

SIMON ARNOLD

Year of call: 2017

Clerked by: Luke Heywood Harry Young

AREAS OF EXPERTISE:

Arbitration Banking & Finance Commercial Litigation
Procurement Professional Negligence Technology &
Construction



Technology & Construction

Simon has a number of years experience advising professionals and their insurers in connection with professional negligence claims often involving multiple parties across a number of jurisdictions. In particular Simon has dealt with claims involving architects, quantity surveyors / project managers engineers (civil / structural / geotechnical) main contractors, sub contractors and design and build contractors on claim values ranging from £50,000 to £100m.

As well as acting for insurers and construction professionals Simon has acted for employers, main contractors and sub-contractors in payment disputes (both interim and final), variation and defects claims, extension of time and loss and expense claims

He has significant experience of the Technology and Constructions Courts (Leeds / Manchester / Bristol and London) and is well versed in adjudication and arbitration and has conducted many mediations over the years both in a Claimant and Defendant capacity. Simon is familiar with the industry standard form contracts: JCT / FIDIC / RIBA / ACE / ICE / NEC etc.

Examples of the types of claims he has conducted include:

- claims against architect, design and build contractor and employer's agent concerning the negligent design and inadequate installation of fire compartmentation in approximately 60 apartments in a mixed use development. Claim arose out of a subsequent fire which resulted in extensive damage to the entire building. Acted for the 60 or so Claimant apartment owners and their building insurer
- acted in a number of adjudications for both referring and responding parties on a wide range of claims notably, interim and final account disputes / extension of time and loss and expense claims / professional negligence claims acting both for and against the construction professional
- claims involving geotechnical matters such as the presence of permafrost causing damage to foundations / inadequate geotechnical site investigations causing damage to the substructure and superstructure / claims against architects concerning inadequate design and/or alleged over certification of interim payment certificate
- Acted for a number of claimant purchasers of high value properties in a claim against a national homebuilder. Claim settled following close of pleadings at mediation.
- Instructed on several occasions to either seek enforcement or resist enforcement of various adjudicator awards.

Profile

With over 22 years of experience, the first 17 year of which was spent as a solicitor and latterly as a partner in a global law firm, Simon brings considerable legal, practical and commercial awareness to the matters on which he is instructed. His experience spans all aspects of commercial litigation with a focus on and experience in construction and engineering disputes, professional negligence claims (for both claimants and defendants), banking and finance disputes and insurance coverage matters.

Simon has appellate experience, including written advocacy in the Court of Appeal and written and oral advocacy at lower appellate level.

His recent experience includes:

- Advising an Italian manufacturer of specialist start/stop car batteries on a claim brought by a global car manufacturer. Claim value €100m+.
- Several instructions to enforce or resist enforcement of adjudicators' award in the High Court.
- Instructed (unled) by a major law firm on many high value, multi-party solicitor negligence claims: Total quantum circa £7m.
- Instructed (unled) by a City law firm to enforce guarantees given under a bilateral secured receivable finance facility agreement against overseas domiciled guarantors.
- Instructed by a building contractor to resist an employer's application for a freezing order. Injunction refused and costs awarded in favour of the contractor.
- Instructed on an international sale and supply of goods dispute.

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Areas of Expertise

Arbitration

Banking & Finance

Commercial Litigation

Procurement

Professional Negligence

Technology & Construction

Memberships

Professional Negligence Bar Association

TECBAR

North Eastern Circuit Commercial Bar Association

Lincoln's Inn

Direct Access Accredited

Qualifications

1995 University of Lancaster Law with Economics (2:1)

1996 College of Law Legal Practice Course (Commendation)

1998 Partner at DAC Beachcroft 2010 – 2016

Recommendations

“He tailors his approach to the particular circumstances. He has good commercial awareness and is a diligent and conscientious lawyer state clients” [Chambers and Partners]

“Simon Arnold handles disputes for a wide range of clients and their insurers and provides advice which is always in depth and cuts to the key issues of the case.” [Legal 500]

“...recommended for construction disputes on a national and international basis” [Legal 500]

“Dispute resolution specialist Simon Arnold is recognised for an impressive practice that often includes complex multiparty claims. Arnold is particularly noted for his defence of architects and engineers.” [Chambers and Partners]

“Simon Arnold is recommended for construction related matters” [Legal 500]

[note: quotes apply to previous practice as a solicitor]