

# Harriet Di Francesco

Call: 2018

*"Harriet is definitely a star of the future. Her drafting is extremely good and she gets to grips with difficult issues and provides great service."*

Chambers & Partners UK Bar 2024



## Practice Areas

- International Arbitration
- Litigation
- Professional Negligence
- Property
- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering
- PFI & PPP
- Adjudication
- Advisory
- Arbitration
- Dispute Boards
- Mediation
- Independent Appointments

## Clerk Details

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## Practice Overview

Harriet's practice spans Chambers' specialisms including construction, engineering, professional negligence, procurement, adjudication and international arbitration. She is ranked by Chambers & Partners in construction and has been described by clients as *"extremely sharp, efficient and effective"* and *"utterly dedicated, extremely competent and always willing to assist"*.

Harriet accepts instructions from international and domestic clients. She has a busy arbitration practice acting both as junior counsel and in her own right. Harriet recently advised an Italian contractor in relation to an ICC arbitration in which Italian law applied. The dispute concerned an electric supercar that exploded resulting in millions of euros of damage.

In addition to arbitration, Harriet has developed a solid practice in litigation and adjudication. She has acted for employers, contractors and subcontractors in complex construction, professional negligence and energy disputes. Harriet acted for the successful developer in a series of adjudications relating to unacceptable cladding on high-rise student accommodation in Scotland.

Harriet has experience with many major standard form contracts including the JCT, NEC, FIDIC, RIBA, CECA and MF/1 standard forms. She is an editor of Keating on JCT Contracts and is a contributor to the Construction Law Reports.

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## Practice Areas

### Construction & Engineering

- Sole counsel for a developer in an adjudication relating to unacceptable cladding on high-rise student accommodation in Scotland. This resulted in a favourable settlement for Harriet's client.
- Sole counsel in various multi-million pound final account disputes.
- Sole counsel in a £3m multi-party dispute in the TCC in Liverpool concerning the defective design and construction of a residential property.
- Junior Counsel in TCC proceedings concerning the design of a multi-million-pound development in the UK (led by Vincent Moran QC).
- Multiple payment notice and true value adjudications concerning construction and engineering disputes (both contractual and statutory adjudications).
- Final Hearing (Bradford County Court): Harriet successfully prosecuted a claim for damages on behalf of a major telecommunications provider brought pursuant to Section 82 of the New Roads and Street Works Act 1991.

- Costs and Case Management Conference (Norwich County Court): Harriet appeared on behalf of a commercial real estate company in relation to a dispute concerning the development of a large rural estate and allegations by the claimant contractor of unpaid invoices.
- Advised a firm of architects in relation to a dispute concerning unpaid fees under multiple contracts with a property development company for the provision of architectural design services relating to various redevelopment projects across the UK.
- Drafted a particulars of claim on behalf of an interior fit out and refurbishment subcontractor for unpaid fees relating to additional works instructed by the defendant employer post-practical completion of subcontract works.
- Final Hearing (Preston County Court): Harriet appeared on behalf of the defendant main contractor in a dispute with the claimant subcontractor concerning the supply and installation of soundproof acoustic panels. The dispute concerned unpaid invoices and a counterclaim for defective work.
- Final Hearing (Oxford County Court): successfully defended a major telecommunications provider in relation to a claim for engineer call out fees.
- Drafted a particulars of claim on behalf of a mechanical services company in relation to a claim for defective plumbing materials under the Sale of Goods Act 1979.
- Drafted an amended defence on behalf of a construction company in a claim concerning allegations of unpaid invoices, quantum meruit and unjust enrichment.
- Assisted in advising a construction company on the legality of an assignment of a contractor's deed of warranty for the construction of a care home.
- Assisted in a dispute concerning the scope of liability of an American contractor to remedy defects under an EPC contract with a Turkish employer for the operation of a digital power plant.

#### International Arbitration

- Junior counsel in an international arbitration under ICC rules concerning a solar farm in Africa.
- Advised an Italian contractor in relation to an ICC arbitration with an English subcontractor about a defective electric car battery.
- Junior counsel in an international arbitration under DIFC-LCIA rules and UAE Law.
- Junior counsel in an international arbitration concerning a coal-fired power station in South Africa.
- Assisted in a dispute concerning the design and installation of plant for the production of exotic oils under Construction Industry Model Arbitration Rules 2016.
- Assisted in a fees claim concerning design services delivered in respect of subterranean metro stations in Saudi Arabia.

#### Procurement

- Junior counsel in a claim concerning multiple challenges to the procurement of UK passenger rail franchises.

- Junior counsel in a claim brought by a multinational rail transport company concerning the tender process for a rail services contract.
- Assisted in a dispute relating to the legality of the decision of a public body to award a contract to construct a high-speed railway in the UK.

