
- Advising on numerous claims against accountants in relation to tax planning/offshore trusts.

## Construction Professionals

The exceptional nature of Anneliese's work in this field has recently been recognised by her shortlisting for Construction Silk of the Year at the Chambers Bar Awards in October 2014 (click [here](#)).

Anneliese has substantial experience of acting for both claimants and defendant professionals in this area both in the UK and abroad, including claims in relation to design, contract administration, ground investigations, foundations and contaminated land issues.

Anneliese has been involved in cases concerning a wide range of buildings and structures, including sports stadia, nuclear power stations and government buildings.

Past and current cases include:

- Successfully overturning an adjudicator's decision on natural justice grounds (*ABB v BAM Nuttall* [2013] EWHC 1983 (TCC) (12 July 2013)). Instructed in ongoing £40 million dispute concerning cabling in relation to London Underground.
- Acting on behalf of AMEC/Morgan Sindall in relation to joint venture projects in relation to nuclear installations both in the UK and abroad.
- Advising a large international contractor on issues arising out of the construction of nuclear power stations in Asia.
- Acting for engineers in relation to the design and construction of an airport terminal
- Acting for an airline in respect of a dispute arising out of the faulty construction of aircraft engines
- Acting for the UK government in an ICC arbitration concerning the construction of defence installations
- Successfully defending engineers in relation to an allegedly negligent failure to report on compression failure, including obtaining indemnity costs (*Igloo Regeneration (GP) Ltd & Ors v Powell Williams Partnership* [2013] EWHC 1859 and *EWHC 1718 (TCC)* (24 June 2013))
- Successfully defending planning consultants in TCC action raising issues of a number of novel legal issues (*Elvanite Full Circle v AMEC Earth and Environmental* [2013] EWHC 1191 (TCC)).
- Acting on behalf of a construction company in a final account/defects dispute relating to a £60 million property in Kensington, London (*Walter Lilly v Giles Mackay* [2012] BLR 503). Anneliese also subsequently lectured extensively on the issues raised by the case including publishing an SCL paper entitled "Lilly and Doyle: A Common Sense Approach to Global Claims"
- Acting on behalf of Carillion in a 5 week trial in Manchester TCC in a final account dispute arising out of a project at Warrington College.
- Acting on behalf of a Joint Venture Company in respect of issues arising out of motorway construction in a case involving both English and Scottish law.
- Acting on behalf of a record company in £20 million dispute against project managers and computer consultants jointly advising on the construction of an automated distribution warehouse
- Counsel for McAlpine in relation to the Panatown/UIPL litigation, involving proceedings against 36 sub-contractors and professionals.
- Acting for Manchester City Council in respect of claim arising out of faulty construction of the 'B of the Bang' sculpture
- Acting on behalf of Multiplex in relation to various disputes arising out of the construction of Wembley Stadium.
- Acting on behalf of the Ministry of Defence in relation to the termination of a PFI contract with a private contractor (who has subsequently gone into administration). Appeared in two consecutive adjudications and currently advising on the negotiation of a settlement between the parties and various third parties, including the administrators and third party funders.
- Acting on behalf of Shepherd Homes in relation to claims by approximately 50 claimants arising out of defective foundations to properties
- Acting for a contractor in relation to disputes arising out of hotel installations at Heathrow Terminal 5
- Acting on behalf of park managers in respect of a fire at a warehouse asserting to have caused £80 million worth of damage

Member of Technology and Construction Bar Association (TEC BAR) and of the Society of Construction Law (SCL). On Tecbar list of accredited adjudicators and dispute resolution board members.

## Financial Services Professionals

Regularly instructed in claims against financial services consultants and advisers, the numbers of such cases having rapidly increased in number as a result of the economic downturn.

Recent and current cases include:

- Acting on behalf of claimants pursuing claims arising out of collapse of world financial markets.
- Advising and acting on behalf of financial advisers being sued in light of collapse of Icelandic banks.
- Acting on behalf of claimants pursuing administrators of a pension scheme for failing to implement amendments to the scheme.
- Acting on behalf of financial advisers being sued by numerous premieriership footballers in relation to investments made in Spanish property.
- Acting for both claimants and defendants in relation to numerous claims concerning alleged mis-selling of pensions.
- Acting for claimants and financial advisers in relation to claims concerning allegedly mis-sold investments.
- Defending investment advisers in relation to advice given in respect of occupational pension schemes.
- Regularly advising insurers on financial services disputes.

