

## SIMON ARNOLD

Year of call: 2017

Qualifications: Law with Economics

Clerked by: Louise Barnes Luke Heywood

**AREAS OF EXPERTISE:**

Arbitration Banking & Finance Commercial Litigation  
Procurement Technology & Construction



### Profile

Before being called to the Bar Simon was a solicitor and partner at DAC Beachcroft for a number of years specialising in claims concerning construction professionals. In addition to his significant construction dispute experience which spans over 18 years, Simon has a number of years experience advising insurers on coverage issues and conducting litigation involving coverage disputes. Latterly, Simon has been involved in a number of banking and finance disputes and has experience of complex foreign exchange derivative claims.

Simon has experience of banking and finance disputes, in particular a number of claims concerning the alleged mis-selling of complex foreign exchange derivatives and interest rate swaps. He has experience of LIBOR mis-selling claims and has acted in claim values ranging from £3 million to in excess of £650 million.

Insurance coverage: Simon has a number of years experience advising generally on insurance issues / the interplay and coverage provided by a number of different policies (particularly within a building contract context) and advising on coverage and policy avoidance and coverage disputes.

**Year of Call:** 2017

### Areas of Expertise

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#### Arbitration

#### Banking & Finance

#### Commercial Litigation

Simon has significant experience of general commercial litigation matters, having acted for individuals and corporate entities in contractual, tortious and partnership disputes for a broad range of businesses both regionally and nationally. Simon's experience spans: disputes regarding supply and distribution agreements / funding agreements / partnership expulsions and disputes concerning the quality and merchantability of specialist equipment.

#### Procurement

Simon has experience advising on the delivery and on-going performance of, in particular, large scale construction projects, including dispute avoidance and resolution in a range of tribunals. His experience includes advising a local authority on a large mixed use development, including procurement advice and negotiations with the main contractor and lead tenants, regarding issues which emerged during the construction process.

In addition, he has advised a utility provider on a range of public law matters, including the interpretation of various enabling acts of parliament and statutory instruments as to:

- The level and basis of charges which statutory undertakers may charge and recover for apparatus diversion works; and
- The correct interpretation of the 'deeming provisions' of the New Roads and Street Works Act 1991.

## 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

## Memberships

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Professional Negligence Bar Association

TECBAR

North Eastern Circuit Commercial Bar Association

Lincoln's Inn

Direct Access Accredited

## Qualifications

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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

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"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]

