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BRENNA CONROY

Call: 2010

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Areas of practice

- Construction & Engineering
- Energy & Natural Resources
- International Arbitration
- Professional Negligence
- Adjudication

Clerks' Details

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Practice Overview

Brenna Conroy specialises in construction, energy, international arbitration and professional negligence work and is recommended in Chambers and Partners as “a star of the future”, and described as “approachable, bright and incredibly sharp”.

Brenna’s reputation at the Construction Bar resulted in her being listed in Legal Week’s “Stars at the Bar 2017” as one of 12 most highly rated commercial barristers under 10 years call. Brenna was recommended as “quick-thinking [and] hardworking” and as having “a wider understanding of not just the legal perspective, but tactical strategy, demonstrated by her proficiently arguing complicated legal points.”

In relation to her construction work, Brenna is noted in Chambers and Partners as being “fantastic” and “very commercial and user-friendly” and is commended for being able to “talk in the client’s language. She understands the industry and the key commercial drivers and comes up with practical solutions. She also has an incredible work ethic.”

Brenna has built up a strong domestic and international practice, with a particular interest in construction and energy work and has been involved in a number of high-profile cases in the TCC as well as complex, high value international arbitration proceedings. Over the last 2 years she has been involved in several high value disputes concerning drillships, power plants, sports centres and infrastructure. She has been led in several UK court cases and adjudications as well as high profile arbitrations involving projects in Georgia, Korea, South Africa, Saudi Arabia and Australia.

Brenna has built up a busy construction practice in her own right, and has had a number of reported cases, one of which had important implications for payment and one for adjudication within the industry. She has also received judicial praise in a number of her reported cases for her succinct and skillful advocacy.

Brenna is a contributing editor of the Construction Law Reports and Keating on Construction Contracts and has been appointed to the Attorney General's C Panel of Counsel.

Recent Cases

Construction & Engineering

Brenna is instructed on a wide range of construction disputes involving interim payments, termination, certification, defective works and designs, delay, disruption, loss and expense, extensions of time and liquidated damages, employer and contractor insolvency and complex final account disputes. She also has experience advising insurers on coverage issues relating to construction projects.

Brenna acts for clients in litigation, arbitration, adjudication and mediation. She is also direct access qualified and accepts instructions on a direct access basis.

Recent work includes:

- A \$55m claim arising out of professional services provided in relation to a metro project.
- A £15m dispute arising out of the construction of a new maintenance facility and wheel lathe facility at a train depot.
- A dispute concerning the design and construction of a £55m state-of-the-art sports centre at a university.
- A delay claim arising from a multi-million pound extension of the existing Northern line.
- A £3m claim in relation to the design and construction of a multi-million pound depot alleged to have suffered from extensive defects to the pavement and drainage on site.
- A £150m+ claim concerning the construction of a coal-fired power plant.
- A \$140m professional negligence claim relating to the design and construction of a Hydro Power Plant.
- A \$500m international arbitration in relation to the construction of a state-of-the-art drillship.
- Multi-million pound arbitration relating to the design and construction of a company's new headquarters in Manchester.
- The design and construction of the A380 south Devon Link road.
- *Ro-Bal Steel Fabrications Limited v G Jones Site Services Limited* [2016] EWHC 292 (Ch): case concerning the winding up a company on the basis of a payment notice and failure to issue a pay less notice.

“She understands the industry and the key commercial drivers and comes up with solutions. She also has an incredible work ethic.”

Chambers & Partners 2020 - Construction

- *JRT Developments Ltd v TW Dixon (Developments) Ltd* [2020] 10 WLUK 106: Instructed as sole counsel in adjudication enforcement proceedings and successfully persuaded the High Court to stay enforcement of an adjudicator's decision on the grounds of manifest injustice and the impecuniosity of the claimant.
- *Deluxe Art & Theme Ltd v Beck Interiors Ltd* [2016] EWHC 238 (TCC): Instructed as sole counsel in a dispute concerning the interpretation of Paragraph 8(1) of the Scheme for Construction Contracts, in which enforcement of an adjudicator's decision was successfully resisted on the basis that the adjudicator did not have jurisdiction to adjudicate upon multiple disputes in separate adjudications at the same time.

