

# Paul Newman

**Year of Call:** 1982

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## Overview

Paul Newman originally studied modern and medieval languages (French and Spanish) at Clare College, Cambridge. He then completed the Diploma in Law at City University, London and 'Bar Finals' at the Inns of Court School of Law, being called to the Bar of England & Wales in 1982. He was called to the Bar of Northern Ireland in 2022, becoming a BL of the Honorable Society of the Inn of Court of Northern Ireland.

He is an accredited construction industry adjudicator (RIBA), an ADR Group accredited mediator, a CMC registered mediator and a Fellow of the Chartered Institute of Arbitrators. He was previously highly commended in the prestigious Hudson Prize for construction law for his paper on construction industry insolvency. In March 2017 he was appointed to the All-Wales Legal Services Panel (Chancery & Civil Law, Other) Paul is a panel member of UK Adjudicators which offers adjudicator services to UK construction industry clients.

Paul specialises principally in construction law, including professional negligence claims against construction professionals, disputes concerning party walls and non-contentious construction work. He undertakes some boundary disputes/rights of way, personal injury and credit hire litigation. His practice as a mediator is focused on construction, general contractual and property disputes.

Paul undertakes public access work. He is an arbitrator under the Chartered Institute of Arbitrator's BAS (Business Arbitration Scheme) and a TecBar approved adjudicator, mediator and arbitrator. Paul is also a door tenant at Pendragon Chambers, Swansea.

Paul has again been rated by his peers as one of "The Best Lawyers in the UK", whose 10th edition was published in June 2021.

## Recommendations

Paul Newman of 3PB Barristers is an excellent barrister who focuses on handling construction disputes. He is sought out by both individual clients as well as sub-contractors for his adept handling of cases concerning defective works and damages, primarily on residential developments. He also has extensive experience in adjudication, with a track record in working for local councils.

Strengths: "He is very knowledgeable regarding the process of adjudication, and was an excellent, calm and reassuring guide for us throughout." "He has very good attention to detail in a fiercely contested construction case."

**Chambers UK 2024/Construction/Western Bar/Band 1**

Strengths: "Paul Newman always delivers top-class service."

"He is efficient and as knowledgeable as they come, with commercial-based reasoning and client-friendly conclusions."

"Paul Newman's expertise is second to none."

"Paul Newman is flexible and willing to assist, especially on urgent matters with deadlines, whilst still being able to apply an excellent attention to detail."

**Chambers UK 2023/Construction/Western Bar/Band 1**

Paul Newman is an excellent barrister who focuses on handling construction disputes. He is sought out by both developers and contractors for his adept handling of cases concerning defective works and damages on both residential and commercial developments. He has extensive experience in mediation.

Strengths: "He is one of the go-to people for effective work in construction cases."

**Chambers UK 2022/Construction/Western Bar**

'...offers contentious and non-contentious services in the construction sphere. He is noted for his litigation work, and is increasingly acting as a mediator in construction matters.

Expertise: "Very impressive advocacy skills. Mr Newman dealt with an application to enforce an adjudicators' decision for us. His advocacy skills were most impressive, and we were granted the enforcement."

**Chambers UK 2014/Construction/Western Bar**

As an advocate, Paul is charming, persuasive and has that all-important gravitas. He frequently finds an ingenious argument that his peers have not even considered.'

**Legal 500 2024/Property and Construction/ Western Circuit/ Leading Junior**

Construction law is the core area of expertise for Paul Newman.

'Paul combines excellent attention to detail with a pragmatic approach. He has a very reassuring, steady and calm manner.'

**Legal 500 2023/Property and Construction/Leading Juniors/Western Circuit**

'His knowledge is second to none, and he has the wisdom to know when to apply it and make it simple and reasonable.'

**Legal 500 2022/Property and Construction/Leading Juniors/Western Circuit**

'He is able to answer complex issues quickly and succinctly, with sound reason, judgment and wit. His wisdom stands out in a loud regional crowd, as does his willingness to stand up and be counted. He is one who can be counted on to support your position with all the law has to offer.'

**Legal 500 2021/Property and Construction/Leading Juniors/Western Circuit**

'His practice includes both contentious and non-contentious construction work.'

**Legal 500 2020/Construction, planning and environment/Leading Juniors/Western Circuit**

'Commercially astute and sharp on his feet.'

**Legal 500 2018/19/Construction, planning and environment/Leading juniors/Western Circuit**

'He has a cool head and a precise eye.'

**Legal 500 2017/Construction, planning and environment/Leading Juniors/Western Circuit**

'Extremely helpful, wise, willing and knowledgeable. Flexible and has stepped in last minute a couple of times.'

