

# Adam Walton

Call: 2021



## Clerk Details

### Jamie Clack

T: +44 (0)20 7544 2696  
jclack@keatingchambers.com

### Alistair Luckman

T: +44 (0)20 7544 2630  
aluckman@keatingchambers.com

### Erva Turjaka

T: +44 (0)20 7544 2616  
eturjaka@keatingchambers.com

## Practice Overview

Adam Walton specialises in domestic and international construction, engineering, energy, and professional negligence disputes. He accepts instructions to advise, draft, and provide representation at all stages of litigation or other dispute resolution process. Unusually for his year of call, the majority of Adam's work is as sole counsel and a significant majority of his instructions come to him either as a product of his reputation or on a repeat basis.

Notable experience as sole counsel includes:

- Acting for the claimant in ongoing multi-party High Court (TCC) proceedings against a contractor, an architect, and a structural engineer.
- Preparing, advising on, and appearing at numerous applications in both the county court and the High Court (TCC and Chancery Division).
- Appearing at multiple CCMCs.

- Acting for the claimant in a multi-party High Court (TCC) claim, which concerned recovery under the indemnity provisions of the JCT 2016 suite of contracts.
- Defending a multinational cladding manufacturer in High Court (TCC) proceedings, which related to alleged defects on a high-profile infrastructure project in Dubai.
- Acting in numerous adjudications, which together have included disputes relating to payment, true valuation, professional negligence, assignment and transferred loss, and reasonable settlement.
- Acting for the claimant in ongoing High Court (TCC) proceedings, which relate to the defective design and installation of a substructure.

Notable experience as junior counsel includes:

- Acting as part of the counsel teams led by Tom Owen KC on two complex, high value claims: one concerning the largest ever road infrastructure project in Northern Ireland, the other concerning alleged fire-stopping and structural defects in a commercial development.
- Two ongoing defect (fire-stopping and water ingress) claims in the High Court (TCC), led by Brenna Conroy.
- Acting as part of the counsel team led by Vincent Moran KC on a c.£200 million DAB arising out of a substantial infrastructure project in Africa.
- Acting as part of the counsel team led by Simon Hughes KC on a £400 million ICC Arbitration concerning a project in the Middle East.

Adam has published work in several leading law journals, and a number of those published works have been cited in court, leading textbooks, and further academic pieces. Most notably, Adam's work on scope of duty is cited in *Chitty on Contracts*, whilst his work on the Civil Liability (Contribution) Act 1978 is cited in *Clerk and Lindsell on Torts*. He is also a contributor to *Keating on Construction Contracts*.

Prior to joining Keating, Adam worked at the Law Commission of England and Wales as a Research Assistant and at the Court of Appeal as Lord Justice Coulson's Judicial Assistant. Whilst working as a Judicial Assistant, Adam's work was consistently lauded by members of the Court of Appeal for its quality and clarity; Lord Justice Coulson notably describing him as "*incredibly clever*" and "*exceptionally good at identifying the issues at the heart of a case*".

## Practice Areas

### Construction & Engineering

- Drafted the pleadings and now acting as sole counsel in an ongoing multi-party dispute brought under section 2A of the Defective Premises Act 1972 and in professional negligence.

- Drafted the pleadings and now acting as junior counsel to Paul Bury in two ongoing High Court (TCC) claims, which arise out of one of the largest development projects in Europe: one being a complex final account dispute, the other concerning an adjudication enforcement and related Part 8 proceedings.
- Provided advice to an Employer in relation to a number of complex contractual and public law issues arising out of a £30 million residential development project. One such issue was the interaction between the suspension and termination provisions of the JCT 2016 Design and Build in circumstances where the works had been delayed by external and uncontrollable events (led by Lord Charles Banner KC).
- Drafted the pleadings and now acting as sole counsel in an ongoing breach of contract claim in the High Court (TCC), which concerns alleged defects on a project in Dubai.
- Drafted the particulars of claim in a novel claim against an insurer, which alleged the insurer had assumed responsibility in respect of a remedial scheme it had recommended.
- Providing advice to an Employer in relation to a payment dispute and attending the subsequent mediation, at which the case settled.
- Drafted numerous particulars of claim, both led and unled, which set out defects claims.
- Junior counsel to Brenna Conroy in an ongoing multi-party claim which relates to defective work on a substantial Government-led development project.
- Drafted the pleadings and acted as sole counsel on a negligence claim in the High Court (TCC). This claim concerned an infrastructure project and raised issues relating to pure economic loss and limitation.
- Provided ongoing strategic advice to a local council in relation to a high value dispute arising out of the 2016 JCT Measured Term.
- Advised and now acting as sole counsel on a claim under section 1 of the Defective Premises Act 1972.
- Drafted the pleadings and acted as sole counsel for the claimant in a claim for payment following a substantial number of variations.
- Drafted numerous defences to defects claims, as both sole and junior counsel.
- Advised on the correct interpretation of the X1 inflation clause in the NEC3 Professional Services standard form.
- Acted as sole counsel in a defects claim in the county court, which included making a late application to amend and a half-day trial.
- Drafted the particulars of claim in a misrepresentation and rescission claim.
- Advised on section 14A of the Limitation Act 1980, pure economic loss, and assumption of responsibility in relation to a defects claim on a large residential property development.
- Drafted the pleadings and now acting as junior counsel to Charlie Thompson in three High Court (TCC) claims: one concerning the defective design and installation of a substructure; one raising novel issues of deceit, misrepresentation, and repudiation; and the other relating to fire-stopping defects and insurance coverage.

