

Patrick Heneghan

Year of Call: 1997
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Overview

Patrick Heneghan is an experienced commercial barrister and head of our commercial group.

Patrick has extensive experience of a wide range of commercial disputes ranging from construction to conflict of laws, breach of contract claims to company law disputes and shareholder actions, professional negligence to insurance, partnership disputes to sale of goods and public international law disputes to infringements of competition law. These disputes cover a wide variety of different industry sectors including construction, energy, oil and gas, mining, electricity generation, finance, trading, ship building, technology, aviation, property development, utilities, fine art, telecoms, sport and pharmaceuticals. In addition to his experience before the English courts, Patrick has a particular specialism in international arbitration and substantial experience of other dispute resolution mechanisms including adjudication, expert determination, dispute resolution boards and mediation.

Identified as a *"rising star"* in the Guide to the World's Leading Experts in Commercial Arbitration, Patrick has been recommended in the leading legal directories including the Legal 500, where he was praised by clients for *"achieving results"* and providing *"technically sound advice"*, and Chambers & Partners, where he was described as *"superb"* and a *"quality individual."* Patrick's work was also recognised in the Financial Times' *"Innovative Lawyers Report"* in 2014 where one of his matters was *"Highly Commended"* in the dispute's resolution field.

Before joining 3PB, for many years Patrick was a Partner and advocate in the international arbitration and litigation department of a major New York law firm. More recently Patrick assisted retired High Court Judge Sir William Blackburne with appeals in relation to a high-profile banking remediation scheme arising out of the 2008 financial crisis.

Published extensively, Patrick was the joint-general editor of the 4th edition and 5th editions of Thomson Reuters' Arbitration World. He is regularly invited to speak at conferences and symposia.

Patrick accepts appointments as arbitrator, adjudicator and mediator.

Publications and presentations

Recent presentations include:

- *"Adjudication: Does Size Matter?"*, 3PB 20th Annual Construction Law Seminar (2023)
- *"What to derive from recent applications concerning derivative claims?"*, Thought Leaders 4 Disputes Webinar (2023)
- *"Running a successful arbitration: clauses, procedure, tactics, funding and ATE"*, 3PB Bristol Arbitration Seminar in association with the Bristol Law Society (2022)
- *"The Use and Abuse of Expert Witness Evidence"*, 3PB 19th Annual Construction Law Seminar (2022)
- *"The Court's approach to waivers and estoppels, and how to protect yourself contractually"*, by Patrick Heneghan of 3PB

Barristers (2022)

Publications include:

- *"Adjudication: Does size and/or complexity matter? The decision in* Home Group Limited v MPS Housing Limited *[2023] EWHC 1946 (TCC)"* (2024) 35 1 Cons.Law
- General Editor of Arbitration World, 5th Edition, and co-author of the chapter on England and Wales
- *"Expert Determination",* PLC Website
- *"Hot Topic: International Dispute Resolution Involving Russian and CIS Companies",* Corporate Disputes Magazine
- Overview chapter of *"Getting the Deal Through",* Private Anti-Trust Litigation, Global Competition Review
- *"Grexit concerns: how to safeguard asset value",* International Finance Law Review
- General Editor of Arbitration World, 4th Edition, and co-author of the chapter on England and Wales
- *"The Clawback – Can Arbitration Help Greek Bondholders" Gain Redress?",* Legal Week
- *"Competition Law Damages Actions in the EU",* Law and Finance Magazine
- *"Violating the Confessional Seal – Disclosure of leniency materials in competition law damages actions in the EU",* Law and Finance Magazine
- *"Disclosure Question Ripples Both Sides of the pond",* Law 360
- *"Dallah v Pakistan: vive la différence",* Global Arbitration Review
- *"Arbitrator ethics: developments",* Global Arbitration Europe and Middle Eastern Review
- *"Arbitration panel holds the 1994 Energy Charter Treaty protects foreign energy sector investments in former Soviet Union",* Global Arbitration Review

Recommendations

Mr. Heneghan has been identified as a "rising star" in the Guide to the World's Leading Experts in Commercial Arbitration (2013) and as "up and coming" in Chambers UK (2015). He is also recommended in both The Legal 500, where he is praised by clients for "achieving results" (2012) and providing "technically sound advice" (2013), and Chambers UK, in which he is described as "superb" (2013) and a "quality individual" (2015).

