



Patrick Maxwell



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"Patrick is very sound and commercial and his advice is robust and well argued."  
(Chambers and Partners, 2023)



Patrick specialises in construction, professional indemnity, insurance, and commercial disputes. He appears frequently in the High Court and has also appeared before the Court of Appeal. Patrick often acts as sole counsel and is also involved in major cases as part of a counsel team. Patrick is experienced in alternative dispute resolution and is regularly instructed in relation to adjudications and arbitrations in addition to his court work.

Patrick is ranked in Chambers and Partners and described as being "*skilful, knowledgeable, approachable*", "*very sound and commercial*", and combining "*a truly exceptional intellect with being a user-friendly, normal person who is a pleasure to work with*". He is also recommended for his "*excellent*" advocacy and drafting.

Further detail of Patrick's recent and ongoing work is available below.

## Construction & Engineering

Patrick deals with the wide range of claims that arise in the context of construction and engineering disputes. His experience ranges from residential disputes to major international projects. He is comfortable dealing with the standard forms of contract as well as bespoke agreements. He is instructed by employers, contractors and subcontractors as well as professionals and their insurers.

Alongside his court and arbitral practice, Patrick is frequently instructed in relation to adjudications. He provides strategic advice on complex linked adjudications as well as effective drafting in a wide variety of disputes.

### Selected Cases

- Acting for the contractor in a c.£40m TCC claim arising from alleged defects in an abattoir (with Crispin Winsor KC).
- Acting in an international arbitration defending delay and disruption claims valued at £222m brought by a consultant against an employer, concerning 11 contract packages on a major

infrastructure project.

- Acting (with Andrew Rigney KC) for insurers in a dispute under a contractor's all risk policy in which the insured seeks to recover c.£170m.
- Successfully defending a £1m adjudication claim against a specialist contractor concerning leaks to an atrium at a Canary Wharf skyscraper.
- Acting (both led and as sole counsel) for various parties in numerous disputes arising from defective cladding in the aftermath of the Grenfell Tower disaster.
- Acting (with Andrew Rigney KC) in TCC claim valued at £30m+ concerning alleged M&E defects in an advanced manufacturing and technology facility.
- Acting as sole counsel for the defendant structural engineer in a c.£1m TCC claim concerning defects in a newly constructed public building (KC opponent).
- **LB Harrow v Engie [2018] EWHC 2575 (TCC)** Acting (with Andrew Rigney KC) in successful claim for a declaration as to the extent of the claimant's obligation to take out a policy of latent defects
- Resisting enforcement of an adjudication by way of a Part 8 claim for a declaration as to the correct operation of the contractual payment provisions.
- Acting (with Roger ter Haar KC) in ICC arbitration proceedings arising from a major construction project in the Middle East. Particular focus on extensions of time and liquidated damage provisions.
- Acting for the defendant contract administrator in a c.£1m multi-party TCC claim concerning defects and the allegedly negligent certification of practical completion.
- Acting (with Isabel Hitching KC) for the claimant in a complex claim concerning defects at valuable period property.
- Assisting the successful Respondent in *Mears v Costplan Services et al* [2019] EWCA Civ 502, in which the Court of Appeal considered the meaning of "practical completion" for the first time in 50 years.
- Acting on behalf of the defendant structural engineer in TCC proceedings concerning noise emission from Beetham Tower, Manchester.
- Acting for a main contractor in a number of linked adjudications brought by a subcontractor that concerned various "smash and grab" arguments and allegations of defective
- Successfully defending, at 3-day trial, a claim involving multiple allegations of defective work against a contractor. Indemnity costs awarded.
- Adjudication concerning the payment mechanism of a non-standard form construction contract.
- Adjudication concerning a dispute over the proper basis of payment for variations.

## Professional Liability

Patrick is instructed in professional negligence matters involving a wide range of professionals. Much of his work involves claims against construction professionals, solicitors and barristers. His experience also includes claims against insurance brokers, patent attorneys, accountants and IFAs. In his early years of practice, Patrick had a broad common law practice that included property and landlord and tenant matters. His experience across a variety of legal disciplines is invaluable in claims against legal professionals.

## Selected Cases

- Acting as sole counsel for the defendant structural engineer in a c.£1m TCC claim concerning defects in a newly constructed public building (KC opponent)
- Acting for the defendant accountancy firm in a claim concerning the allegedly negligent provision of

- advice in respect of a share-buy-back agreement.
- Acting (with Ben Quiney KC) in an arbitration concerning a coverage dispute under a professional indemnity policy.
  - Acting (as sole counsel) for the defendant patent attorney in a claim worth up to £10m concerning the alleged failure to register a trademark.
  - Acting for the claimants in a dispute concerning the negligent provision of accountancy services and tax advice which also involves allegations of breach of contract, fraudulent misrepresentations, bribery and breach of fiduciary duty (with Roger ter Haar KC).
  - Successfully defending a claim brought against a surveyor about an alleged failure to identify major damage to structural timbers
  - Acting for the defendant contract administrator in a c.£1m multi-party TCC claim concerning defects and the allegedly negligent certification of practical completion.
  - Achieving a favourable settlement for a high net worth individual in a claim against a contract administrator arising out of extensive residential project.
  - Acting on behalf of the defendant structural engineer in TCC proceedings concerning noise emission from Beetham Tower, Manchester.
  - Successfully achieving the dismissal, at trial, of a claim against solicitors concerning the alleged under settlement of a personal injury claim.
  - Achieving a favourable settlement for a commercial property developer in a claim against solicitors arising from the failure to advise on the presence of a sewer
  - Acting for the defendant firm in a case concerning the adequacy of pre-conveyance surveys and
  - Advising in a claim arising from solicitors allegedly negligent instructions in relation to an expert determination.