## Insurance Brokers & Agents

Alongside her strong insurance and reinsurance practice, Anneliese is regularly instructed in claims against insurance brokers and managing agents.

Past and recent cases include:

- Advising Marsh/HSBC insurance brokers in respect of £1.4 million claim arising out of alleged failure to give adequate advice on limitation periods.
- Acting for a Jersey company in relation to the broking of a commercial insurance policy of a café subsequently destroyed by fire.
- Acting for insurance brokers in relation to alleged breach of duty in placing a contractors' all risks policy.
- Acting for various claimants bringing proceedings against an insurance broker following repudiation of life insurance cover following alleged non-disclosure.
- Acting for a local authority asserting claim against brokers in respect of public liability policy.
- Acting on behalf of brokers in relation to a claim arising out of the placing of export credit insurance.
- Acting on behalf of claimants pursuing brokers following destruction of commercial premises by fire.

## Lawyers

Anneliese has very extensive experience of acting for claimants and defendants in claims against solicitors and barristers. These include disputes arising from commercial, corporate and property transactions and involving lost or mishandled litigation, commercial advice and drafting, investment schemes and mortgage fraud.

She also has considerable experience of wasted costs applications at both first instance and appellate level.

Past and recent cases include:

- Acting on behalf of Morrison & Foerster in respect of claim brought against them by Petrocapital in relation to advice given in relation to shareholder claims.
- Acting on behalf of the Department of Transport in relation to claim against Magic Circle firm arising out of advice given in relation to rail franchising contracts.
- Acting for Eversheds in a claim brought by Nationwide alleging failure to react appropriately to material suggestive of mortgage fraud (*Nationwide v Eversheds*) and thereafter on behalf of Eversheds in related claims (*Eversheds v Mace & Jones*).
- Acting on behalf of a claimant pursuing Mace & Jones for £40 million as a result of allegedly negligent planning advice in relation to a quarry.
- Acting on behalf of Pannone in multi-million pound litigation brought against it by the administrators of Lexi Holdings arising out of the fraudulent activities of Shaid Luqman. The case raises issues of illegality, actual/apparent authority and scope of duty in relation to solicitors acting for clients who commit fraud on third parties (see *Lexi Holdings v Pannone*).
- Acting for innocent partners of fraudster solicitor who absconded to India with millions of pounds. Advising on whether duty of care owed by Law Society and/or Barclays Bank in respect of monies alleged to have been misappropriated by solicitor and various partnership issues (*Law Society v Brandon Group and Barclays Bank*). Case settled shortly prior to trial.
- Acting on behalf of insurers in relation to liability of innocent partner for alleged fraud in Zambia by another partner, including considering whether any partnership arose at all (*AG of Zambia v Meer Care & Desai*).
- Acting for solicitors in contribution claim between solicitors and barristers arising out of commercial litigation (*Pritchard Joyce & Hinds v Batcup*).
- Acting on behalf of Newcastle Airport in respect of a claim against Eversheds arising out of an asserted failure to advise Newcastle Airport of the breaches of fiduciary duty being committed by two executive directors whilst renegotiating their contracts of employment.
- Successfully running abuse of process and causation arguments in relation to claim against a barrister following criminal conviction of claimant.
- Regularly retained as an arbitrator in disputes between solicitors' insurers.

- Regularly acting for both lenders and insurers in relation to alleged mortgage fraud and negligent conveyancing transactions, including advice in relation to breach of undertaking, breach of fiduciary duty and breach of trust claims.

## Patent Agents

Anneliese has acted for both claimants and defendants in numerous claims concerning allegations of negligence made against patent agents and related claims against solicitors.

Past and current cases include:

- Advising and acting on behalf of claimants in relation to a claim against patent attorneys in the UK in respect of patents in the UK and US.
- Acting for claimant suing solicitors in relation to negligently conducted high court patent litigation
- Defending a claim for allegedly negligent advice by patent agents.

