



POWER, ENERGY, OIL & GAS
RAIL
PROCESS PLANTS
DOMESTIC CONSTRUCTION AND ROADS
PFI
PROFESSIONAL NEGLIGENCE
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
BONDS AND CONFLICTS OF LAWS

Dominique Rawley KC

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PRACTICE

Dominique Rawley KC specialises in high value disputes in the field of technology, construction and engineering projects, and in professional negligence claims, both in the UK and abroad. She has extensive experience of complex PFI contractual arrangements in the UK. She frequently deals with commercial issues arising out of bonds, guarantees & warranties, as well as acting in disputes about the jurisdiction of UK or foreign courts or conflicts of laws.

Dominique has represented contractors, employers and their professional advisers, as well as government departments, in both arbitration and litigation (in both the High Court and the Appellate Courts). She has excellent experience of mediation, where she has represented many clients in multiparty actions leading to early stage settlements, and adjudication, having acted in over 20 adjudications in recent years.

She has handled many high profile cases, appearing in the House of Lords where she was Junior Counsel in successful appeal regarding the question of the availability of security for costs in ICC arbitrations (**Coppee Lavalin N.V (S.A) v Ken-Ren Chemicals** [1995] 1 AC 38) and in the Court of Appeal where she resisted an appeal by a local authority regarding liability under repair covenants and fair proportion (**Fountain and Colonnade Management v Westminster** [2005] EWCA Civ 1607). Dominique appeared in the high court in **Cadbury v ADT**, cited as one of the top 20 cases of 2011 by the Lawyer.

Dominique was named Chambers UK Bar *Construction Silk of the Year* in 2022 and is recommended in the most recent editions of the legal directories, Chambers & Partners UK Bar Guide and The Legal 500 as a leading silk in the field of Construction and Professional Negligence.

POWER, ENERGY, OIL & GAS

- Acting for joint venture of oil companies in commercial court action about design construction of mobile jack up rig and transportation to North Sea oil field. The case involved safety issues and allegations of wrongful termination / repudiation.
 - Acting for employer on dispute arising out of design & construction of the world's largest offshore wind farm project.
 - Advising client domiciled in India regarding completion related issues concerning a power station in Bangladesh.
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RAIL

- Dominique acted for Transport for London on construction aspects of the East London Line extension project which will be a core element in the transport network for the 2012 Olympics.
 - Representing London Underground (2007-9) in two arbitrations brought by a contractor engaged to design and install new communications network on the whole underground network.
 - Representing London Underground in a variety of claims brought by PPP Infrastructure Contractors and others working on the underground, including acting on 8 high value adjudications (2007-2010).
 - Acting for Channel Tunnel Rail Link in numerous claims between the employer and contractors arising out of the construction of the new CTRL high speed railway between London St Pancras and Folkestone (2003-2006). This included fighting seven adjudications and three arbitrations.
 - 2002: Representing contractor in high court claim about life cycle costs of train and station based equipment.
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PROCESS PLANTS

- Defended French multi-national in £150m high court claim by United Utilities re design & build of a water treatment plant. Involved complex issues re biological process & water chemistry, an action on parent company guarantees in the French courts and a separate class action for nuisance brought by residents of Liverpool.
- Representing American engineers in high court claim for £25m brought by Coca Cola company, re design and construction of the biggest soft drinks production plant in the world. Involved chemical engineering technical issues and allegations of 'wilful misconduct' as well as a series of tripartite mediations held in New York.
- Represented contractor in dispute about waste heat recovery boiler at a municipal sewage incineration plant in north of England. The case concerned issues of water chemistry in boiler feed water, performance of the plant and claims for delay.
- Represented a subcontract boiler manufacturer in an arbitration (to Final Award) regarding defects in plant. Technical aspects of the case involved water chemistry, de-aeration, and steam purity issues, as well as metallurgy and corrosion.

- Defended engineers in multiparty case about faulty M&E systems at UK business park, involving in particular technical issues about water chemistry and corrosion.
- Defending Employer in an arbitration (to Final Award) brought by German contractor re design and build of a hazardous waste incineration plant. Involved technical chemical engineering issues & allegations that the plant did not operate correctly or in accordance with EEC environmental emissions law.