- *Henia Investments Inc v Beck Interiors Ltd* [2015] EWHC 2433 (TCC); [2015] B.L.R. 704; 161 Con. L.R. 51; [2015] C.I.L.L. 3727: Instructed as junior counsel in a £3m dispute regarding the ambit of Interim Applications and Pay Less Notices under the 2011 JCT suite of Contracts and the HGCR 1996 (as amended by the LDEDCA 2009).
- *Wycombe Demolition Ltd v Topevent Ltd* [2015] EWHC 2692 (TCC); [2015] B.L.R. 765; defending enforcement of an adjudicator's decision on the basis that he had considered multiple disputes and had decided the issue of valuation based on his own novel approach rather than the case advanced by each of the parties.
- *Rydon Maintenance Ltd v Affinity Sutton Housing Ltd* [2015] EWHC 1306 (TCC): led by Nigel Jones QC, challenging enforcement of an adjudicator's decision on the basis that the adjudicator had breached the rules of natural justice in predetermining the outcome of the dispute and exhibiting apparent bias and/or a lack of impartiality.
- Instructed as junior counsel, led by Paul Reed QC, defending a leading construction company in Dubai in an ICC arbitration against a contractor, claiming 35 million dirhams for delay and variations.
- *Accolade Wines v Volkerfitzpatrick*: a six party £150m property damage and business interruption claim brought by Accolade Wines, described by the Lawyer as one of the biggest cases in the TCC in 2014/15.
- Instructed as junior counsel, led by Sarah Hannaford QC, on a £200m arbitration in relation to a long running dispute over the refurbishment and rebuilding of a government military base.
- *National Museums and Galleries on Merseyside Board of Trustees v AEW Architects and Designers Ltd* [2013] EWHC 3025 (TCC); [2014] 1 Costs L.O. 39 and [2013] EWHC 2576 (TCC) and [2013] EWHC 2403 (TCC): a lengthy trial in the High Court (TCC), defending a £4 million damages claim brought by the National Museum of Liverpool for remedial works that were alleged to be necessary because of design defects in the museum.

“A star of the future.”

Chambers & Partners 2019 - Construction

Energy & Natural Resources

Brenna specialises in domestic and international construction work and over the last 12-18 months has been involved in a number of very high-profile arbitrations involving projects in Korea (ship), South Africa (power plant), Australia (power plant) and Georgia (hydro power plant) with leading silks from Keating.

Recent work includes:

- A £150m+ claim concerning the construction of a coal-fired power plant.
- A \$140m dispute relating to the design and construction of a Hydro Power Plant.
- An AUD 2.13 billion dispute arising out of the construction of an onshore LNG plant in Australia.
- A \$500m international arbitration in relation to the construction of a state-of-the-art drillship.

“Very commercial and user-friendly.”

Chambers & Partners 2020 - Construction

International Arbitration

Brenna has a busy international practice having been involved in a number of high profile arbitrations involving projects in Georgia, Korea, South Africa, Saudi Arabia and Australia.

Recent work includes:

- A \$55m claim arising out of professional services provided in relation to a metro project.

- A £150m+ claim concerning the construction of a coal-fired power plant.
- A \$140m dispute relating to the design and construction of a Hydro Power Plant.
- An AUD 2.13 billion dispute arising out of the construction of an onshore LNG plant in Australia.
- A \$500m international arbitration in relation to the construction of a state-of-the-art drillship.

“Her burgeoning practice wins her the praise of solicitors and peers alike.”

Chambers & Partners 2017 - Construction

Professional Negligence

Brenna acts and advises in a variety of claims in professional negligence, particularly in the construction industry. She has advised and drafted pleadings in a number of claims involving allegations of negligence by professionals including surveyors, architects, engineers and project supervisors. She was instructed as Junior Counsel in a multi-million pound claim brought by the Museum of Liverpool against an architects firm following allegations of negligence in respect of the design of the new museum.

Recent work includes:

- A \$55m claim arising out of professional services provided in relation to a metro project.
- A \$140m professional negligence claim relating to the design and construction of a Hydro Power Plant.
- A £3m claim in relation to the design and construction of a multi-million pound depot alleged to have suffered from extensive defects to the pavement and drainage on site.
- *Deluxe Art & Theme Ltd v Beck Interiors Ltd* [2016] EWHC 238 (TCC).
- *Accolade Wines v Volkerfitzpatrick* (2) *Volkervessels* (3) *Goodman* (4) *Keller* (5) *Twintec* (6) *GJ3&4*
- *National Museums and Galleries on Merseyside Board of Trustees v AEW Architects and Designers Ltd* [2013] EWHC 2403 (TCC)
- *National Museums and Galleries on Merseyside Board of Trustees v AEW Architects and Designers Ltd* [2013] EWHC 2576 (TCC)
- Acting for an architect in relation the multi-million pound refurbishment of a mosque.
- Acting for an M&E designer in defence of a £10m claim by the employer arising from the refurbishment of a pharmaceutical facility.

