



Nicola Atkins



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"Nicola is an incredibly talented barrister. She is scarily bright and very user-friendly"  
(Chambers & Partners, 2023)



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Nicola specialises in professional liability, construction and insurance disputes, with a particular interest in claims involving construction professionals and both civil and regulatory proceedings involving solicitors. She has been ranked in the Legal 500 and Chambers & Partners for professional negligence and professional negligence (TCC) for a number of years.

Nicola frequently deals with issues that are technically and legally complex and is experienced in the cross examination of expert witnesses. She regularly appears in trials and interlocutory hearings in the High Court and in arbitrations and has been led in the Court of Appeal.

#### Recent cases:

*AIG Europe SA & Ors v John Wood Group Plc & Anor* [2022] EWCA Civ 781, Court of Appeal upholds anti-suit injunction to enforce exclusive jurisdiction clause in excess insurance policies.

*Coote v Hodge Jones and Allen Solicitors Ltd* [2022] EWHC 607 (QB), strike out of professional negligence claim relating to the MMR group litigation

*Underwood v (1) Bounty (2) Hampshire Hospitals NHS FT* [2022] EWHC 888 (QB), data protection claim brought against a hospital and provider of antenatal services.

*Blue Manchester Limited v (1) BUG (2) SimpsonHaugh Architects Ltd* [2021] EWHC 3095 (TCC), claim concerning the Beetham Tower project in Manchester.

*DBE Energy Ltd v Biogas Products Ltd* [2020] EWHC 1232 (TCC), professional negligence claim concerning defective design and construction of an anaerobic digestion facility.

*Premier Inn Hotels Limited v McAleer & Rushe Limited & Ors* [2020] (TCC), multi-party proceedings concerning allegedly defective ACM cladding on Premier Inn group's hotels.



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## Professional Liability

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Nicola is instructed in a wide range of professional liability matters, particularly in claims involving construction professionals, solicitors and surveyors and those linked to property damage. She frequently acts and advises in high value cases and is experienced in the cross examination of expert witnesses.

In the latest edition of Legal 500 Nicola is recommended as a leading junior for Professional Negligence and is described as “exceptional”.

### Selected Cases

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#### Construction professionals

- Acting as junior counsel for the defendant contractor/Pt 20 claimant in a multi-million pound claim concerning the design and installation of allegedly defective cladding at four hotel sites across the UK.
- Acting as sole counsel against leading counsel in a claim valued at £1.5 million brought by a pharmaceutical storage company against an HVAC contractor for the allegedly defective design of an air ventilation system.
- Acting for a firm of architects in arbitration proceedings to determine a fee claim in respect of a restaurant refurbishment in Covent Garden.
- Acting for a firm of architects in a claim brought for negligent design and exercise of contract administration duties during the course of a home refurbishment.
- Acting as junior counsel (with Ivor Collett) for a firm of structural engineers in a claim valued at £2.5 million concerning the development of a listed farmhouse property in Guernsey.

#### Solicitors

- Acting for a firm of solicitors in a claim brought in the High Court arising out of an ‘Identity Fraud’ conveyancing transaction. The firm had previously acted as solicitors for the purported vendors.
- Acting for a firm of solicitors in a claim alleging a failure to advise as to relevant planning restrictions during the course of a conveyancing transaction.
- Acting for a firm of solicitors in a claim brought in the High Court for negligent conduct of underlying clinical negligence proceedings which were served out of time under s14A Limitation Act 1980.
- Acting for a firm of solicitors in ongoing proceedings brought by a former client, a freehold owner of a residential terrace, for the negligent conduct of a claim for the recovery of rent and service charge arrears from a leasehold tenant.
- Acting in a fee claim brought by solicitors against a former client which were defended on the basis that the claimant firm had failed to enforce a costs order obtained in underlying proceedings.

#### Surveyors/estate agents

- Acting in a claim brought against a firm of surveyors for the failure to identify widespread damp issues during the course of a Building Survey.
- Acting in claims brought against a number of surveyors for the failure to identify Japanese knotweed.



- Acting for a firm of estate agents in a claim involving the alleged failure to convey the existence of an increased offer to the vendors and a failure to comply with The Property Ombudsman Code of Practice.

## Property Damage

Nicola is instructed by insurers, individuals and Local Authorities in property damage claims brought in contract, nuisance, negligence, and pursuant to statute. Nicola's property damage practice is often closely connected to and is complemented by her work in professional negligence claims involving construction professionals.

### Selected Cases

- Acting as sole counsel at trial and then as junior counsel in the Court of Appeal (with Stephen Tromans QC and Justine Thornton QC) in Williams(1) Waistell(2) v Network Rail Infrastructure Ltd [2018] EWCA Civ 1514. The case raised a novel point of law concerning the recoverability of damages in nuisance following the encroachment of Japanese knotweed.
- Acting as sole counsel against leading counsel in a multi-million pound claim brought by a commercial retailer for business interruption arising out of a flood.
- Acting in a claim for business interruption caused by a flood at a number of holiday cottages in Wales.
- Acting in a claim involving water ingress from a neighbouring property resulting from a failure to adequately maintain drainage facilities.
- Acting in a claim for alleged damage to neighbouring property in the form of subsidence caused by a defective boundary wall. Successfully appeared at trial and subsequently at the hearing of the claimants' appeal to the High Court.
- Acting and advising in a number of claims involving the encroachment of tree roots and invasive weeds.
- Acting in a number of subrogated claims arising out of the escape of water in residential and commercial premises.

## Construction & Engineering

Nicola is experienced in a wide range of construction disputes involving defective works, fee disputes and allegations of negligence by professionals. She regularly appears in the TCC and in arbitral proceedings both as sole counsel and with a leader.

