



Susan Lindsey



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# Contents

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Adjudication .....	1
Selected Cases .....	2
ADR .....	2
Selected Cases .....	2
Mediator .....	2
Selected Cases .....	2
Examiner .....	2
Qualifications .....	2
Memberships .....	3



Susan's practice is building and engineering related dispute resolution. She no longer undertakes contentious work as party representative. As counsel Susan gained experience of a wide spectrum of construction and engineering contract claims, including defects, delay and final account claims, under both standard and bespoke contract forms. She also has considerable experience in negligence claims against construction professionals, and has acted in construction professional disciplinary proceedings both as party representative and as legal advisor to the tribunal. Before coming to the Bar Susan qualified and practised as a chartered architect. Her architectural experience mainly comprised medium to large-scale commercial projects, and included being both office and site based. Susan has experience of acting as certifying architect in traditional contracting arrangements, and of design and build procurement acting for contractors. Susan has found her technical background of great value in her practice as counsel, tribunal and mediator, and she has experience of dealing with a wide range of technical matters.

## Adjudication

Susan is an accredited adjudicator (Technology and Construction Bar Association) and is on the RIBA, TeSCA and CI Arb adjudication panels. Susan has acted as adjudicator in disputes including:

- Final account claims
- Defective works/remedial works claims
- Delay claims
- Plant related and plant hire disputes
- Repudiatory breach/termination disputes
- Professional negligence disputes.

Susan has also acted as party representative in several adjudications and adjudication enforcement applications.



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## Selected Cases

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- Pring & St Hill Ltd v C H Hafner (2004) 20 Const LJ 402 – Adjudication enforcement.

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## ADR

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Susan is a chartered arbitrator and is on the CI Arb arbitration panel. Susan's arbitration experience includes accepting arbitral appointments at the request of the parties. She has also acted as party representative in arbitrations, acting in M&E, professional fees and other disputes. She was instructed as a Treasury Junior defending a final account claim brought against the Ministry of Defence for in excess of £80M that encompassed numerous separately pleaded sub claims.

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## Selected Cases

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- Royal Bank of Scotland v Chandra [2010] EWHC 105 (Ch); [2010] 1 Lloyd's Rep 677 – Duties owed by bank to sureties of customer's liabilities under building contract.

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## Mediator

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Susan is an accredited mediator. She has acted numerous times as party representative in mediations, and now accepts instructions to act as mediator. She has found her technical background and experience within the construction industry of significant benefit in this forum. The disputes Susan has mediated have included professional negligence issues as well as more general property related disputes.

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## Selected Cases

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- Nigel Witham Ltd v Smith & Issacs [2008] EWHC 12 (TCC); 117 Con LR 117; [2008] TCLR 3; [2008] CILL 2557 – Costs effect of a party declining to engage in mediation at a particular stage of a dispute.

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## Examiner

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In 2017 Susan was appointed as an Examiner of the Court by the Lord Chancellor. Court Examiners conduct proceedings on behalf of the court when the court orders a witness to be examined before trial, for example because the witness is too ill to attend court or because their examination has been requested by a foreign court.

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## Qualifications

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1987 — BSc Architecture University College London, Bartlett School of Architecture

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1990 — Diploma in Architecture University College London, Bartlett School of Architecture; Awarded the Owings Travel Scholarship

1992 — Chartered architect

1994 — MSc Construction Law Kings College London and Arbitration; Awarded Bickerdike-Allen Prize

1997 — Called to the Bar

1999 — Inner Temple Pegasus Scholarship to Hong Kong

## Memberships

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- Fellow of the Chartered Institute of Arbitrators
- Chartered Member of the Royal Institute of British Architects
- Member RIBA Standards Committee
- Former Chair RIBA President's Advisory Committee on Dispute Resolution
- Member ICE Dispute Resolution Panel
- Technology and Construction Bar Association
- Professional Negligence Bar Association
- Worshipful Company of Arbitrators (Freeman)

### Additional Information

- Governor of Morley College London