His work was recently recognised in the Financial Times' "Innovative Lawyers 2014" report where one of his matters was "Highly Commended" in the Disputes Resolution field. He is also acknowledged by The American Lawyer as having participated in one of the highest-value international arbitrations of recent years.

Academic qualifications

- Inns of Court School of Law, Bar Finals. Middle Temple, Major Scholar
- Middle Temple, Major Scholar
- M.A., Downing College, Cambridge
- B.C.L., Brasenose College, Oxford

Professional qualifications & appointments

- Called 1997, Middle Temple

Professional bodies

- Member of the London Court of International Arbitration
- Member of the British Institute of International and Comparative Law
- Member of Technology and Construction Bar Association (TECBAR)
- Member of The Society of Construction Law
- Member of the Honourable Society of the Middle Temple

Expertise

Construction and engineering

Patrick Heneghan is a senior construction and engineering disputes specialist with extensive experience in high-value, complex litigation and arbitration. He is widely recognised for his expertise in handling professional negligence claims, large-scale infrastructure disputes, and cross-border arbitration, with particular focus on matters before the Technology and Construction Court (TCC).

Patrick sits on the **TCC Users Committee**, reflecting his standing within the specialist forum for construction disputes in England and Wales. He is also highly experienced in proceedings under the leading standard form contract suites (including **JCT**, **NEC** and **FIDIC**) and regularly advises on disputes arising under professional appointments (such as **RIBA PSC**, **ACE PSA** and **RICS SFCA**).

He has acted in numerous international arbitrations under all the major institutional rules (including **LCIA, ICC and ad hoc arbitrations**), and across a variety of seats, with a strong track record of advising clients in the energy, power, infrastructure, and real estate sectors. His arbitration practice covers both claimant and respondent side mandates, often involving multi-jurisdictional issues, delay and disruption claims, liquidated damages, and force majeure.

Patrick also has significant experience in UK statutory adjudication under the **Housing Grants**, **Construction and Regeneration Act 1996**, both representing parties and accepting appointments as adjudicator, and regularly advises on the enforcement of adjudication awards.

Recent and ongoing cases :

- Acting for a housing association in a major arbitration under the **JCT Arbitration Rules** concerning defective cladding and fire safety issues, involving multi-million pound claims against its design and build contractor.
- Representing the UK arm of a multinational contractor in an adjudication brought by a Championship football club concerning professional negligence and compliance with the **Green Guide**, with claims for lost ticket revenue and consequential losses.
- Advising a leading UK architectural practice in three adjudications against a public authority regarding one of London's largest social housing refurbishment projects.
- Acting in an **LCIA arbitration** for a major UK housing association against a private developer concerning a £120m joint venture housing project.
- Representing the owner of a **1.2 GW gas-fired power station**, one of Europe's largest non-recourse financed projects, in ad hoc arbitration proceedings in London concerning liquidated damages for delay.
- Acting in **ICC arbitrations** seated in Paris, Stockholm, and Singapore for global clients across the energy, infrastructure, and transport sectors, including disputes relating to turbines, off-take agreements, and congestion charging systems.
- Representing a leading Indian developer in a series of connected **LCIA arbitrations** relating to a high-profile slum rehabilitation project in Mumbai, including force majeure disputes.

Patrick is trusted by developers, contractors, consultants, and public authorities to resolve their most complex disputes, whether through TCC proceedings, adjudication, or international arbitration. His combination of deep sector knowledge, arbitration expertise, and TCC experience positions him as a go-to lawyer for contentious construction matters at both domestic and international level.