## Surveyors & Valuers

Anneliese has acted for both claimants and defendants in numerous claims concerning the valuation of property (in both a commercial and residential context). Anneliese has also been involved in claims for mortgage fraud.

Past and recent cases include

- Acting on behalf of claimant bank in successfully suing valuer for a series of negligent commercial valuations followed by claims having to be made under the Third Party Rights against Insurers Act.
- Acting on behalf of valuers in negligence claim by a bank against valuers and solicitors in relation to commercial property (including compulsory purchase and planning issues).
- Acting on behalf of commercial valuers seeking to strike claim out on limitation, duty of care and reliance issues, including issues relating to duties of care, if any, owed to third parties.
- Acting on behalf of valuers in relation to claim brought by new liquidator against former liquidator and valuers in relation to alleged hope value of commercial property (*David Rawnsley v Weatherall Smith & Green*).
- Acting both for and against surveyors in relation to both commercial and residential property valuations.
- Acting for surveyors in relation to structural survey cases (e.g. alleged failure to spot dry rot, alleged failure to spot subsidence).

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## International Arbitration

Anneliese has extensive experience of both domestic and international arbitrations in the commercial, insurance and construction sphere. In the 2014 edition of Chambers & Partners Anneliese is rated for her work in this field being described as: ***"A well-regarded silk with a wealth of experience in construction disputes, including international arbitrations."***

***"Very client-friendly", "very talented new silk" and a "thorough, dogged" litigator". (Chambers Global 2014: Commercial Dispute Resolution)***

Anneliese has been instructed in a significant number of national and international disputes concerning a variety of projects in the UK and overseas including:

### *Construction*

- Acting on behalf of both employers and contractors in relation to joint venture projects concerning nuclear installations both in the UK and abroad. Anneliese's extensive experience encompasses both military and civil nuclear implicated design and construction projects, including nuclear power stations and submarines
- Acting on behalf of Middle Eastern employer in relation to the design and construction of a cement plant
- Advising and adjudicating in relation to issues arising out of gas fired power stations
- Advising and acting on disputes arising out of PFI projects involving utilities, waste and energy provision
- Acting for engineers in relation to the design and construction of an airport terminal
- Advising and acting for employer in relation to design and construction of luxury hotels in Europe
- Acting for an airline in respect of a dispute arising out of the faulty construction of aircraft engines
- Acting for the UK government in an ICC arbitration concerning the construction of defence installations
- Acting on behalf of a record company in £20 million dispute against project managers and computer consultants jointly advising on the construction of an automated distribution warehouse
- Acting on behalf of the contractor in relation to disputes arising out of the construction of Wembley Stadium
- Acting for an employer in relation to disputes arising out of hotel installations at Heathrow Terminal 5
- Acting on behalf of park managers in respect of a fire at a warehouse asserting to have caused £80 million worth of damage to goods owned by an international clothing retailer
- Acting on behalf of the Ministry of Defence in relation to adjudications and arbitration concerning the termination of

a PFI contract with a private contractor

#### *Commercial*

- Advising and acting in shareholder dispute concerning companies both in the UK, US and offshore
- Acting for a US multinational in an LCIA arbitration arising out of an explosion at a chemical plant in the US.
- Acting on behalf of a French telecommunications company in respect of an ICC arbitration.
- Acting for the UK government in an ICC arbitration arising out of a telecommunications dispute.
- Resisting enforcement of an arbitration award concerning the importation of televisions from China.
- Acting on behalf of the respondent to a commercial dispute between employer and former employee concerning oil contracts in the Middle East.
- Advising and acting on behalf of government in series of contracts concerning energy provision throughout UK
- Advising on LCIA rules and whether a party appointed arbitrator should recuse himself as a result of potential conflicts of interest.
- Acting on behalf of a Port Authority in dispute with a wind turbine manufacturer.
- Acting for a national firm of surveyors in an LCIA arbitration concerning one of their former owners and insurance.
- Acting in the first ever case to be brought before the Dubai Financial Markets Tribunal.