## Insurance & Reinsurance

Patrick is frequently instructed by insurers in all the areas in which he practices. He has substantial experience of fraudulent claims as well as disputes concerning policy interpretation, avoidance of cover for nondisclosure, misrepresentation and breach of notification clauses.

### Selected Cases

- Acting (with Andrew Rigney KC) for insurers in a dispute under a contractor's all risk policy in which the insured seeks to recover c.£170m
- Achieving a favourable settlement for the insured following extensive fire damage to a commercial property despite insurer's allegations of non-disclosure
- Acting for the insured in a c.£5m dispute concerning the proper application of deductibles under a policy that provided cover for offshore wind farms.
- **LB Harrow v Engie (2018) (TCC)** Acting (with Andrew Rigney KC) in successful claim for a declaration as to the extent of the claimant's obligation to take out a policy of latent defects insurance.
- Acting (with Ben Quiney KC) in an arbitration concerning a coverage dispute under a professional indemnity policy.
- Acting for the defendant insurer in a coverage dispute worth c.£1m that arose from a fire at business premises.
- Acting on behalf of underwriters in an arbitration concerning after the event insurance policies provided by solicitors under delegated authority.



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- Acting for the insured in a c.£1m claim arising from flood damage where insurers seek to avoid the policy for alleged misrepresentations.
  - Advising (with Andrew Rigney KC) on interpretation of a combined Public and Product Liability policy in a c.£3m property damage claim.
  - Successfully achieving, at trial, the dismissal of the entirety of a claim under a travel insurance policy on the basis of a representation that exaggerated the value of a modest element of the claim.
  - Acting in a claim concerning the validity of a settlement agreement in which it was alleged that a loss adjuster had acted without or in excess of the authority of its principle.

## Property Damage

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Patrick is frequently instructed in claims arising from damage to property. He has extensive experience of claims where damage has been caused by floods, fires, storms and trees. Patrick is adept with dealing with the technicalities of expert evidence as well complex questions of causation that often arise in such disputes. Many of his cases involve issues of business interruption. He is comfortable advising on related issues of insurance policy coverage.

## Selected Cases

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- Acting for the defendant main contractor in a c.£1m TCC claim arising from the escape of water at commercial premises (KC opponent)
- Acting (with Ben Quiney KC) in a c.£5m claim arising from fire damage caused by defective insulation in new build homes.
- Acting for the defendant main contractor in a c.£1m TCC claim arising from an electrical fire at commercial premises.
- Acting for a photovoltaic panel manufacturer in a c.£5m TCC claim arising from a fire at a residential housing development.
- Advising in a c.£1m claim arising from a fire caused by the negligence of a subcontractor at the premises of a major national bank that raised complex points of joint insurance.
- Acting for a major national television broadcaster in a claim for loss of advertising revenue suffered when transmission was interrupted by an electrical fire.
- Acting in a claim in which substantial damage was caused to high value premises by reason of defective plumbing.
- Advising in a number of claims concerning subsidence caused by tree root damage.
- Acting for a restaurateur who suffered substantial loss from business interruption as a result of flooding caused by negligent contractors.
- Acting in a claim for damage to a residential property caused by falling.

## Commercial

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Patrick provides advocacy, advice and drafting on a wide variety of commercial cases. Much of his work involves contractual disputes and he also has experience of company law, passing off and the economic torts.



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## Selected Cases

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- Acting as sole counsel in £6m commercial court dispute arising out of a hotel franchise agreement.
- Pursuing a successful claim for a major London restaurant franchiser against a franchisee for various breaches of contract.
- Instructed (with Christopher Pymont KC) in proceedings under section 30(1)(f) of the 1954 Act concerning the interests of two major high-street banks.
- Acting in a high value claim concerning the negligent provision of tax advice to multiple parties in which there are allegations of fraudulent misrepresentation, bribery and breach of fiduciary duty (with Roger ter Haar KC).
- Acting for multiple claimants in claims arising for the sale of off plan properties in Cyprus. The claims involved allegations of misrepresentation and mortgage mis-selling alongside complex jurisdictional issues.

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## Qualifications

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- BA Hons (First Class), University of Oxford
- GDL, City University
- BPTC, City University
- David Karmel Award, Grays Inn
- Holt Scholarship, Grays Inn
- Academic Scholarships, Lady Margaret Hall, University of Oxford

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## Memberships

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- SCL
- COMBAR
- PNBA

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## Recommendations

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"Patrick gets to grips with what the claim actually is and his drafting is excellent. There's never a point made that's frivolous. He's very homed in and very keen on the nub of the matters at hand".. "Patrick Maxwell is skilful, knowledgeable, approachable and user-friendly"

Chambers & Partners, 2024

"Patrick combines a truly exceptional intellect with being a user-friendly, normal person who is a pleasure to work with"... "Patrick is very sound and commercial and his advice is robust and well argued."

Chambers & Partners, 2023

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