Commercial

Patrick Heneghan is a senior commercial barrister with a wide-ranging practice encompassing complex company and commercial disputes, often involving multiple jurisdictions and a variety of dispute resolution mechanisms. As head of the commercial group, Patrick brings strategic oversight and deep industry insight to all his instructions, acting in high-value matters across sectors including energy, finance, insurance, and technology. He is known for his robust advocacy, commercial judgment, and cross-border litigation experience.

He has particular strength in cases involving complex contractual frameworks, shareholder disputes, joint ventures, and professional negligence. His practice frequently brings him before the Business and Property Courts (including the Commercial Court), as well as into international arbitration settings where he has acted under all the major institutional rules. Patrick's arbitration expertise spans both commercial and investor-state disputes, and he regularly advises clients on cross-border enforcement strategies.

Areas of Expertise

- Commercial contractual disputes
- Insurance coverage and liability disputes
- Joint venture and partnership disputes
- Breaches of directors' duties
- Shareholder disputes
- International arbitration (commercial and investor-state)
- Multi-jurisdictional litigation and enforcement

Recent and Ongoing Cases

Commercial Litigation & Dispute Resolution

- DIFC Court proceedings involving a DFSA-regulated investment firm, relating to allegations of fiduciary breaches, regulatory misconduct, misrepresentation, and losses arising from leveraged investment strategies.
- Acting for a Middle East–based international energy company in High Court proceedings in England arising out of a gasoil supply contract, involving issues of battle of forms, incorporation of standard terms, and contractual limitation periods.
- Acting for a UK plc in a multi-million pound dispute involving professional negligence and breach of contract claims against its energy adviser and supplier, linked to hedging strategies during the Ukraine conflict.
- Representing a supplier in a High Court claim concerning delayed delivery of a luxury vessel, including claims for frustration and counterclaims for non-payment.
- Acting for a claimant in professional negligence claims against multiple firms of solicitors over the handling of a defective residential property dispute.
- Advising a technology provider in a licensing dispute involving breach of contract and confidentiality during a competitive bid process.
- Representing a local authority in a fraud claim against a COVID-era service provider.
- Advising insurers in a group action involving alleged anti-competitive conduct in the tech sector related to web display advertising.
- Acting for an African airline in aircraft lease disputes involving delayed redelivery and the market impact on aircraft value.
- Representing an international auction house in a high-profile professional negligence claim relating to the misattribution of an Old Master painting.
- Advising a leading bank in recovery action involving cross-border freezing orders and enforcement proceedings in Jersey,

the BVI, and the U.S.

International Arbitration

- Representing a global industrial company in Johannesburg-seated arbitration and investor-state proceedings over iron ore mine expropriation in Africa.
- Acting for respondent shareholders in LCIA arbitration involving control of a titanium producer, with related injunctions in the BVI and proceedings in multiple jurisdictions.
- Advising a major Indian real estate developer in London-seated LCIA arbitrations regarding a slum rehabilitation project.
- Representing Eastern European minority shareholders in LCIA arbitration and related litigation concerning diverted corporate opportunities.
- Acting for pharmaceutical companies in Bermuda Form coverage disputes under New York and English law relating to various drugs and clinical trials.
- Representing affiliated Asian energy companies in Hong Kong ICC arbitrations concerning long-term take-or-pay gas contracts and force majeure claims.
- Advising bondholders in treaty arbitration and ICC arbitration over political risk insurance claims in Latin America.
- Acting for a European electricity provider in ICC arbitration in Stockholm under a long-term supply agreement.
- Representing an African energy company in Geneva-seated UNCITRAL arbitrations on LNG pricing reviews and market manipulation.
- Acting for a US energy company in Paris-seated ICC arbitration involving a dual-fuel power station supply contract in the Middle East.