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## FINOLA O'FARRELL QC

Call: 1983 / Silk: 2002

[fofarrell@keatingchambers.com](mailto:fofarrell@keatingchambers.com)

### Areas of practice

- Construction & Engineering
- Energy & Natural Resources
- Professional Negligence
- IT & Technology
- PFI/PPP

### Clerks' Details

**Declan Redmond**

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### Practice overview

Finola O'Farrell QC specialises in construction, engineering, energy, shipbuilding and information technology disputes, together with related professional negligence, insurance, bonds, guarantees, and health and safety matters.

Finola is not afraid of fighting difficult and challenging cases. Her work often includes cases that involve issues of legal, factual and technical complexity. Recent cases include:

- Disputes in respect of a major PFI rail infrastructure contract;
- Dispute in respect of a PFI waste management facility project;
- Dispute in respect of defects in the design and construction of a commercial property;
- International arbitrations concerning an offshore wind farm project;
- Commercial dispute in respect of an offshore gas pipeline;
- Dispute arising out of a Middle East power plant;
- Disputed calls and injunction applications in respect of performance bonds for infrastructure and technology projects in the Middle East;
- Litigation concerning an advertising concession for the underground network; and
- Professional negligence litigation arising out of the Wembley Stadium project.

She is an accredited mediator and adjudicator and sits as a Recorder.

Finola's expertise covers the full range of contractual and tortious claims arising out of construction projects, including defects claims, termination issues and delay/loss and expense claims. She has considerable advocacy experience before the English Courts at all levels and regularly appears as counsel in domestic and international arbitrations throughout Europe, Asia and the Middle East (including ICC, LCIA, DIAC, CIMAR rules). She also acts as counsel or tribunal in arbitrations, adjudication, mediation and expert determination.

She has over 30 years experience of advising and fighting cases in respect of all internationally recognised forms of construction, engineering and shipbuilding contracts, including JCT, FIDIC, NEC, MF/1 and IChemE. Finola has extensive experience of PFI, PPP and government contracts relating to major infrastructure projects such as airports, railways, roads and bridges, telecommunication systems, tunnels, prisons, hospitals and schools. She has considerable expertise in claims relating to the construction of assets for the oil, gas and nuclear industry including power stations, drilling platforms, jack up rigs, FPSOs, offshore and onshore pipelines, berthing facilities and decommissioning issues. Her expertise in technical marine engineering matters includes international shipbuilding disputes, offshore wind farms, sea defences and dredging projects.

Finola's particular strengths are her speed in working through dense, technical documents so as to provide swift and concise advice, the ability to develop a strategy that can change the direction of a case, a hands-on approach to fighting cases, recognising that she is a member of a team in which everyone has a valuable role, and skilful cross-examination (in a recent arbitration, Finola was required to cross-examine eleven experts of differing disciplines, up to three experts together).

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## Recent Cases

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### Construction & Engineering

- Commercial litigation in respect of a dispute concerning an advertising concession on the underground network.
- Litigation, adjudication and mediation concerning major rail infrastructure contracts.
- Arbitration concerning dredging and land reclamation projects in the Middle East.

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*“Quite simply a phenomenal barrister.”*

Legal 500, 2015

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### Energy & Natural Resources

- International arbitration under ICC rules concerning a Middle East power plant.
- International arbitration under LCIA rules concerning an offshore wind farm project.
- International arbitration concerning an offshore gas pipeline in Russia.
- Dispute concerning coal fired power station in Eastern Europe.

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*“Very meticulous and a pleasure to work with.”*

Chambers UK Bar, 2015

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## Commercial

- Disputed calls and injunction applications in respect of letters of credit and performance bonds for infrastructure and technology projects in the Middle East.
- Commercial property dispute in the Middle East.
- Commercial court challenges to an international arbitration awards.
- Litigation and mediation against investment bank concerning the management and insurance of property.

## Professional Negligence

- Multi-party litigation concerning defects in a road infrastructure project.
- Dispute concerning defects in a multi-storey car park.
- Professional negligence litigation and mediation arising out of the design and construction of Wembley Stadium.

## IT & Technology

- Litigation concerning the design supply and integration of a computer management system for a national mobile telecommunications network.
- Litigation concerning incompatibility between computer software and hardware.

## PFI/PPP

- PFI dispute relating to the Design and Construction of a Thermal Power Station.
- Disputes in respect of major PPP and PFI rail infrastructure contracts – train infrastructure, telecommunications, power supply, maintenance and advertising contracts.
- Termination disputes in respect of PFI waste management facility projects.
- Dispute concerning a PFI Contract for the design, build, finance and operation of a Further Education College.
- PFI project dispute concerning design, construction and completion of road improvement works
- PFI contract dispute between an NHS Trust and SPV.
- Adjudication concerning the fee calculation in respect of heating systems for prisons.

## NEC Disputes

- Disputes in respect of a number of Channel Tunnel link projects (defects, disallowed costs, pain/gain sharing mechanism, delays, claims for additional payment).
- Disputes in respect of a number of rail network contracts – actual costs, disallowed costs, fees, cost components, design responsibility, delays and claims for damages and additional payment.
- Dispute concerning the design and construction of a water pipeline, together with associated land reinstatement and infrastructure works.
- Adjudication in respect of FAS and BMS works at an airport terminal.
- Disputes concerning train infrastructure, telecommunications, power supply, maintenance and advertising contracts.

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## Selected Reported Cases

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- *O'Donnell Developments Ltd v Build Ability Ltd* [2010] EWHC 3388 (TCC), 128 Con LR141
- *Bovis Lend Lease Ltd v Trustees of the London Clinic* [2009] EWHC 64 (TCC), [2009] CILL 2672, [2009] Bus LR D76, 123 Con LR 15
- *London Underground Ltd v (1) Metronet Rail BCV Ltd (2) Metronet Rail SSL Ltd* [2008] EWHC 502 (TCC)
- *Van Der Giessen De Noord Shipbuilding Division BV v Imtech Marine & Offshore BV* [2008] EWHC 2904 (Comm) and [2009] 1 Lloyd's Rep 273
- *HG Construction Ltd v Ashwell Homes (East Anglia) Ltd* [2007] All ER (D) 210 TCC
- *Metronet Rail BCV Ltd v London Underground Ltd* [2007] All ER (D) 99 TCC

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## Education & Professional Career

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| BA in Law, University of Durham | 1982 |
| Called to the Bar, Inner Temple | 1983 |
| Keating Chambers                | 1985 |
| Queen's Counsel                 | 2002 |
| TECBAR Accredited Adjudicator   | 2004 |
| ADR Accredited Mediator         | 2004 |
| Recorder                        | 2008 |
| Public Access Training          | 2015 |

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## Seminars, Publications & Papers

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- Contributor to the Keating on Offshore Construction and Marine Engineering Contracts
- Consulting Editor, Construction Law Reports
- Contributor to the Engineer's Dispute Resolution Handbook (1st and 2nd Editions)
- Bonds, Parent Company Guarantees and other Security - ICE Manual of Construction Law 2010
- Professional Negligence in the Construction Field Finola O'Farrell QC 29th June 2009
- Editorial team, Sweet & Maxwell electronic Construction Law Service
- Editorial team, Keating on Building Contracts (5th, 6th and 7th editions)

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## Additional Information

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Finola O'Farrell QC is deputy head of Chambers. She is a Bencher of Inner Temple and Vice Chairman of the Scholarships Committee.

She enjoys theatre, music and literature in her spare time.