## Property

- Advised 14 homeowners about a defective sewerage system serving their residential development.
- Advised multiple homeowners about defective heating/cooling system in a new-build block of flats.
- Advised a private homeowner in relation to circa 100 defects associated with works carried out by a building contractor at her residential property. The claim included damages for distress and anxiety.
- Advised homeowners in relation to a defective kitchen extension and central heating system.
- Advised an Italian contractor in relation to a dispute concerning unpaid fees for the supply and installation of luxury marble at a substantial private dwelling in London.
- Directions Hearing and Early Neutral Evaluation (Winchester County Court) Harriet appeared on behalf of the respondents in respect of an appeal against a party wall award brought by the respondents' neighbour.
- Drafted a defence on behalf of a housebuilding company in respect of a claim for damages for stress and inconvenience brought by claimant homeowners.
- Drafted a defence and counterclaim on behalf of a freehold owner of residential flats in relation to the negligent removal of dry rot.
- Assisted in defending a claim concerning the after care of a new build residential property brought by the claimant homeowners against the defendant homebuilder.
- Assisted in a dispute concerning the negligent renovation of a basement in a Grade 1 listed home constructed in 18th century.

## Adjudication

- Sole counsel for a developer in an adjudication relating to unacceptable cladding on high-rise student accommodation in Scotland. This resulted in a favourable settlement.
- Successfully prosecuted an adjudication on behalf of a design and build contractor in respect of substantial sums wrongfully withheld by its employer. The claim concerned the validity of payment notices and whether COVID-19 constituted a *force majeure* event.
- Successfully prosecuted an adjudication on behalf of a groundworks subcontractor in relation to a payment notice dispute with its employer. The claim concerned the employer's failure to serve a payment notice or pay less notice and its wrongful retention of sums due under the subcontract.

- Advised a plumbing subcontractor as to the prospects of recovering sums via adjudication in light of the applicable subcontract terms relating to payment.
- Acted for the responding party in a true value adjudication brought by its subcontractor. On receiving the Response, the referring party withdrew from the adjudication and the parties reached an amicable agreement.
- Advised an international client in relation to a mandatory contractual adjudication provision and the application of payment provisions under the Housing Grants Construction and Regeneration Act 1996.
- Advised a firm of architects in relation to statutory adjudication in circumstances where the client had entered into multiple contracts with potentially multiple responding parties.
- Drafted a reply in a statutory adjudication concerning the absence of a payless notice on behalf of the successful referring party.
- Assisted Emma Healiss, counsel for the successful defendants in *Indigo Projects London Ltd v Razin & Anor* [2019] EWHC 1205 (TCC) concerning the enforcement of an adjudicator's decision by a claimant in a company voluntary arrangement (CVA).

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## Reported Cases

- Standard Life Assurance Limited v Gleeds [2021] EWHC 2081 (TCC)
  - Standard Life Assurance Limited v Gleeds [2021] EWHC 2081 (TCC)
  - 2019 Rail Franchising Litigation [2020] EWHC 1568 (TCC)
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## Other information

### Education & Professional Career

#### Professional Career

- Barrister, Keating Chambers, 2019
- Pupil, Keating Chambers, 2018-2019

#### Education

- City University, BPTC, 2016-2017
- BPP Law School, GDL, 2015

- Johns Hopkins University School of Advanced International Studies (SAIS), Bologna, Italy and Washington DC – MA International Relations, 2011-2013
- University of Sheffield – BA History, 2008-2011

#### Additional Information

Harriet is a qualified PADI Divemaster. She enjoys hiking, cycling and running. She is learning to speak Portuguese.

#### Appointments & Awards

- Worshipful Company of Arbitrators (WCA) Arbitration Competition (Best Individual Advocate), 2019
- Middle Temple (Lord Diplock Scholar), 2016
- City University (BPTC Full Fee Scholarship), 2016
- BPP Law School (Director of GDL Programmes' Scholarship), 2015
- Elected to Phi Beta Kappa honour society, Johns Hopkins Chapter, 2013
- Johns Hopkins SAIS (Robert E Osgood Memorial Fellowship), 2012
- Sheffield University (Student Graduate Award), 2011

#### Recommendations

"Harriet is very good, organised and very good on the detail."

Construction, Chambers & Partners UK Bar 2025

"Harriet has very great attention to detail and excellent caliber in the construction area."

Construction, Legal 500 UK Bar 2025

"Harriet is very bright, personable, and confident. She gets to grips with complicated issues quickly and leads you through the process with reassuring ease."

Construction, Legal 500 UK Bar 2024

"Harriet is definitely a star of the future. Her drafting is extremely good and she gets to grips with difficult issues and provides great service."

Construction, Chambers & Partners UK Bar 2024

"Harriet is very thorough and insightful. She picks up on the little details and predicts problem areas to be resolved before they arise."

Construction, Chambers & Partners UK Bar 2024

"Harriet is very approachable and provides timely and constructive advice."

Construction, Chambers & Partners UK Bar 2024

"Harriet is extremely capable, effective and very easy to work with. She also delivers very good written product and has a great legal mind."

Construction, Chambers & Partners 2023

"Harriet is utterly dedicated, extremely competent and always willing to assist."

Construction, Chambers & Partners 2023

"Harriet is knowledgeable of procedure and thorough at drafting, and she's a confident advocate."

Construction, Chambers & Partners 2023

"She is extremely sharp, efficient and effective."

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