'...has a solid construction practice and represents developers, suppliers and other parties in construction adjudications.'

**Legal 500 2016**/Construction, planning and environment/Leading Juniors/Western Circuit

'Very personable and approachable'

**Legal 500 2015**/Construction, planning and environment/Leading Juniors/Western Circuit

'He is very personable and always understands what is required from him.'

**Legal 500 2014**/Construction, planning and environment/Leading juniors/Western Circuit

'"construction industry specialist" Paul Newman is highlighted for his "excellent advocacy skills".'

**Legal 500 2013**/Construction, planning and environment/Leading Juniors/Western Circuit

Barrister Paul Newman has been nominated by his peers and included in **The Best Lawyers guide for Construction Law**.

'Paul Newman – extremely helpful, wise, willing, and knowledgeable ... flexible and stepped in last minute a number of times.'

**What do clients want from the Bar, Thomson Reuters 2019**

'He has a wealth of experience in construction contract disputes, and his knowledge is always up to date.'

**Thomson Reuters Report 2017**

"We would like to thank you for your valuable contribution you made toward the litigation we were recently exposed to. Your quick grasp ... proved a real salve and we are both very grateful."

"It was a pleasure meeting you yesterday and on behalf of this firm and the parties, may we take this opportunity of thanking you for your assistance and perseverance throughout the day."

"Thanks go to you for your invaluable assistance!"

**Mediation client testimonials**

"He was personable and patient, and excellent at handling the judge. He also took an hour of his time after the hearings to de-brief us, which was very much appreciated."

**Client testimonial**

'Paul Newman – extremely helpful, wise, willing, and knowledgeable ... flexible and stepped in last minute a number of times.'

**Paralegal/Trainee Solicitor, South West**

***What do Clients want from the Bar? – Thomson Reuters, October 2017***

## Academic qualifications

- Graduate of Clare College, Cambridge (BA; MA) Modern and Medieval Languages Tripos (French & Spanish)
- Diploma in Law, City University, London
- Council of Legal Education, London

## Professional qualifications & appointments

- Barrister, England & Wales and Northern Ireland
- RIBA accredited adjudicator
- RIBA Professional Conduct Panel

- UK Adjudicators Panel
- Fellow of the Chartered Institute of Arbitrators
- ADR Group accredited Mediator
- CMC registered Mediator
- TECBAR listed adjudicator, mediator and arbitrator

## **Professional bodies**

- Barrister, Gray's Inn
- Bar of Northern Ireland; BL of the Honorable Society of the Inn of Court of Northern Ireland
- Chartered Institute of Arbitrators
- Association of South West Mediators
- Civil Mediation Council
- PIBA, PNBA, SCL and TecBar
- Wales & Chester Circuit

# Expertise

## Construction and engineering

Apart from private practice at the Bar, Paul spent a number of years as an employed barrister in solicitors' practice. He has worked for two major regional firms, where he featured in both Legal 500 and Chambers UK as a leading construction lawyer, and for a major firm of construction claims' consultants. He was highly commended in the prestigious Hudson prizes for construction law for his paper on construction industry insolvency.

Paul advises across a broad range of construction disputes. His workload includes delay and disruption claims, building defect claims (including ones under The Defective Premises Act 1972 and the Building Regulations), party wall disputes, claims against construction professionals and property misrepresentation claims. He has a particular interest in construction bonds and guarantees and is the author of a book on the subject. Drawing on his experience with solicitors' firms, Paul is happy to accept Instructions to undertake non-contentious drafting, prepare contract amendments, collateral warranties and appointment documents.

Paul appears in Court and arbitration hearings and also represents clients in adjudication (including enforcement proceedings) and mediation. He acts as an adjudicator, arbitrator and mediator. He is an RIBA accredited adjudicator (1998), a Fellow of the Chartered Institute of Arbitrators (1999) and an ADR Group accredited mediator (2001). Paul is a TecBar listed adjudicator, mediator and arbitrator and an arbitrator under the Chartered Institute of Arbitrators' Business Arbitration Scheme (BAS).

### Public Access

In appropriate cases Paul, who has been a licensed public access practitioner since 2007, will represent members of the public without the intervention of a solicitor.

### Recent experience:

- A proposed professional negligence claim against an Approved Building Inspector
- Adjudication proceedings in the High Court concerning (a) the reservation of the defendant's jurisdictional challenge and (b) the enforceability of the adjudication provision in JCT Minor Works Contract in the particular circumstances of the case
- Preparation of consultancy and sub-contract documentation in the rail industry
- A proposed professional negligence claim against an architect for negligent contract administration
- Advice on a number of construction industry Bonds
- Advice on a framework agreement for the factoring of construction contract debts
- A TCC case concerning an adjudicator's right to recover his fees and expenses, following his resignation.

