



NEW SQUARE

Ben Patten QC

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My number one choice for advice on technical points, and someone who provides excellent strategic advice.

- Chambers & Partners

Ben Patten QC's expertise lies in a range of commercial work, including construction disputes, professional liability claims, commercial litigation and insurance and reinsurance disputes.

Described as "calm under pressure and always willing to stick his neck out on a case" he acts for both claimants and defendants in the TCC, Commercial and Mercantile Courts, Queen's Bench Division, Chancery Division and Arbitrations. He also appears in the Court of Appeal and in expert determinations, mediations and other ADR hearings.

Chambers and Partners has described Ben as greatly respected for his effective manner in court, "he has a very nice way of presenting an argument which appeals to judges hugely," and his 'good commercial instincts'. 'Peers are impressed by his skills as an advocate generally, and particularly note his strength in solicitor negligence cases' as well as the "incredibly calm," "persuasive" approach he demonstrates in his construction and professional indemnity work for a client base of developers, contractors and insurers. Previous editions says of him "You can throw anything his way and he will deal with it." "He has a mild and gentle manner with clients, but is determined and clear in his advice. He is also very effective as an advocate, as he's calm but good at focusing on the right issues and directing judges' attention to them." "Technically he's one of the best around. He is also highly responsive." Ben is also rated as a leading Silk by the Legal 500.

Ben has also been described in the Directories as being "really at the top of his game", "a top performer who has a very concise and effective drafting, advisory and advocacy style" and "a star of the future". In 2009, the year before he took Silk, he was awarded Chambers and Partners Professional Negligence Junior of the Year.

A team player, Ben's style is to roll up his sleeves and get involved. He has considerable experience of very substantial commercial litigation, including group actions and the larger TCC cases. He is relaxed and approachable, whilst at the same time being businesslike and tenacious in pursuing the best outcome for the client. He has a keen sense of the client's commercial interests and can cut through the complexities of a difficult case to get to the heart of the issues.

Ben is the author of "*Professional Negligence in Construction*" [Spon] 2003, a co-editor of the Construction Professionals Chapter in "*Jackson & Powell*" and a co-editor of the Solicitors' Chapter in the *Professional Negligence and Liability Looseleaf*. He is also a frequent lecturer and author of legal articles. Ben is a member of TECBAR, COMBAR, the Professional Negligence Bar Association and the London Common Law & Commercial Bar Association. He has also been called to the Bar in the Republic of Ireland and Northern Ireland and has acted as an arbitrator.

Privacy Policy



Click here for a [Privacy Policy](#) for Ben Patten QC.

Areas of Expertise

Construction & Engineering

“Eloquent and bright, very good in conference with clients.” – *Legal 500, 2020*

“A legal heavyweight, exceptionally bright and very impressive.” “He has a superb combination of construction and professional negligence expertise. He is exceptionally good, so easy to get on with, hard-working and dedicated.” “Very detail-oriented and a superb cross-examiner.” – *Chambers & Partners, 2020*

“Gets to speed quickly with the papers and excellent at drafting submissions.” – *Legal 500, 2019*

“Great to work with, very good with clients and commercially astute.” “He’s thorough and has a good cross-examination style.” – *Chambers & Partners, 2019*

Recognised as a Leading Construction Silk by both the Legal 500 and Chambers & Partners. Ben has very considerable experience in construction and engineering disputes. He has appeared in a wide range of cases in the TCC, Arbitrations, Adjudications and the Court of Appeal. He has been described in Chambers and Partners as being greatly respected by clients for being “*very easy to engage with and always provides sound commercial advice,*” “*he is amazingly calm under pressure, which gives the entire team confidence,*” and for having a “*way of presenting an argument which appeals to judges hugely,*” and “*incredibly calm,*” “*persuasive*” approach; “*a top performer who has a very concise and effective drafting, advisory and advocacy style*”; “*technically he’s one of the best around. He is also highly responsive*”, “*he is efficient, very clever and knows his stuff.*” “*He has the trust of judges: he never makes a bad point or overblows a submission.*”

Recent and current cases include:

- Acting for certificating architects in a claim brought by a number of purchasers.
- Acting for the employers of an auction mart in a dispute with the developer.
- Acting for architects and project managers in relation to a claim in respect of the renovation and development of civic premises.
- Acting for the Claimant in the groundbreaking vicarious liability case of *Biffa Waste Services Ltd. v Maschinenfabrik Ernst Hese GmbH*, both at first instance in front of Mr Justice Ramsey and in the Court of Appeal (late 2008). The case is now the leading authority on the application of the control test for borrowed employees and of the extent of the application of the “extra hazardous acts” rule in *Honeywill v Stein & Larkin*.
- Acting for the defendant architects in the appeal to the Court of Appeal in *Hunt v Optima*, an appeal from Mr Justice Akenhead, which is the leading authority on duties arising from professional consultants’ certificates.
- Acting for specialist contractors against whom a substantial claim was made arising out of a fire on the Isle of Wight.
- Acting for employers in respect of a biogas installation in a claim against the contractor.
- Acting for a firm of contractors in a multi-party dispute concerning piling and ground improvement works for a superstore in Kent.
- Acting for consultants in respect of a claim concerning stone cladding to a building in the City of London.
- Acting for a firm of contractors on a dispute concerning variations, extensions of time and loss and expense claims in relation to a residential development in Kensington.
- Acting for a firm of contractors in relation to a dispute over delays to a large development at Southbank London arising from a diesel spillage.
- Acting for a demolition contractor in relation to an inter-related series of adjudications and part 8 disputes concerning contractual interpretation.
- Acting for PI insurers of engineers on a large construction project in Ireland (essentially construction of bridges).
- Acting for UK design and build contractors in adjudication proceedings concerned with plant producing car parts (the issues are engineering).



Recent and current international cases include

- Acting for US contractors in a dispute concerning the construction of a gas pipeline in Nigeria.
- Acting for a Qatari developer in a dispute concerning a mixed use development in Doha.
- Acting for an international construction consultancy group in a dispute over project monitoring in the Caucasus.
- Acting for a Dubai based contractor in a dispute in the Dubai World Tribunal.
- Acting for US engineers in an arbitration concerned with a production plant in Germany where the critical issues concern tooling and engineering.

PFI and related fields

Experience in PFI and related areas:

- Acting for a large contractor in a dispute with a hospital trust
- Acting for a trust in relation to a schools project covering a number of schools
- Acting for the provider of services transporting detainees to secure facilities, courts and hospitals
- Acting for a provider of supplies and other services to a local authority
- Acting for a national housebuilder in respect of expert determination concerning a joint venture
- Acting for a health trust in relation to a dispute with a supplier of outsourced services

Qualifications & Memberships

B.A. (Oxon) (First Class) Dip Law (City), Called to the Irish Bar in 1998, Called to the Bar of Northern Ireland 2014

Insights

Certainty in Certification – [2014] 9 JIBFL 620B

The decision of the Privy Council in *Fairfield Sentry v Migani* is of considerable importance to funds which employ certification mechanisms. It will also be of note in relation to instruments employing market-based triggers, for example convertible loan notes. Here we discuss the implications of the decision for certification and those responsible for issuing such certificates.

Jackson & Powell, Professional Liability [2017], co-editor of Chapter 9, Construction Professionals

Professional Negligence and Liability, co-editor Chapter 9, Solicitors