



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY AND UTILITIES
PROFESSIONAL NEGLIGENCE
GENERAL COMMERCIAL
ADJUDICATION AND ARBITRATION

Caroline Greenfield

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PRACTICE

Caroline joined Atkin Chambers as a tenant in September 2019, following the successful completion of her pupillage. Caroline has seen a broad range of construction and general commercial work at all stages of litigation, adjudication and arbitration. Her work has involved bespoke and standard form contracts including JCT, NEC, FIDIC, RIBA and ACE forms.

Caroline's recent instructions include full trials in the County Court and applications in the High Court, both in person and remotely during lockdown. She is currently being led in two high-value international Arbitrations relating to major infrastructure projects in the Middle East. At the end of 2019, a secondment to the construction and dispute resolution team of an international law firm provided an insight into the commercial decisions employers and contractors face over the course of a project and the focused real-time advice they require.

Caroline graduated from the University of Oxford with a First-Class law degree and a Distinction on the BCL, and gained a distinction on the Bar Professional Training Course. Before starting pupillage, Caroline lived and worked in China and has conversational spoken and written Mandarin.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

- Appeared in a CCMC in a case concerning a defectively installed and commissioned fire alarm system.
- Appeared in a preliminary hearing in a case concerning defective rendering of apartment balconies.
- Drafted a skeleton argument for a CMC in a case concerning defective refurbishment of a shipyard, including defective cladding. At the CMC an application for a preliminary issue was successfully rejected. Drafted the order reflecting the judge's directions on cost budgets and expert meetings.

- Assisted in drafting Particulars of Claim for breach of contractual warranties to comply with British Standards and Building Regulations in relation to fire safety.
- Drafted a Particulars of Claim for the defective concept design of a swing bridge.
- Drafted a Defence to a claim under the Party Wall Act which included reliance on the independent contractor defence.
- Assisted in the preparation of a summary judgment application on the interpretation of interim payment provisions and unanimity provisions in a JVA relating to a water effluent treatment project.
- Drafted advice on the duties of an engineer's representative and mediation-arbitration clauses for a contractor on a large transport project whose relationship with the engineer had broken down.
- Drafted advice on offer/acceptance for a contractor seeking to deny the existence of a design and build contract for a data centre.
- Drafted advice on whether a contractor could refuse to comply with an employer instruction that would put them in breach of planning permission.

Caroline has seen PFI contracts relating to a hospital, road network and school and has provided written advice on the interpretation of change in law, limitation of liability and pass-down provisions in PFI contracts.

She has also drafted advice on the construction of a number of guarantees and bonds including the questions of (i) when damages have been ascertained and established; (ii) whether demands on the bond were in the correct form and (iii) whether an employer/beneficiary under a guarantee bond had to account for payments received from the guarantor under the guarantee bond in a claim brought against it by the contractor/debtor.

ENERGY AND UTILITIES

- Assisted in advising an insulation provider about the merits of a claim brought against it in relation to carbon emissions reduction targets and drafted inter-party correspondence and a Part 18 Request for Further Information.
- Drafted a Defence for nine defendants against a claim for loss of profits caused by repeated shut-downs of a Floating Production Storage and Offloading vessel.
- Drafted opening submissions for a preliminary issue trial about the implication of implied terms and timing of disclosure warranties in a Farm-In Agreement.
- Assisted in drafting opening submissions on quantum and mitigation in relation to an employer's claim for the costs of engaging a third party to carry out remedial works to remove obstructions left on site by a contractor.
- Drafted advice on retention of title in solar panels installed under a government funded scheme.
- Drafted advice on the construction of a warranty in a Framework Agreement in a case where warranties under site-specific contracts were time-barred.

PROFESSIONAL NEGLIGENCE

- Drafted a Particulars of Claim and Scott Schedule in a case about defective design and poor workmanship on a residential project.
 - Drafted a Particulars of Claim based on fraudulent use of the title “Architect” and professional negligence against an architect.
 - Drafted an advice on the construction of inconsistent clauses in an architect’s appointment and the operation of a net contribution clause between three potential defendants on a residential refurbishment project.
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GENERAL COMMERCIAL

- Worked closely with a Queen’s Counsel in Chambers in a case about the operation of a contractual termination scheme in light of s1028 of the Companies Act 2006.
- Drafted a Skeleton Argument and cross-examination for a County Court hearing on the delivery of defective goods under the Sale of Goods and Services Act.
- Drafted an application for summary judgment and resisted an application to amend a defence in a car credit hire claim.
- Drafted an advice to a wind-farm company on how to proceed against a commercial fisherman obstructing surveys necessary for the construction of the wind farm.
- Drafted an advice on where to issue proceedings in a project based on the Isle of Man against a designer resident in England.
- Assisted in advising a client on service out under the Hague Convention in circumstances where the EU’s declaration on insurance contracts applied.

Caroline has also drafted procedural advices on transferring proceedings between courts, preliminary issue applications, disclosure applications, Part 20 claims and how to get costs protection against co-defendants.

ADJUDICATION AND ARBITRATION

- Drafted a response and rejoinder in an adjudication based on the service of payment notices.
- Drafted a response to a claim for delay damages based on claims for an extension of time in relation to the construction of a community centre.
- Assisted drafting a response to a misrepresentation claim, including a challenge on jurisdiction.
- Drafted a skeleton argument for enforcement of an adjudicator’s decision using the Part 7 procedure. Enforcement was resisted on the basis that no dispute had crystallised or that the responding party should be entitled to set-off.
- Assisted in advising on appointment procedure and challenges to an arbitral appointment under the ICC Rules.

- Drafted a skeleton for a stay under s9 Arbitration Act 1996.
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QUALIFICATIONS AND AWARDS

2018	International Chinese Language Programme, National University of Taiwan
2016-2017	BPTC, BPP Law School (Outstanding)
2016-2017	James Crouch Scholar (Gray's Inn) and BPP Advocacy Scholar
2015-2016	BCL (Distinction in all subjects including Conflict of Laws and Commercial Remedies), University of Oxford Law Faculty Prize for the highest BCL mark in International and European Employment Law Barry Nicholas Scholar (Brasenose College)
2012-2015	BA in Jurisprudence (First Class), University of Oxford Academic Scholarship, Brasenose College, Oxford

ADDITIONAL INFORMATION

Caroline attended TECBAR, COMBAR and the Society of Construction Law events throughout her pupillage and completed the advocacy course at Gray's Inn. As a marshal to judges in the TCC in November 2018, she saw an architect's professional negligence trial and a number of CMCs.

Caroline speaks conversational Mandarin.