### Selected Cases

- TCC: Nicola is instructed as junior counsel for the Defendant, a large building contractor, in a multi-

million pound claim concerning allegedly defective cladding installed at a hotel in Gatwick. The Defendant was employed as design and build contractor and has sought to pass on the claim to its various subcontractors and specialist consultants (who are named as additional parties). The trial is listed for 3 weeks.

- TCC: Nicola is acting as sole counsel for specialist contractor in a large claim for loss of profits (£700,000) in relation to the design and construction of an Anaerobic Digestion Facility and a counterclaim for fees. The trial was heard for 4 days in February 2020 with oral evidence from mechanical and engineering and forensic accountancy experts. Judgment is awaited.
- TCC: Nicola is acting for a firm of architects in a claim pleaded at £1.4million involving allegedly defective work carried out on a residential development in Wimbledon. The case involves an extensive schedule of structural defects and the parties have permission to rely on expert evidence in the areas of building services, fire safety, architecture and quantity surveying. The trial is listed for 6 days.
- TCC: Nicola is acting for a specialist glazing company in a claim brought for breach of contract/negligence in relation to the construction of a £2 million property in Sussex. The Claimant (who project managed the works) alleges that as a result of the Defendant's breach of duty the property is affected by water ingress and damp throughout.
- GPS v Contractors: Nicola is instructed by the proposed claimants at the pre-action stage in respect of negligent groundworks carried out during the course of a large residential development. The claim for remedial works and residual diminution in value is currently put at £400,000.
- Arbitration: Nicola acted for a firm of architects in arbitral proceedings for unpaid fees relating to the refurbishment of a restaurant in the West End. Nicola drafted the pleadings, appeared at various interim hearings and at settlement meetings. On the provisional award the firm obtained favourable findings on all but one of its 6 claims.
- TCC: Nicola was instructed on behalf of the defendant contractor in relation to the supply and installation of air conditioning units at a pharmaceutical storage company. The claim for remedial works and business interruption was put at £1.2 million, but settled confidentially.
- Arbitration: Nicola acted for the Respondents in arbitral proceedings concerning a claim for professional surveying fees. The Referring Party was engaged by the Respondents to advise on a large residential building project, particularly in relation to the design and construction of basement areas.
- Nicola was instructed by a company specialising in damp proofing to defend a claim brought in respect of works carried out to a number of holiday cottages in Wales. The Claimants allege that the re-pointing and damp-proofing works caused cracking and moisture ingress to the properties. Their claim comprises the cost of further remediation and a claim for loss of revenue.
- Nicola is instructed in a claim concerning the re-development of commercial premises in Cavendish Square. The claim is brought by a neighbouring property owner who allege that the Defendants (various contractors, sub-contractors and specialist consultants) carried out the redevelopment works, including works to the adjacent footpath maintained by the local highway authority, negligently.
- Nicola acted for a firm of architects in a fee claim brought in respect of a residential building project. The firm alleged that the owners of the property had failed to pay their fees for architectural and contract administration services during a 2 year period. The claim settled confidentially.
- Nicola has acted on a number of claims concerning allegedly defective works, including in respect of cavity wall insulation, plumbing, mechanical and electrical engineering and damp proofing.



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## Insurance & Reinsurance

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Nicola is regularly instructed in insurance disputes and has previously been seconded to the construction and engineering risk department of a leading firm of solicitors. She has dealt with coverage issues, Third Parties' rights and disputes over policy wording. Her recent cases include:

- Advising insurers on aggregation, exclusion and liability cap clauses in a claim valued at £6 million.
- Advising PI insurers in respect of the merits of a claim under the 1930 Act involving a successor practice.
- Advising insurers on the proper construction of a write-back for liabilities that would have arisen in contract/tort (defective premises).
- Obtaining a strike out of a claim under the 1930 Act (in relation to an underlying PI policy) based on defective pleadings.
- Acting for motor insurers in a number of cases involving material non-disclosure and misrepresentation.

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## Rankings

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Professional Negligence: Technology & Construction in London (Bar) – Up and Coming

Professional Negligence: Leading Juniors – Tier 4 – 'Exceptional.'

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## Qualifications

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- BPTC, City Law School (2011-2012)
- Jules Thorne Scholarship, Middle Temple (2011)
- Graduate Diploma in Law, City University (2010-2011)
- Astbury Scholarship, Middle Temple (2010)
- MA, Legal and Political Theory, UCL (2009-2010)
- Academic Scholarships, St Catherine's College, Oxford University (2006-2008)
- BA (Hons), Modern History, Oxford University (2005-2008)

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## Memberships

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PNBA

SCL

LCLCBA (Secretary of the Association)

BILA

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## Recommendations

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"A brilliant client manner complemented by in-depth analysis."

Chambers & Partners, 2024

"Nicola is a calm and measured advocate. Very hands on, willing to roll up her sleeves and super committed to the cause."

Legal 500, 2024

"She has been active in a lot of big cases, and she's an absolute Stakhanovite when it comes to taking on work."

Chambers & Partners, 2022

"Nicola always delivers and goes the extra mile. Her ability to grasp and master complex technical issues is exceptional."

Legal 500, 2022

"Brilliant with clients and has real expert knowledge of the issues. She stands out for her attention to detail, and she has a 360-degree understanding of the case, so she can anticipate issues before they arise."

Chambers & Partners, 2021

"She is exceptional. Nicola is very easy to communicate with and very approachable."

Legal 500, 2021

"She is exceptional."

Legal 500, 2020

"She has a phenomenal amount of energy and is a very switched-on junior."

Chambers & Partners, 2020