



# William Charlesworth

**Year of Call:** 2017

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## Overview

William Charlesworth specialises in Construction & Engineering law and accepts instructions for the provision of advisory, advocacy and Alternative Dispute Resolution services. Dual qualified as a Chartered Surveyor, William brings considerable industry experience and added qualifications to his role as a barrister and possesses significant court and advisory experience. Instructing solicitors describe him as “tenacious”, “meticulous”, “conscientious”, “courteous” and “client-focused.”

William has substantial construction disputes experience, having worked as a managing consultant in the construction disputes and advisory services sector. He specialised in the provision of expert evidence in relation to the quantum of construction and engineering disputes; a role that included advising on some of the largest international construction disputes ongoing at the time. He has further notable experience of working alongside sector leading construction teams at UK and international law firms.

He is further able to demonstrate a commercial acumen, having formally been employed as a senior fund/development monitor. Within his role, he provided consultancy services to clearing banks and other international lending organisations in relation to risk associated with development finance. Having worked on a number of flagship schemes, he has experience undertaking technical reviews of legal documents including the construction contracts, professional appointment documents and collateral warranties, as well as ensuring the requisite ongoing compliance by the borrower.

Prior to moving to London, William spent eight years in the Northwest of England working as a surveyor and contracts manager for a PQS consultancy and a contractor respectively.

## Academic qualifications

- University of Cambridge – MSt. Construction Engineering
- University of Law – BPTC (Very Competent)
- University of Law – Graduate Diploma in Law
- University of Salford – BSc (Hons.) Quantity Surveying

## Scholarships

- Kalisher Trust Advocacy Scholar

- Middle Temple – HHJ Paul Clark Scholarship
- Middle Temple – Blackstone Entrance Exhibition

## **Professional qualifications & appointments**

- Professional Member, Chartered Institute of Arbitrators
- RICS, Diploma in Arbitration
- RICS, Accredited Mediator (Civil & Commercial)
- Professional Member, Royal Institution of Chartered Surveyors (RICS)

## **Professional bodies**

- Chartered Institute of Arbitrators
- Royal Institution of Chartered Surveyors (RICS)
- Middle Temple

# Expertise

## Construction and engineering

William's practice covers the full range of construction and engineering disputes, including defective workmanship or design, delay and disruption, payment adjudications, variations, terminations, final accounts and Contractors' All Risks ("CAR") matters. His practice sees him appear regularly in the TCC and County Court TCC lists on construction matters, and act for both employers and contractors. William's work includes a particular focus on professional negligence claims against surveyors, architects and other professionals acting in the construction sector.

William has extensive experience in the provision of advice to parties concerning development finance, and has acted on behalf of the senior funder in the operation of step-in rights. William's advice further extends to the provision of advice to industry bodies on the development of professional guidance, including the undertaking of bespoke contracts reviews on behalf of such organisations.

William primary work includes receipt of instructions to act for parties during both adjudications and associated enforcement proceedings. He further provides advice on the merits of case for parties involved in ongoing disputes including the drafting of the associated statements of case.

Examples of recent work include:

- Acting on behalf of the successful Claimants in TCC adjudication enforcement proceedings defended on both natural justice and jurisdictional grounds.
- Acting as Sole counsel for the First Defendant in a 3 day multi-track trial concerning the powers and conduct of a local authority arising from the demolishing of a dwelling property under S.78 of the Building Act 1984
- Advised Freeholder on the prospects of success and quantum of a claim against the Contract Administrator and Contractor resulting from significant water damage arising from defective remedial works of a listed property.
- The representation of a Developer in multi-million pound proceedings brought against both the Contractor and Contract Administrator arising from defective work and/or negligence.
- The representation of a Responding Party in an adjudication seeking a declaration by the Adjudicator concerning the correct interpretation of provision pertaining to nominated sub-contractors.
- Advising a property purchaser in a claim for professional negligence against a building surveyor arising from property defects that were not identified within a pre-purchase building survey.
- Advising a sub-contractor on the prospects of success and quantum in a multi-jurisdictional claim for costs arising out of design modifications.
- Advised Freeholder on the prospects of success and quantum of a claim against the Contract Administrator and Contractor resulting from significant water damage arising from defective remedial works of a listed property.

## Commercial

William's commercial practice focuses on civil fraud, bribery, misrepresentation and corruption. Combining experience gained within the disciplines of audit and finance with an in depth understanding of criminal law, William has experience in the representation of parties in proceedings brought under the Proceeds of Crime Act 2002, including those pertaining to the obtaining of restraint orders and the enforcement of confiscation orders over assets in both the UK and Internationally.

His practice includes the representation and provision of advice in company matters comprising those concerning partnership and shareholder disputes, including claims involving directors and shareholders; breach of director and fiduciary duty matters; issues associated with fraudulent conduct and breach of restrictive covenant claims.

William's commercial practice further extends to matters concerning the Insolvency Act 1986, and he has appeared in the High Court on multiple occasions concerning the presentation of winding petitions. Such experience includes the seeking of injunctions so as to prevent such presentation in matters arising out of alleged debts in the statutory demands.

Recent and Ongoing cases:

- Appointment by order of the High Court as an independent barrister in the review of documentation concerning a claim brought on account of alleged deceit and conspiracy relating to a multi-million pound revolving facility agreement.
- The provision of advice in a claim by a UK Company established as a vehicle for joint venture in conspiracy, breach of fiduciary duty, bribery and dishonest assistance against its former director, CEO and his associate. The 'secret profits', totalling in excess of \$16,000,000 were alleged to have been distributed amongst offshore companies owned by the Defendants via the utilisation of four different banks.
- The successful representation of a corporate entity in a claim brought on the basis of multiple allegations of misrepresentation, fraud by false representation and deceit including pyramid selling.
- The representation of a company in proceedings concerning a Property Freezing Order on account of alleged illegitimate income and involvement in criminal conduct.
- The advising of an individual concerning an alleged false misstatement made in support of an insurance claim, including the steps the individual was required to address so as to mitigate the impact of any finding against them.

## Crime

William's practice encompasses all types of asset recovery and financial crime in both the civil and criminal courts. In addition to regular instructions in the full range of civil recovery matters, William both prosecutes and defends in matters pertaining to financial crime and proceeds of crime: an approach that has aided him in the development of an incisive and thorough style to all his cases.

Twinned with his in-depth familiarity gained within the Courts, William's affinity and understanding of complex quantum matters leaves him adept at handling multifaceted cases that often contain significant amounts of forensic and financial information. Such a combination affords him the ability to provide clients with a high degree of assurance that their case is being dealt with efficiently and effectively, with no point of detail having been overlooked.

William has experience in dealing with CJA and POCA confiscation matters, including ancillary issues such as restraint, contempt and cash forfeiture. He is acutely aware of the demands and meticulous care required by such cases both in preparation and presentation in Court and can use his extensive experience to the benefit of her clients.