

From the Litigation Tracker Litigation Tracker Litigation Tracker News Mayer Brown

## Spotlight: Can Mayer Brown fix it? Yes it can

This week for *The Lawyer's* Spotlight feature, we want to draw your attention to the world of construction and engineering disputes at **Mayer Brown**. The firm's London litigation team, which houses 40 lawyers in construction and engineering, has been busy bringing a landmark cladding claim this year, which was featured as one of *The Lawyer's* **top 20 cases of 2024**.

**The market:** Internationally, the market is gearing up for more disputes from companies' focus on energy and renewables and how this affects construction projects. Investment is piling in from global private equity firms and funds in battery power, energy, LNG, wind, and green hydrogen. The Middle East is a magnet for new projects, with countries like Saudi Arabia full of substantial building projects focussing on renewables.

On the domestic side, cladding remains to be a vital issue following the Grenfell Tower disaster, in which a fire broke out in a 24-storey block of flats in North Kensington in 2017. The Grenfell Tower Inquiry, which will have enormous implications for the construction industry, commenced in 2018 and is ongoing, with a final report due this year.

Mayer Brown has been engaged in a case initiated by the London Borough of Camden in response to the Grenfell tragedy. The borough opted to relocate residents from four out of five tower blocks comprising the Chalcots Estate and initiate urgent repairs. Following this, legal proceedings were initiated against the PFI development company and its supply chain, with the aim of seeking damages. Mayer Brown is defending United Living, one of several defendants, in the claim worth over £130m.

**The team:** Mayer Brown's London construction and engineering group, led by **Michael Regan**, comprises 22 lawyers, including eight partners. However, this number rises to 40 when including additional associates who assist from time to time. Key disputes partners include **Sally Davies** (who sits on the global management committee), **Jonathan Hosie**, **Jonathan Stone** and **James Morris**.

The London office's international arbitration group, which has strong links to its construction and engineering group, contains 15 lawyers, of which 11 are partners. Key partners include **Raid Abu-Manneh, Luiz Aboim, Kwadwo Sarkodie, Sam Prentki, Rachael O'Grady, Jawad Ahmad, Mark Stefanini** and **Stephen Moi**.

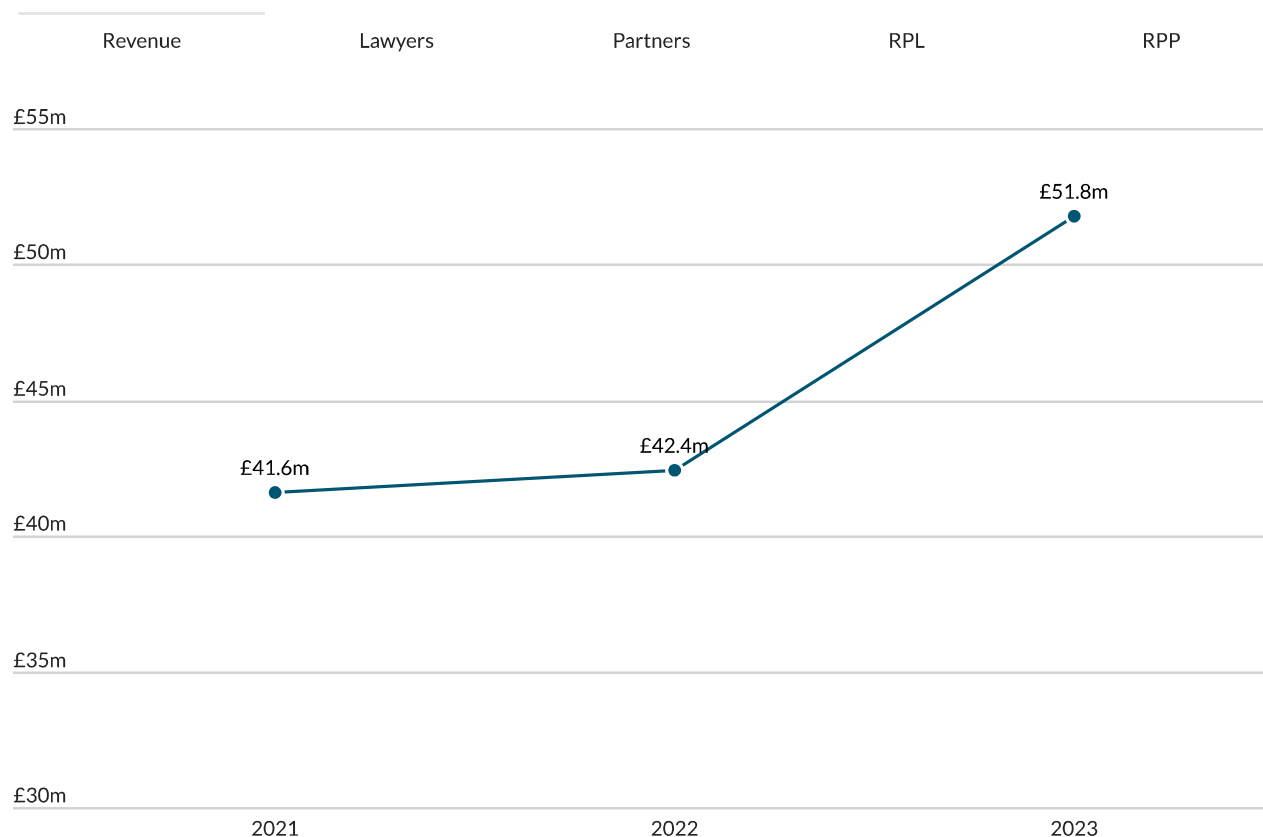
**Mayer Brown's construction and engineering group:** The overall disputes group consists of three divisions: general commercial, construction and engineering, and international arbitration (of which the latter two intersect). Mayer Brown's disputes lawyers have international, insurance and domestic construction practices with partners doing a mixture of all three.

