



CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ENERGY, NATURAL RESOURCES AND UTILITIES
IT AND TELECOMMUNICATIONS
GENERAL COMMERCIAL

Andrew Fenn

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PRACTICE

Andrew has been described as “one of the most talked-about juniors in the country” and “expected to become a leading QC” by Chambers UK Bar Guide. Recently ranked as a leading junior in International Arbitration by The Legal 500, he is described in that field as “A fantastic writer and advocate, and a very effective cross-examiner”. Identified by clients as “very commercial and a good team player”, Andrew specialises in all areas of Chambers’ work. He acts for contractors, private employers, professional advisors and insurers, who see him as “easy to deal with and highly responsive”.

Andrew has acted as junior counsel on large litigations, international and domestic arbitrations, and in the Court of Appeal. He has enjoyed broadening the scope of his international arbitration practice with instructions arising out of disputes in Oman, Egypt, Dubai, Doha, Qatar, Singapore, Russia and Gibraltar.

Andrew also appears regularly as sole counsel in court and adjudication hearings, assisting with drafting and providing tactical advice at every stage, including: pre-action protocol, pleadings, disclosure, witness statements and expert reports, negotiations, applications and hearings including summary judgment, security for costs, CMCs and trial.

“He is tenacious and of enormous help on complicated fact-specific cases,” says one source, while others describe him as a “work-horse”. Instructing solicitors appreciate his keenness to work with them as part of a team, and clients value his “commercial awareness and well thought-out advice on complicated matters.” In 2018 Andrew was identified as a standout member of the junior Bar and listed as a ‘rising star’ in Who’s Who Legal.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

“Andrew is accomplished well beyond his years and incredibly easy to deal with. He is a hugely compelling advocate and particularly good at grappling with complex delay and disruption claims.”

Chambers & Partners 2020

"Loved by clients and commands absolute confidence in the quality of his written work and preparation of the case."

Legal 500 2019

"Accomplished well beyond his years and incredibly easy to deal with." "Incredibly bright and very user-friendly."
Chambers & Partners 2018

Andrew has acted on a wide range of disputes in court proceedings and arbitration. Recent instructions include:

INTERNATIONAL ARBITRATION

- Acting for a joint venture main contractor in relation to the ongoing construction of the new Muscat International Airport. Responsibilities included cross-examination of factual witnesses and technical and quantum experts over the course of numerous rounds of hearings in London and Oman.
- Junior counsel for a Turkish contractor in an arbitration (ICC Rules, Swiss Seat) against a Russian property developer. The dispute centered on termination, involving issues of delay, defects, and the final account.
- Junior counsel for a Turkish contractor in a second arbitration (ICC Rules, UK seat) in relation to a completed construction project in Moscow. Andrew's responsibilities were focused on the delay dispute: he drafted opening and closing submissions, and assisted with the preparation of witness statements and expert reports.
- Acting on behalf of a Chinese contractor in relation to a residential project in Dubai (DIAC Rules, UAE Law). The dispute centered on delays to the project and variations to the works.

DOMESTIC ARBITRATION

- Acting as junior counsel for a property developer in a multi-million pound tripartite arbitration against the contractor and project manager/quantity surveyor. The dispute with the contractor involved complex issues of delay, valuation and contractual interpretation. Andrew was involved in the case for over 15 months, drafting pleadings and witness statements, and advising on the parties' substantial disclosure.

UK LITIGATION

- Junior counsel in a two week trial in the TCC, acting for a contractor in a dispute arising out of a 30 year PFI contract for the operation and maintenance of the M25. The dispute related to the proper interpretation of a provision of the contract providing for the payment of bonuses and deduction of penalties. Andrew cross examined two of the five witnesses at trial.
- Junior counsel in a five week trial in the TCC, acting for a Spanish contractor in a termination dispute with the Gibraltar Government in relation to the construction of a tunnel below the Gibraltar airport runway. The dispute involved determining responsibility for unforeseen soil and groundwater contamination under a FIDIC contract, and Andrew cross examined a number of witnesses during Trial.
- Sole counsel in a five day trial in London. Andrew successfully defended a claim against a domestic building contractor. The dispute involved issues of termination/ repudiatory breach, defective works, variations and under/overpayment.
- Andrew has attended numerous applications for security for costs, dealing with issues of the adequacy of ATE insurance, stifling, independence of Claims and Counterclaims, and foreign claimants.

- Numerous other interlocutory hearings include resisting an application to set aside default judgment, resisting an application for specific disclosure and successfully applying for summary judgment.

ADJUDICATION

- Drafting adjudication submissions in defending a claim from a contractor for extensions of time and LADs.
- Running an adjudication for a sub-contractor in a claim against a main contractor to recover payment.
- Drafting adjudication submissions in defending a claim from an architect for unpaid fees.

PROFESSIONAL NEGLIGENCE

- Acting as junior counsel for a property developer in a multi-million pound tripartite dispute with the contractor and project manager/quantity surveyor. The dispute with the project manager/QS involved complex issues of negligent costing, project management, delay and the measure of loss. Andrew reviewed and advised on expert reports for QS, delay, project management, accounting and valuation issues. He was involved in the case for 15 months in the drafting of the pleadings and witness statements, and advising on the parties' substantial disclosure.
- Appearing as junior counsel in the Court of Appeal in relation to a negligence claim against a solicitor.
- Appearing for an architect in defending a claim for damages from a litigant in person homeowner in relation to allegedly defective drawings.