DOMESTIC CONSTRUCTION & ROADS

- Acting for a contractor on disputes regarding Wembley Stadium.
- Acting for major UK house builder re discovery of asbestos in ground at development of a brown field site, the result of unlawful fly tipping.
- Representing contractor in an arbitration (to Final Award) against the government re construction of tunnels for a major roadway. Involved issues about defects in concrete works and contractor's loss and expense claim.
- Defending a local authority in an arbitration (to Final Award) brought by contractor for variations, extensions of time and loss and expense regarding road building & improvement project in London borough.
- Representing contractor in an arbitration (to Final Award) against an employer concerning the construction of office development in the City of London. Final account claim including variations, defects & loss and expense.
- Defending contractor against cladding subcontractor's delay & disruption claim arising from construction of a major shopping centre outside London.

PFI

- Acting for Employer on a number of high value disputes in relation to the CTRL project (the high speed rail link between Folkestone and St Pancras). This was the Government's flagship £8 billion PFI project (2003-2006).
- Acted for LUL on two arbitrations, for £70m & £250m respectively, arising out of a 25 year term PFI contract re: design, installation and running of new telecommunications system on London Underground network (2007-2009).
- Defended PFI Hospital provider against the design & build contractor's £10m claim (2010).
- Defended PFI School provider against claims made by local authority under PFI contracts for performance deductions and service payment adjustments (2010).
- Acted for LUL in many claims brought by PPP contractor regarding work to upgrade and maintain the infrastructure on the London Underground Network (2007-2009).

PROFESSIONAL NEGLIGENCE

- **Cadbury v ADT** (2011) defended ADT in £110m claim brought by Cadbury relating to the destruction of a major Cadbury production factory by fire.
- Successfully represented employer in high court action against architect, involving multiple allegations of professional negligence & misconduct (2010).
- Successfully defended PFI provider in £10m claim brought by design & build contractor regarding state of the art cancer treatment hospital (2010).
- Advising local authority in relation to a claim for professional negligence against Quantity Surveyor project manager (2009-10).
- Advising employer on major infrastructure project, as to professional obligations and liabilities of project managers under NEC contract (2010).
- Defended French multinational designer of water treatment process plant against allegations of professional negligence, in claim for £150m (2007).
- Acted for engineer designers in multi-party high court case where allegations of professional negligence made regarding the design of a heating and air conditioning system for a multi building business development (2007).
- Representing a client in a claim against the Contractor and Professional Engineers regarding a defective floor installation at a state of the art automated distribution facility for a very substantial online retailer (2006-7).
- Defending architects in a claim brought by a Health Care Trust regarding the design and construction of a new educational facility that had to be demolished (2007).
- Defended engineers against multi million pound claim brought by Coca Cola re design and construction of largest Coca Cola production plant in world (2003).
- Acted for building owner in relation to refurbishment of hotel where asbestos discovered: claim made against specialist asbestos surveyor for professional negligence.
- Defending engineers and project managers in a claim made by the owner of a nursing home regarding alleged negligent advice and wasted expenditure.
- Defending engineers in a claim for damages for negligence regarding the design of foundations and subsequent subsidence.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Representing LUL in two consecutive arbitrations, of £70m and £250m respectively, concerning design installation and maintenance of complete new telecommunications system on the London Underground network; radio, video and data transmission (2007-2009).
- Defending designer in a commercial court case regarding the design & supply of a multi-million pound computer system for a major international bank as an international message network, focusing on alleged design defects.

- Advising a police authority regarding a claim against a computer contractor for failure to design and provide bespoke human resources management software which satisfied client requirements.
- Acting on two concurrent arbitrations in relation to the design and construction of major water treatment plants involving technical issues of effectiveness of the system and its software and the programming thereof.

BONDS AND CONFLICTS OF LAWS

In addition to the specialised areas above, Dominique is also frequently instructed on general commercial disputes arising (such as private international law aspects of contractual disputes like jurisdiction and conflicts, bonds, guarantees, and warranties, PFI matters and fraud). Examples of her work include:

- Acting in *United Utilities v Degremont* successfully defending a claim against the Parent company under a guarantee on the grounds that France was the correct jurisdiction for the dispute [Jurisdiction].
- Acting in *Heifer v Christiansen and Others* in a High court action by the client against a Danish architect, defending the architect on the grounds of (inter alia) no jurisdiction. [Jurisdiction].
- Advising a client domiciled in India regarding a power station in Bangladesh and whether the claim should be brought in English court for injunction to restrain a call being made under a payment guarantee and other relief [Jurisdiction].
- Acting for a Public Utility Company in a claim under a payment guarantee made directly against bondsman where contractor had entered receivership.
- Acting for local authority in respect of a contractor's final account claim and recovery of overpayments under the contractor's performance guarantee. Whether adjudication decisions can be enforced against Guarantee Company directly.
- Advising a client registered in Holland whether a claim could be brought in English courts against a defendant registered in Spain, despite bankruptcy proceedings in Spain. Proceedings were issued 2007 [Jurisdiction].
- Acting for the contractor in injunction proceedings to restrain payment out under performance bonds **Lorne Stewart PLC v Hermes Kreditversicherungs AG** [GarlandJ] LTL 30 Nov 2004 [Bonds and Guarantees].