- Advised administrators on the merits of pursuing a payment and delay claim under the 2016 JCT Design and Build (led by Brenna Conroy).
- Sole counsel for NHBC in a one-day county court trial.

### Professional Negligence

- Drafted the pleadings in a claim against a designer for producing defective outbuilding and retaining structure designs.
- Drafted a particulars of claim in a claim against a well-known insurer for negligently investigating and advising in relation to substantial defects in the foundations of a new-build property.
- Drafted the pleadings and now acting as sole counsel for the claimant in multi-party High Court (TCC) proceedings, which relate to water ingress on a large development project.
- Drafted the pleadings and now acting as sole counsel for the claimant in High Court (TCC) proceedings against an employer's agent.

### Adjudication

- Sole counsel in numerous adjudications, which together have included disputes relating to payment, professional negligence, assignment and transferred loss, and reasonable settlement.
- Junior counsel to Tom Coulson in two separate, but concurrent adjudications for the same client (the Employer) in relation to the same project: one bringing a claim for liquidated damages, the other resisting the main contractor's smash and grab.
- Junior counsel to Emma Healiss on an adjudication against a steelwork subcontractor, which raised issues of delay, defects, and repudiatory breach.
- Instructed to appear as sole counsel in enforcement proceedings.

### Commercial

- Sole counsel in an application to the High Court (Ch) seeking substantive relief pursuant to schedule B1 of the Insolvency Act 1986.
- Sole counsel in a number of interim injunction applications in the High Court.
- Acted to set aside a number of default judgments in the county court, on both construction and more general commercial matters.
- Advised on a number of cases which engaged complex issues of contractual formation.
- Advised and drafted a particulars of claim in relation to a claim on a parent company guarantee.
- Led by Brenna Conroy, advised on the insurance position in relation to a defects claim with a value in excess of £120 million.
- Advised in relation to a claim for specific performance of an obligation to provide a parent company guarantee.
- Advised on the insurance (which included the Third Parties (Rights Against Insurers) Act 2010) and limitation position with regard to a negligence claim against a contractor.

## Arbitration

- As part of the counsel team led by Simon Hughes KC on a £400 million ICC Arbitration concerning a project in the Middle East.
  - Assisted on a USD \$20 million arbitration regarding the sale of a number of aircraft.
  - Assisted on a high-value international arbitration under ICC rules.
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## Other information

### Education & Professional Career

#### Professional Career

- Tenant, Keating Chambers 2023-Present
- Pupil, Keating Chambers 2022-2023
- Judicial Assistant to Lord Justice Coulson 2021-2022
- Research Assistant, Law Commission of England and Wales 2020-2021

#### Education

- Bar Professional Training Course, City Law School 2019-2020
- Bachelor of Civil Law, Brasenose College, University of Oxford 2018-2019
- Bachelor of Laws, Halifax College, University of York 2015-2018

### Appointments & Awards

- BPTC Academic Scholarship, City Law School – 2019
- Lord Denning Scholarship, Lincoln's Inn – 2018
- 4 New Square BCL Scholarship, University of Oxford – 2018
- Lord Laidlaw Scholarship, University of York – 2017
- Achieving Excellence Scholarship, University of York – 2016
- Reward and Recognition Award, Law Commission of England and Wales 2020
- Lincoln's Inn Entrance Award 2018
- Winner, York Law School's Tenth Anniversary Mooting Competition 2018

- Winner, Landmark Chambers' National Property Mooting Competition 2017
- Bridge to the Future Law Award, University of York 2017
- Semi-Finalist, Times 2TG National Mooting Competition 2016

## Memberships

- Member of the Attorney General's Junior Junior Scheme (2023-2027)
- Commercial Bar Association (COMBAR)

## Seminars & Publications

- AC Walton, 'A Common Sense Approach Toward Contribution Claims' (2022) 38(4) Journal of Professional Negligence 245
  - AC Walton, 'Collateral Warranties and Construction Contracts: A Victory of Substance Over Form' (2022) 38(7) Construction Law Journal 487
  - AC Walton, 'Negligence and Scope of Duty Post SAAMCO: Old Ideas, New Look' (2022) Lloyd's Maritime and Commercial Law Quarterly 33
  - Adam Walton, 'Accessory Liability in Equity: The Case for Unconscionability' (2019) 25(2) Trusts & Trustees 186
  - M. Maciel and Adam Walton, 'Can Player Economic-Value Rights be Used as Collateral in Lending' (2019) 18(3-4) The International Sports Law Journal 185
  - M. Maciel and Adam Walton, 'When the Music Stops: the UKSC Judgment in Akers, Applying the Bona Fide Purchaser Rule and Offshore Trusts' (2017) 23(5) Trusts & Trustees 577
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