### Notable cases:

- Baldwin and another v. Pickstock Ltd [2017] EWHC 2456 (TCC)
- Frederick Dennis Baldwin & Another v JR Pickstock Ltd [2017] EWHC 2456 (TCC)
- Boardwell v K3D Partnership Property (2006) ADJ CS 04/21
- David & Teresa Bothma (T/A DAB Builders) v Mayhaven Healthcare Ltd [2007] EWCA Civ. 527
- Lovell Projects v Legg & Carver BLR 452 (2003)
- Melhuish & Saunders Ltd v Hurden & Hurden [2012] EWHC 3119 (TCC)
- Rankilor (1) / Perco Civil Engineering Ltd (2) v M Igoe Ltd (2006) ADJ LR 01/27
- Wycombe Demolition Ltd v Topevent Ltd [2015] EWHC 2692 (TCC)

- McClellan v Pudsey [2016], Lawtel 21/9/2016.

## Property and Estates

Having spent a number of years in solicitors' practice as an employed barrister Paul Newman is happy to assist clients with both contentious and non-contentious property work, including landlord & tenant. Equally comfortable in the area of construction law he regularly undertakes work at the interface of the construction and property sectors, including nuisance actions and the preparation of collateral warranties, building licences / agreements and property related bonds and guarantees. He has a particular interest in the law and practice of the party wall legislation.

Paul is authorised to accept instructions direct from members of the public in appropriate cases under the Bar's public access scheme.

His court work is predominantly in the County Court but as a Fellow of the Chartered Institute of Arbitrators he is well suited to handle matters proceeding in arbitration.

Paul is both a long-standing mediation advocate and an accredited mediator. As mediator he has recently had conduct of two disputes concerning rent charges, a boundary dispute, a TOLATA and a property misrepresentation claim.

He is an experienced CPD trainer. For a number of years he presented an introductory CPD course entitled 'Boundary Disputes' at a number of venues in England and Wales for a commercial seminar provider. He has lectured to various professional bodies, including the Law Society and the RICS on topics as diverse as The Law of Parking and De minimis Trespass.

## Mediation

Building on his principal practice areas of construction and property law, Paul became an ADR Group accredited mediator in 2001. He is also a TecBar listed mediator and is involved with both the Association of South West Mediators and the Association of Wales & Border Counties Mediators. Paul, who has also written extensively on mediation, including several published books, has been involved in a considerable number of mediations, acting either as mediator or as an advocate. Though his mediation practice is substantially based on construction and property disputes he has also mediated disputes in other sectors – general commercial (e.g. franchising, sale of goods and partnership), personal injury, probate, TOLATA and libel.

Paul aims to balance the therapeutic benefit of allowing the parties to get things off their chests with firm but non-confrontational reality testing. As a lawyer with long litigation experience he knows the financial risk and emotional stress litigation brings to most clients. Interested in the psychological drivers underlying disputes Paul actively works to encourage parties to identify where their true interests may lie and to achieve a negotiated outcome.

His recent mediation experience includes two cases relating to the non-payment of rent charges, two employment cases, a boundary dispute, a TOLATA claim and a property misrepresentation claim.

### Training and Writing

Paul has lectured and conducted workshops on mediation in the UK, Belgium and Sweden. He is the author of numerous articles as well as being the author of or a contributor to several books on ADR. On request he provides tailored training.

### Appointment

If you wish to discuss appointing Paul as a mediator please telephone our Bristol office to discuss fee rates or for a copy of Paul's standard mediation agreement and information to parties.

## Personal Injury

Paul continues to be involved in a range of personal injury cases for both claimants and defendants. He advises on PSLA awards (including infant quantum) and has conduct of Trials, principally in the following areas:

- Road traffic accidents, including ones where LVI and fundamental dishonesty arise
- Slipping and tripping
- Product liability
- Employer's liability
- Occupier's liability.

Paul also has extensive experience of credit hire claims for both claimants and defendants. He is instructed to prepare pleadings and CPR part 18 requests / replies as well as having conduct of Trials.

## Reported cases (Personal Injury)

McClellan v Pudsey [2016], Lawtel 21/9/2016

## Articles

Paul Newman, Barrister and Mediator of 3PB writes an informative article on when claims consultants become lawyers (or do they)?

[View Article](#)

## Articles

Paul Newman considers the recent case of *Hertfordshire CC v Mother & Father & Others [2022] EWFC 106* and the duty of experts.

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