“Cuts to the heart of the matter and offers sound potential solutions to legal issues.”

Chambers & Partners 2018 - Construction

- Defending the designer of a road in TCC proceedings in a claim brought for damages for remedial works.
- Advising a developer in a million pound dispute against an architect for breach of the Building Regulations 1991.

- Advising a design consultant in relation to a claim brought by the main contractors regarding the installation of an industrial door at an airplane hangar.
- Advising a building owner in relation to a claim against a surveyor relating to the negligent survey of a property.

Adjudication

Brenna has a thriving adjudication practice alongside her litigation and arbitration practice. She has been instructed by both Referring and Responding Parties and has had extensive experience drafting Notices of Adjudication, Referral Notices and Responses in respect of a variety of construction disputes. She was described by Chambers and Partners as “[cutting] to the heart of the matter and offers sound potential solutions to legal issues particularly in the context of adjudication.”

Brenna also has experience in running adjudications on behalf of her instructing solicitors. She has regularly advised clients on tactics involved in the Adjudication process and has given comprehensive lectures on adjudication, aimed at both junior and senior practitioners.

Brenna appears regularly in the TCC in relation to adjudication enforcement proceedings and was sole counsel in the case of *JRT Developments Ltd v TW Dixon (Developments) Ltd* [2020] 10 WLUK 106, which is one of the only cases where counsel has persuaded the High Court to stay enforcement of an adjudicator’s decision on the grounds of manifest injustice, and the leading 2016 case of *Deluxe Art & Theme Ltd v Beck Interiors Ltd* [2016] EWHC 238 (TCC), winning on an issue which had far reaching implications in the industry in relation to the appointment of adjudicators on multiple disputes.

Brenna is also direct access qualified and is happy to accept instructions on a direct access basis.

Recent work includes:

- *JRT Developments Ltd v TW Dixon (Developments) Ltd* [2020] 10 WLUK 106
- A £15m dispute arising out of the construction of a new maintenance facility and wheel lathe facility at a train depot.
- A dispute concerning the design and construction of a £55m state-of-the-art sports centre at a university.
- A delay claim arising from a multi-million-pound extension of the existing Northern line.
- A delay claim arising out of the design and construction of the A380.
- *Deluxe Art & Theme Ltd v Beck Interiors Ltd* [2016] EWHC 238 (TCC)
- *Wycombe Demolition Ltd v Topevent Ltd* [2015] EWHC 2692 (TCC)
- *Rydon Maintenance Ltd v Affinity Sutton Housing Ltd* [2015] EWHC 1306 (TCC)
- An adjudication arising out of a £2m dispute involving a substantial housing association in relation to rates for payment under a responsive repairs contract.
- A series of adjudications arising out of a £10m claim brought by an employer against an M&E designer relating to the refurbishment of a pharmaceutical facility.
- An adjudication brought by the owner of a food processing factory in respect of defective works carried out by a contractor.
- A number of adjudications relating to final account disputes and interim payment disputes involving issues relating to pay less notices and withholding notices.

Professional Career

Keating Chambers, Barrister	2017
Hardwicke Chambers, Barrister	2012-2017
Kennedys	2012-2013
Hardwicke Chambers, Pupil	2011-2012
Keating Chambers, Legal Research Assistant	2010-2011
Called to the Bar	2010

Education

BVC-BPP London (Outstanding)	2009-2010
GDL-BPP London	2008-2009
BA (Oxon) - Modern History	2003-2006

Scholarships & Prizes

Lord Bowen Scholarship, Lincoln's Inn, GDL
Hardwicke Entrance Award, Lincoln's Inn, BVC
Thomas More Bursary, Lincoln's Inn, BVC
Buchanan Prize, Lincoln's Inn, BVC Examination
Cholmeley Studentship, Lincoln's Inn, Pupillage

Memberships

TECBAR
BILA
Free Representation Unit
Honourable Society of Lincoln's Inn
Society of Construction Law

Appointments

Attorney General's C Panel of Counsel

Seminars, Publications & Papers

Contributor to Keating on Construction Contracts, 11th ed. (2020) and the forthcoming Keating on NEC, 2nd ed.
Contributor to Paul Reed QC's Construction All Risks Insurance (2014 and 2nd edition 2016, Sweet & Maxwell).
Researcher, Keating on Construction Contracts, 9th Edition (2012, Sweet & Maxwell)
Researcher, "Architects, Engineers and Quantity Surveyors" in Professional Negligence and Liability (loose-leaf), 19th Issue (2011, Informa Publishing)
Researcher, Keating on JCT Contracts (2010/2011, Sweet & Maxwell)