ENERGY, NATURAL RESOURCES AND UTILITIES

Andrew's practice includes acting for parties concerning the development and exploitation of oil and gas, as well as the extraction and processing of other natural resources. Recent instructions include:

- Advising in relation to disputes arising out of the construction of a hydro-cracker plant complex in the Middle East.
- Sole counsel in a dispute about the supply of equipment for a wood pellet manufacturing plant in Russia (LCIA Rules, London seat). Appeared before a three person arbitral tribunal in a preliminary issue trial in relation to the proper interpretation of a "Start-up" clause in the contract.
- Junior counsel for a Spanish contractor in relation to a dispute with a Lebanese sub-contractor arising out of delays to the construction of a power plant in Qatar (ICC Rules, Paris Seat).
- Junior counsel for a Singaporean shipyard in a dispute (SCMA Rules, Singapore) relating to the refurbishment of a semi-submersible oil rig.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Drafting pleadings and attending mediation on behalf of a Pakistani telecommunications operator in a dispute against a Korean equipment supplier. In interlocutory matters, Andrew successfully argued that the ICC had no jurisdiction to hear the dispute.

GENERAL COMMERCIAL

BANKING

- Drafted pleadings and advised in relation a claim against a large international bank for breach of mandate.

INSURANCE

- Appeared as sole counsel at Trial for a commercial landlord's agent in resisting a claim for damages in respect of an alleged failure to process a tenant's insurance claim.

INTERNATIONAL TRADE/ SHIPPING

- During a placement at a firm in Hong Kong, Andrew drafted advices, pleadings and mediation position statements in relation to international shipping disputes.
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QUALIFICATIONS AND AWARDS

2005	Birkenhead Award (Gray's Inn)
2005-2006	BPP Law School, Holborn (Very Competent)
2002-2005	St. John's College, Cambridge, BA in Law

ADDITIONAL INFORMATION

Andrew is a member of the SCL.

He has a good working knowledge of French.

NOTABLE REPORTED CASES

GSK Project Management Ltd v QPR Holdings Ltd [2015] EWHC 2274 (TCC), [2015] 4 Costs LR 729.

Obrascon Huarte Lain SA v HM Attorney General for Gibraltar [2015] EWCA Civ 712, 161 ConLR 14

Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar [2014] EWHC 1028 (TCC)

Hurley Palmer Flatt Ltd v Barclays Bank Plc [2014] EWHC 3042 (TCC), [2015] BUS LR 106

TSG Building Services Plc v South Anglia Housing Ltd [2013] EWHC 1151 (TCC)

Michael Phillips Architects Ltd v Riklin & Anor [2010] EWHC 834 (TCC)

RECENT RECOMMENDATIONS

"Andrew is accomplished well beyond his years and incredibly easy to deal with. He is a hugely compelling advocate and particularly good at grappling with complex delay and disruption claims."

Chambers & Partners UK Bar and Global 2020

"Loved by clients and commands absolute confidence in the quality of his written work and preparation of the case."

Construction, The Legal 500 2020

"Great attitude, hardworking, strong advocate and easy to get along with."

International Arbitration, The Legal 500 2020

"Extremely clever, he is able to get in to the detail quickly."

Construction, Legal 500 Europe, Middle East and Africa (EMEA) 2020

"A market leader and future star."

"Very approachable, he's willing to roll up his sleeves and get stuck in. He has impressive legal knowledge and a brilliant nose for strategy and tactics."

Construction, Chambers UK Bar 2019

"An impressive junior who performs above his year of call."

Construction, The Legal 500 2018

"Absolutely first class in every respect."

International Arbitration, The Legal 500 2018

Selected as a rising star of the junior Bar in Who's Who Legal 2018

The "very impressive" Andrew Fenn is "absolutely outstanding" in the construction space, according to peers, with one QC commenting, "He's the best junior I've led in a long time." He wins widespread praise as a "great advocate with attention to detail" who "really gets the job done".

Construction, WWL: UK Bar 2018

"Accomplished well beyond his years and incredibly easy to deal with."

Construction, Chambers UK Bar 2018

"Incredibly bright and very user-friendly."

Construction, Chambers Global 2018

"An all-round star: he is very responsive, with an in-depth understanding of complex legal matters."

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2018

"Immensely hardworking."

Construction, The Legal 500 2017

"A fantastic writer and advocate, and a very effective cross-examiner."

International Arbitration, The Legal 500 2017

"He is a hugely compelling advocate and is particularly good at grappling with complex delay and disruption claims." "He has both great people skills and a highly analytical mind."

Construction, Chambers UK Bar 2017

AtkinChambersBarristers

"He is exceptionally hard-working and wins the respect of experts." "A safe pair of hands, he is a nice guy, who is part of the team and approachable."

Construction, Chambers UK Bar 2016

"A highly regarded junior recommended for large infrastructure disputes"

Construction, The Legal 500 2015

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of legal directory endorsements please contact the practice management team at Atkin Chambers.