Anneliese has acted and accepts instructions as an arbitrator and as an adjudicator, including:

- Sitting as part of a panel of three in relation to a substantial construction dispute concerning the building of a road through two different jurisdictions.
- Regularly sitting as sole arbitrator in relation to claims concerning defective premises
- Regularly sitting as sole arbitrator in relation to professional indemnity coverage disputes

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## Commercial Dispute Resolution

***"Since taking silk in 2012, she has continued to gain significant market respect for her commercial dispute practice. Her practical approach to cases and skilled advocacy gain her particular praise." "Has an incredible work ethic and is excellent with clients." (Chambers & Partners 2014: Commercial Dispute Resolution)***

***"Very client-friendly", "very talented new silk" and a "thorough, dogged" litigator.." (Chambers Global 2014: Commercial Dispute Resolution)***

Anneliese undertakes a wide range of commercial work, including general commercial litigation, sale of goods, share warranty, partnership disputes, personal and corporate insolvency and commercial contractual claims.

Past and current cases include:

- Acting on behalf of a Port Authority in dispute with a wind turbine manufacturer.
- Obtaining an injunction on behalf of Bentley Motor Cars so as to enable production to continue.
- Acting in the first ever case to be brought before the Dubai Financial Markets Tribunal.
- Acting for a pathological gambler suing William Hill bookmakers.
- Advising and appearing in high court and related arbitration proceedings in a complex commercial dispute arising out of the breakup of an insolvency practice.
- Acting on behalf of Vision Express in respect of a commercial dispute with a franchisee in Jersey.
- Claim by bank against a guarantor arising out of collapse of commercial loan portfolio.
- Acting on behalf of DSG in relation to commercial dispute arising out of the supply of televisions.
- Acting on behalf of the Ministry of Defence in relation to the termination of a PFI contract with a private contractor.
- Acting for reinsurers following a chemical explosion at a factory in the USA.
- Acting for the park managers in a multi-party £80 million dispute arising out of a fire at Magna Park warehouse.
- Acting for a carpet company in relation to supply of carpets to a hotel at Heathrow Terminal 5.
- Acting on behalf of the defendant to a commercial dispute between employer and former employee concerning oil contracts in the Middle East.
- Acting in a high profile dispute between various overseas parties involved in the ownership and management of an English telecommunications company, featuring allegations of unfair prejudice, breach of contract, breach of fiduciary duty and fraud
- Successfully striking out commercial court claim against insurance company for abuse of process following a series of victories in arbitration proceedings (Art & Antiques v (1) Peter Richards and (2) Towergate [2014] PNLR 10)

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## Insurance & Reinsurance

***"Anneliese Day QC attracts praise for her intellectual rigour and client care, and her ability to inspire confidence in her strategy." (Legal 500 2014: Insurance & Reinsurance)***

Anneliese's commercial and professional indemnity practice has developed out of a strong insurance base. She regularly advises and acts on cases involving insurance and reinsurance issues, including disputes involving interpretation of policy wordings, dishonesty, non-disclosure and avoidance issues, jewellers' block and fidelity policies and fire damage. She is rated in the Legal 500 for her work in this area.

#### *Insurance Arbitration*

- Dealing with issues of coverage in relation to professional indemnity policies (with a particular focus on dishonesty).
- Advising on and representing insurers in relation to the interpretation of professional indemnity policies (not only in a solicitors' context but also in relation to, for example accountants, financial advisers and insolvency practitioners).
- Acting on behalf of insurers in relation to claims arising out of jewellers' block policies.
- Dealing with reinsurance issues arising out of an explosion in a chemical factory in the USA.

Past and current cases include:

- Advising on and acting in relation to numerous professional indemnity insurance issues, including notification, dishonesty and condonation. Acting both as Counsel and as an arbitrator. Some recent examples include:
  - Advising insurers, attending various indemnity conferences and acting in an arbitration before Mark Lomas Q.C. in relation to allegations of dishonesty and condonation against a two partner firm in Essex who became involved in mortgage fraud allegations totalling approximately £40 million in relation to Thamesmead properties.
  - Advising insurers in relation to whether allegations of dishonesty and/or condonation could be made against 'innocent' partners in a firm of solicitors whose fellow partner had absconded with £15 million.
  - Conducting indemnity conferences principally in relation to allegations of dishonesty and/or condonation arising out of allegations of mortgage fraud.
  - Advising insurers on issues of privilege arising out of claims made against solicitors.
  - Advising partner on settlement terms where coverage issues in play (instructed by the solicitor concerned directly).
  - Acting for insolvency practitioners seeking to establish cover in respect of a professional indemnity policy, successfully resisting allegations of dishonesty and condonation:
  - Advising insured in relation to cover under a surveyor's professional indemnity policy following criminal allegations and involving issues such as formation and construction of the policy and non-disclosure.
  - Acting as an arbitrator in relation to notification issues and advising as to which insurer should provide cover in relation to the claims in issue.
- Acting on behalf of insurers seeking rectification of an insurance policy following a substantial flood at a commercial premises in Germany.
- Acting for distributors against insurers disputing coverage following a fire at warehouse of well-known retailer.
- Advising insurers on coverage and exclusion issues in respect of residential and commercial property policies.
- Advising insurers in relation to whether coverage should be provided in relation to fidelity policy.
- Advising extensively on claims under the Third Party Rights Against Insurers Act.
- Acting for insurers in relation to jewellers' block insurance policies. Advising on whether coverage could be provided in light of alleged breaches of conditions precedents relating to notification and record keeping.
- Advising insurers on whether coverage should be provided following allegations of arson.

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## Disciplinary

Anneliese has substantial experience of representing professionals before their disciplinary bodies both in the UK and abroad. She has a natural ability to assist those facing charges which could affect their livelihoods, being both a "dogged litigator" who will fight to the end but also client friendly and empathetic.

Recent and current cases include:

- Acting on behalf of Ernst & Young in relation to first ever proceedings brought in the Dubai Financial Markets Tribunal.
- Representing a barrister before PCC.
- Defending solicitors charged with various offences before Solicitors' Disciplinary Tribunal and dealing with SRA investigations on behalf of solicitors.
- Acting on behalf of insolvency practitioners facing allegations of dishonesty.
- Defending architect before the ARB.
- Defending a dentist accused of misconduct in respect of allegedly unnecessary treatment.

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## Product Liability

Anneliese undertakes product liability work in a commercial context.

Recent and past cases include:

- Acting for Bayer CropScience in respect of alleged claim for alleged damage to potato crops
- Acting for insurers in relation to claim for damage to commercial business following supply of allegedly defective vehicles.
- Advising in relation to disputes as to quality of electrical products supplied to supermarket chain.
- Representing the Department of Health in quantum cases arising out of the CJD growth hormone litigation and the BSE/variant CJD litigation: (*Amanda Smith v. Secretary of State for Health* [2002] 67 BMLR 34).

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## Construction & Engineering

***"A well-regarded silk with a wealth of experience in construction disputes, including international arbitrations." "She's highly capable, and has a great eye for detail" (Chambers & Partners 2014: Construction).***

***"Truly exceptional" and well known among her peers for being a tough and impressive opponent. She "can be presented with a tricky case and see a way through." "Exceptionally good with clients, she has a great sense of humour and produces work product of the highest quality." "Brainy, incisive, but also human when appropriate." (Chambers & Partners 2014: Professional Negligence: Technology & Construction).***

The exceptional nature of Anneliese's work in this field has recently been recognised by her shortlisting for Construction Silk of the Year at the Chambers Bar Awards in October 2014 (click [here](#)).

Anneliese acted on behalf of the winning party (both at first instance and on appeal) in the landmark case of *Walter Lilly v Mackay*, giving her particular expertise in relation to delay and global claim issues at both a theoretical and practical level. Following *Walter Lilly*, she has been asked to give seminars in a number of jurisdictions. She has extensive experience of both of both domestic and international arbitrations and regularly appears in the TCC and appellate courts as well as in mediations and adjudications. She is used to dealing with a large variety of standard and non standard form contracts (including JCT and NEC) with differing dispute resolution provisions including ICC, LCIA and DCIA arbitration provisions.

