

# Rob Dawson

**Year of Call:** 2019

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## Overview

Commercial and construction barrister Rob Dawson has a broad practice with a particular emphasis on construction and engineering disputes and associated professional liability matters as well as general commercial litigation disputes. He is based in the London office.

Rob frequently appears in County Courts at all stages of litigation proceedings in addition to maintaining a busy advisory and drafting practice.

Before coming to the Bar, he had a successful career in the construction industry. A chartered surveyor, Rob worked for a tier-one main contractor, as a senior consultant for an international consultancy firm and as a party representative acting for subcontractors in adjudication proceedings.

Rob has been appointed as an adjudicator under several CEDR adjudication schemes, including more than 100 appointments dealing with RICS-referred complaints against surveyors.

He has been admitted as a fellow of the Chartered Institute of Arbitrators through both the arbitration and construction adjudication routes.

Outside of work, Rob is a keen cyclist and runner. He has also recently taken up rowing.

## Academic qualifications

- Bar Professional Training Course (BPP London)
- LLM Construction Law, Arbitration and Adjudication (Robert Gordon University)
- LLM Public International Law (University of Nottingham)
- GDL (Swansea University)
- BA Business and Management (Trinity Saint David)

## Scholarships

- Thomas More Scholarship (Lincoln's Inn)
- Buchanan Prize (Lincoln's Inn)

## **Professional qualifications & appointments**

- CEDR Adjudication Panel

## **Professional bodies**

- Member of the Chartered Institute of Civil Engineering Surveyors
- Fellow of the Chartered Institute of Arbitrators

# Expertise

## Construction and engineering

Construction barrister Rob Dawson has an in-depth experience of the construction sector. This has been gained from working in the industry, his Masters in 'Construction Law, Arbitration and Adjudication' and his involvement in alternative dispute resolution processes and litigation proceedings.

### Examples of recent work include:

- Instructed as sole counsel in the Technology and Construction Court to resist enforcement of an adjudicator's decision on jurisdictional and natural justice grounds.
- Instructed as sole counsel to represent a contractor at trial in a claim for wrongful termination of a construction contract by the employer
- Instructed as sole counsel at trial in a claim for defective works against a construction contractor
- Regularly representing clients at interim hearings in relation to strike out, summary judgment or set aside applications
- Drafting pleadings in cases involving payment disputes under construction contracts, wrongful termination claims, delay and disruption claims, claims for damages arising out of defective building works and actions to recover unpaid debt
- Drafting an adjudication Referral on behalf of a subcontractor arising from a failure by the main contractor to issue the correct payment notices
- Drafting an adjudication Referral in relation to a 'true value adjudication' in a final account dispute between a subcontractor and main contractor
- Regularly advising on the prospects of success of bringing or defending claims, causation, limitation, remedies, and the quantum of any damages
- Advised the management company of a seaside block of flats on the merits of a claim against a construction company arising out of defective remedial works following storm damage
- Advised on the prospects of success and quantum of a claim against a contractor arising from the use of inadequate materials in the construction of an agricultural building
- Advised a local authority on limitation issues in defending a claim for payment arising out of the construction of a community centre
- Advised a contractor on a payment dispute arising under a bespoke contract for the construction of residential property
- Advised property owners on the prospects of success and quantum of a claim against a builder resulting from the defective construction of a two-storey property extension

## Commercial

Commercial barrister Rob Dawson is regularly instructed in a range of commercial matters at all stages of litigation proceedings. He regularly represents clients at interim hearings in relation to strike out, summary judgment or set aside applications. He is already building a strong practice in professional liability claims (see separate tab).

Rob has appeared in the High Court on multiple occasions to present winding-up petitions and has also appeared in the Court of Public Examination.

Rob has a busy advisory and drafting practice. He regularly advises on the prospects of success of bringing or defending claims, causation issues, limitation, remedies and the quantum of damages.

**Examples of recent work include:**

- Advised on the prospects of success and drafted Particulars of Claim in a dispute concerning the repayment of a company loan pursuant to a personal guarantee provided by shareholders
- Advised a retailer of luxury homeware products on the prospects of obtaining an order for the delivery up of goods arising from the exercise of a lien by a logistics company
- Drafted Particulars of Claim and a Reply and Defence to Counterclaim in a misrepresentation claim on behalf of a contractor arising from the purchase of defective plant and machinery
- Regularly instructed to advise on contractual interpretation and exclusion of liability clauses

He has advised and drafted pleadings in cases involving:

- Unpaid debts
- Sale of goods and supply of services
- Misrepresentation claims
- Guarantees and indemnities
- Shareholder agreements
- Restitution claims
- Consumer rights claims
- Consumer credit agreements

## **Professional liability**

Rob Dawson is developing a practice in professional liability claims, mainly relating to professionals involved in construction and engineering projects.

**Examples of recent work include:**

- Advising a property purchaser and drafting Particulars of Claim in a claim against a building surveyor arising from property defects that were not identified within a pre-purchase building survey
- Providing advice on the prospects of success and the diminution in value of a large manor house in a claim against a building surveyor resulting from major defects discovered following the completion of a pre-purchase building survey
- Drafted Particulars of Claim in relation to a professional negligence claim against a firm of solicitors arising out of the wrongful termination of a commercial lease
- Providing advice on the merits of a professional negligence claim against a veterinary practice arising out of the pre-purchase examination of a racehorse