

Adjudication

We are pleased to offer a comprehensive range of services in relation to adjudications.

Full service

We have considerable experience in preparing adjudications, or responding to adjudications, and managing the process from start to finish (including enforcement of adjudications in the High Court)

Where appropriate, we can:

- review all of the project documentation and key correspondence etc
- advise you as to your likely prospects of succeeding with your claim (or defence), the wider tactical issues and our recommendations for moving forward
- prepare the formal adjudication documents (Notice of Adjudication and Referral Notice, or Defence) and supporting witness statements (together with supporting evidence) for your consideration and comments
- incorporation of further information and your comments
- arrange for the nomination and appointment of the Adjudicator and commencement of the adjudication
- consider and respond to the other party's submissions and prepare such further submissions as are necessary
- deal with legal, factual and procedural matters arising (including jurisdiction challenges or other procedural irregularities)
- consider the terms of the Adjudicator's Award and deal with enforcement

proceedings in the High Court as required

- advise and deal with settlement discussions and negotiations during the course of the adjudication, as appropriate
- advise as necessary in relation to appropriate cross adjudications and/or court proceedings

Frequently, following our initial review of the documents and advice, we are able to offer fee proposals on a fixed price basis, in relation to some or all of the above stages of the process (in particular, dividing responsibility for preparation of the supporting evidence between you and our team in accordance with your needs).

Support service

We fully appreciate that our full service may not necessarily be appropriate in cases where your in-house team, or external professional consultants, have detailed knowledge of the matter and can be well placed to prepare much of the evidence and/or drafts of the key formal adjudication documents.

In such circumstances, we are pleased to provide a support service, in a more limited role, to carry out an independent review of the formal adjudication documents and witness statements prior to their submission to the adjudicator.

Very often, by considering the papers and analysing matters from the same perspective as the Adjudicator (particularly without any prior knowledge of the background), it becomes apparent that certain issues could be strengthened significantly by developing legal arguments,

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clarifying or supplementing supporting evidence, or referring to further matters in order to corroborate the evidence presented.

We can then report back, setting out:

- which legal issues we advise be further developed, and how
- the further evidence we suggest is explored to support the key legal arguments
- the main potential strengths and pitfalls of each side's case, and the likely overall result (in order to facilitate any ongoing settlement discussions)
- the cost benefit of taking the noted action points
- Any other wider procedural or tactical points we feel should be explored further

Following our initial look of the documents, we are usually able to provide a fixed fee quotation for undertaking our support service review and report. Our recommendations will set out any further work we feel it would be sensible for us to undertake, together with the fees for such further work.

Contact / further information

Please contact Chris Kirby-Turner, Associate in Construction & Engineering on: 01322 623705 or chris.kirby-turner@ts-p.co.uk.

For further information about our team, please see www.ts-p.co.uk/ourservices/construction-and-engineering.