NOTABLE CASES

Bewley Homes v CNM Estates [2011] BLR 67

Jacques v Ensign [2009] EWHC 3383 (TCC)

William Verry v London Borough Camden [2006] EWHC 761 (TCC) (Ramsey J)

Multiplex Construction v West India Quay Development (111 ConLR 33)

Fountain and Colonnade Management v Westminster [2005] EWCA Civ 1607

Lorne Stewart PLC v Hermes Kreditversicherungs AG [Garland J] LTL 30 Nov 2004
Lewisham London Borough Council v Shepherd Hill LTL 5/9/2001
J Murphy and Sons v ABB Daimler Benz [1999] CILL 1461
Project Consultancy Group v The Trustees of the Grays Trust [1999] BLR 377
North Thames Regional Health Authority v Shepherd Robson and Others TLR 23/1/96
Coppee Lavalin N.V (S.A) v Ken-Ren Chemicals and Fertilisers Ltd [1995] 1 AC 38
London Borough of Lambeth v Clarke and Others [Court of Appeal] TLR 26/12/94

QUALIFICATIONS AND AWARDS

1990-1991 Inns of Court School of Law, Gray's Inn
1986-1990 BA Law (Hons) Queen's College, Cambridge University

ADDITIONAL INFORMATION

Dominique is a member of COMBAR, TECBAR and the SCL.
She is a qualified TECBAR Adjudicator.

RECENT RECOMMENDATIONS

"She is a skilled advocate and has a strong command of construction law."
Construction, Chambers UK Bar 2022

"A skilled advocate with a strong command of construction law."
Professional Negligence, Chambers UK Bar 2021

"An expert on PPP/PFI projects and clearly has an in-depth knowledge of where arguments are likely to have merit which is invaluable when strategically assessing the strength of a client's position."
Construction, The Legal 500 2022

"Dominique is a careful and considered practitioner who draws from a very deep well of expertise and deploys it magisterially."
Energy, The Legal 500 2022

"She is a very accomplished, quick-thinking silk."
Professional Negligence, The Legal 500 2022

"She has a keen eye for detail and is good with clients." "Very impressive."
Construction, Chambers UK Bar 2021

"She's very thorough and well prepared." "A highly impressive contributor. She is an incredibly skilled"

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speaker and also the author of an excellent textbook."

Professional Negligence, Chambers UK Bar 2021

"An outstanding professional who is very experienced and dedicated."

Professional Negligence, The Legal 500 2021

"She has a fantastic ability to get on top of the detail and is very client-friendly."

Energy, The Legal 500 2021

"Fantastic ability to get on top of the detail and very client friendly."

Construction, The Legal 500 2021

"She is totally committed to every case and you can guarantee that she has looked at and thought about every aspect." "Clients are reassured by her calm approach to the most difficult issues." "Very proactive, pragmatic and user-friendly."

Construction, Chambers UK Bar and Chambers Global 2020

"She's very good orally and a really good communicator who gets tribunals on her side."

Professional Negligence, Chambers UK Bar 2020

"Extremely personable, very hands-on and into the detail. She made a significant effort with the clients to help them uncover and understand the issues." "Able to review documents in an incredibly short period of time and has a strong grasp of all aspects of the law. She turns around advice very quickly."

Construction, Chambers UK Bar 2019

"Very good advocate and a first-class lawyer who is personable and down-to-earth."

Professional Negligence, Chambers UK Bar 2019

"Clear, concise advice, and commercially astute."

Construction, The Legal 500 2019

"Has a keen eye for detail, and is good with clients."

Energy, The Legal 500 2019

"Strategically astute and commercially aware. She will always think of a different approach which could be taken to resolve an issue and is prepared to delve into the detail. Very effective and clever." "Excellent with clients, knows her stuff and has a very nice manner about her."

Construction, Chambers UK Bar 2018

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