Interestingly, the firm's non-contentious construction and engineering lawyers also sit within the disputes group, as Mayer Brown prefers to present itself to clients with a solid sector focus. There is also a historical reason for this, as there used to be no such thing as non-contentious construction lawyers, as industry professionals formerly put contracts together, meaning the only work lawyers did in this area by default was disputes work. Lawyers later started getting involved with the contracts, and as such, most of these non-contentious lawyers grew out of construction disputes practices.

US firm Mayer Brown & Platt and UK firm Rowe & Maw merged in 2002, with the firm shortening its name to Mayer Brown in 2007. Rowe & Maw, where several key partners at the firm came from, such as Michael Regan and Sally Davies, specialised in construction disputes. Rowe & Maw worked on some of the most significant construction disputes of its day in the 1990s, many of which were related to delays and overspending when constructing shopping centres. Following the merger, Rowe & Maw's construction practice effectively internationalised overnight.

The group prides itself in having that additional expertise in insurance, a market it started to break into in the late 1980s. The insurance market interacts heavily with the construction and engineering market. For example, in *The Lawyer's* top 20 case, *Shepherd Construction v Kingspan and others*, a £70m dispute that partner James Morris leads, all the defendants are insured, indicating how insurance is an essential aspect of construction disputes.

# Mayer Brown



Source: *The Lawyer* UK Litigation 50

Mayer Brown is working on several significant disputes. Davies and partner Jonathan Stone are working on a £70m claim, in which they represent Standard Life (now Abrdn) in its claim against its professional team and development manager following significant delay and cost overruns during the construction of a retail park in Newbury. This case has already given rise to several complicated legal issues, including when permission to amend a complex Particulars of Claim should be opposed and whether a case for negligence can be brought against the design team on the basis of a proportionate extrapolation from a sampled pool of alleged defects – an issue on which the team was successful both at first instance and on appeal.

The team has also recently defended a group of surveyors and their insurers from a £115m breach of duty claim brought by the National Trust. The claim concerned the damage caused by a fire in 2015 at the 18th-century Grade I listed Palladian mansion, Clandon Park House, managed by the National Trust. The National Trust alleged that the extent of the fire spread was caused by the failure to provide appropriate fire protection to a lift shaft installed in 2005. The claim was settled in 2021, two months before trial.

One of the firm's longstanding clients and one of the UK's largest contractors, Wates Construction, instructs Mayer Brown for all of its main contract dispute and risk management work across the portfolio of its business sectors. This includes retail,

living space and construction. Other UK contractor clients include BAM Nuttall, Costain, Engie Keepmoat, Interserve, Kier, Morgan Sindall, Osborne, Skanska and United Living.

**Key counsel:** Atkin's Stuart Catchpole KC (for international arbitration), Manus McMullan KC, Christopher Reid and Camille Slow, 4 Pump Court's Sean Brannigan KC, Keating Chambers' Marcus Taverner KC (for arbitration), Alexander Nissen KC, Jonathan Selby KC, Paul Bury, and James Thompson.

**Key competitors:** On the construction side: **Pinsent Masons, White & Case**, and **CMS**. On the insurance side: **Clyde & Co, RPC** and **Kennedys**.

If you missed last week's special edition on the disputes group at **Freeths**, including details about its work related to the Post Office scandal, you can read it **here**.

By **Annabel Tinson** 19 January 2024 07:00

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