Past and current cases include:

- Taking over and successfully resisting application to strike out claims by property developer against architects and agents on limitation and other grounds, receiving praise for her tenacious advocacy in the judgment (*Venum v Space Architecture* [2014] BLR 127)
- Successfully overturning an adjudicator's decision on natural justice grounds (*ABB v BAM Nuttall* [2013] EWHC 1983 (TCC) (12 July 2013)). Instructed in ongoing £40 million dispute concerning cabling in relation to London Underground.
- Acting on behalf of both employers and contractors in relation to joint venture projects concerning nuclear installations both in the UK and abroad. Anneliese's extensive experience encompasses both military and civil nuclear implicated design and construction projects, including nuclear power stations and submarines
- Acting on behalf of Middle Eastern employer in relation to the design and construction of a cement plant
- Acting for a train manufacturer in an arbitration relating to the upgrading of the London Underground
- Advising and adjudicating in relation to issues arising out of gas fired power stations
- Acting on behalf of employer in series of complex disputes arising out of the design and construction of a chain of luxury hotels in the UK
- Advising and acting on disputes arising out of PFI projects involving utilities, waste and energy provision
- Acting for architects in relation to the design and construction of an airport terminal
- Successfully defending engineers in relation to an allegedly negligent failure to report on compression failure, including obtaining indemnity costs (*Igloo Regeneration (GP) Ltd & Ors v Powell Williams Partnership* [2013] EWHC 1859 and *EWHC 1718 (TCC)* (24 June 2013))
- Successfully defending planning consultants in TCC action raising issues of a number of novel legal issues (*Elvanite Full Circle v AMEC Earth and Environmental* [2013] EWHC 1191 (TCC)).
- Acting on behalf of a construction company in a final account/defects dispute relating to a £60 million property in Kensington, London (*Walter Lilly v Giles Mackay* [2012] BLR 503). Anneliese also subsequently lectured extensively on the issues raised by the case including publishing an SCL paper entitled "Lilly and Doyle: A Common Sense Approach to Global Claims"
- Acting on behalf of Carillion in a 5 week trial in Manchester TCC in a final account dispute arising out of a project at Warrington College.
- Acting on behalf of a Joint Venture Company in respect of issues arising out of motorway construction in a case involving both English and Scottish law.
- Acting on behalf of a record company in £20 million dispute against project managers and computer consultants jointly advising on the construction of an automated distribution warehouse



- Counsel for McAlpine in relation to the Panatown/UIPL litigation, involving proceedings against 36 sub-contractors and professionals.
- Acting for Manchester City Council in respect of claim arising out of faulty construction of the 'B of the Bang' sculpture
- Acting on behalf of Multiplex in relation to various disputes arising out of the construction of Wembley Stadium.
- Acting on behalf of the Ministry of Defence in relation to the termination of a PFI contract with a private contractor. Appeared in two consecutive adjudications and currently advising on the negotiation of a settlement between the parties and various third parties, including the administrators and third party funders.
- Acting on behalf of Shepherd Homes in relation to claims by approximately 50 claimants arising out of defective foundations to properties
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Member of Technology and Construction Bar Association (TECBAR) and of the Society of Construction Law (SCL). On Tecbar list of accredited adjudicators and dispute resolution board members.

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## Property Damage

Members of chambers regularly act for companies, individuals and their respective insurers in relation to claims arising out of damage to property caused by fire, flood, explosion, storm, impact, subsidence, heave or water penetration. We act for insurers in subrogated recovery claims, and for defendants (and their insurers) in defending claims and/or passing liability on to other parties. Many of us were involved in the litigation arising out of the Buncefield explosion.

Members are experts in the issues of negligence, nuisance, Rylands v Fletcher, ignis suus and vicarious liability which typically need to be considered and applied in property damage claims.

The combination of specialisms found at 4 New Square makes us perfectly suited to property damage work. The claims commonly raise insurance questions, they frequently occur in the construction or product liability context, and they often involve claims against construction and other professionals. We have expertise in each of the fields of insurance, construction, product liability and professional liability.

Property damage claims typically require the involvement of expert witnesses in relation to liability (forensic scientists like Burgoynes and Hawkins, as well as experts on the standards to be expected of professionals and contractors). The claims also usually require the involvement of experts to deal with quantum (forensic accountants to assess financial losses, quantity surveyors and valuers to assess the cause and extent of property damage losses). Our leading expertise in the field of professional liability means that we are experienced in managing teams of experts, understanding and presenting the evidence of those experts, and undermining the evidence the opposing sides experts through skilled cross-examination.

Members of chambers are recommended in Chambers & Partners in the field of Property Damage.

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