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JAMES FRAMPTON

Call: 2016

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Areas of Practice

- Construction & Engineering
- International Arbitration
- Procurement
- Energy & Natural Resources
- Infrastructure & Utilities
- IT & Technology
- PFI/PPP
- Professional Negligence
- Property/Party Wall

Clerks' Details

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Practice Overview

James Frampton specialises in construction, engineering, energy and procurement disputes. He is ranked by Legal 500 as a 'Rising Star' for both Construction and Procurement: "He is a star junior, absolutely incredible, consistently providing a brilliant level of service." and "Incredibly cerebral, always proactive."

James' recent instructions have included a particular focus on professional negligence claims against architects and other professionals (including contribution claims) as well as contested adjudication enforcement hearings in the TCC.

In 2020, James' represented the successful claimant in DR Jones Yeovil Limited v The Stepping Stone Group Limited [2020] EWHC 2308 (TCC) in a 7 day trial in the High Court (heard remotely by Zoom).

James is also regularly instructed as Junior Counsel on international disputes, including projects in South Africa, Australia, Dubai, Abu Dhabi and Ukraine. James' international arbitration practice has seen him recommended for construction by Who's Who Legal and ranked as a Rising Star in Construction, Energy and Infrastructure by the Legal 500 Asia Pacific.

Construction, Engineering & Energy

James has experience of the whole range of construction related disputes including claims for defective workmanship or design, delay, variations, termination and final accounts. James' recent domestic work includes:

- Acting for the claimant in *Dr Jones Yeovil Limited v The Stepping Stone Group Limited* [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely by Zoom, James' client was successful in recovering its retention and defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.
- Acting for the successful Claimant/Applicant in *Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd* [2019] 1 WLUK 533 securing summary judgment against a £1 million set-off/counterclaim for misrepresentation in the High Court (QBD).
- Acting as junior counsel for a local authority in respect of cladding and fire-stopping issues under a PFI contract in a housing block.
- Representing the successful Claimant in a two-day domestic arbitration hearing in relation to defective groundworks.
- Acting as sole counsel in final account proceedings in the High Court (TCC).
- Acting, as junior counsel to Sam Townend, in various proceedings involving the National Housing Building Council (NHBC), the market leading insurer of new and refurbished residential properties in the UK.
- Representing (as sole counsel) the successful applicant for a final charging order in the High Court (TCC).
- Acting for the successful respondent to a summary judgment application concerning a "battle-of-forms".

"He is a star junior, absolutely incredible, consistently providing a brilliant level of service."

Rising Star, Construction, Legal 500 UK 2021

International Arbitration

James is regularly instructed as junior counsel on substantial international arbitrations concerning construction and energy projects throughout the world, including:

- Acting (as junior counsel to Simon Hughes QC) in a 5 week SIAC arbitration under the UNCITRAL rules for a very substantial dispute concerning an iron-ore mine in Western Australia. The governing law was the law of Western Australia.
- Representing (as junior counsel to Simon Hughes QC) a Korean joint venture in a \$500 million dispute, under the LCIA rules, about a power station in the Middle East.
- Acting (as junior counsel to Marcus Taverner QC) for the developer of a skyscraper in Dubai in a DIAC arbitration.
- Representing (with Sam Townend) an Eastern European state entity in an ICC Arbitration concerning an infrastructure project funded by the World Bank.

Procurement

James is regularly instructed on public procurement disputes, including acting as Junior Counsel to Sarah Hannaford QC and Simon Taylor. James' recent cases include:

- Acting (as junior counsel to Sarah Hannaford QC) for an unsuccessful bidder in a challenge to the procurement of a major infrastructure project in London.
- Acting (as sole counsel) for a bidder which had been disqualified from a procurement. The procurement was restarted following the service of Particulars of Claim drafted by James.
- Acting (as junior counsel to Sarah Hannaford QC) for the MOD in a challenge to the procurement of a fire and rescue contract.
- Acting (as junior counsel to Sarah Hannaford QC) for an unsuccessful bidder in a challenge to the procurement of a rail infrastructure project *Alstom Transport UK Ltd v Network Rail Infrastructure Ltd* [2019] EWHC 3585 (TCC).

- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of a naval gun system.
- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of an adult education and training service.

“Incredibly cerebral, always proactive.”

Rising Star, Public Procurement, Legal 500 UK 2021

Advocacy

James regularly appears as an advocate in both the County Court and High Court. His recent experience includes:

- Acting for the claimant in *Dr Jones Yeovil Limited v The Stepping Stone Group Limited* [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely by Zoom, James’ client was successful in recovering its retention and defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.
- Acting for the successful applicant for summary judgment on a set-off/counterclaim for misrepresentation in the High Court (QBD); *Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd* [2019] 1 WLUK 533.
- Representing the successful Claimant in a two-day domestic arbitration concerning defective groundworks.
- Representing the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Appearing for the successful Claimant in a one-day fast track trial on whether payments for VAT were due under a building contract.
- Representing the successful applicant for a Final Charging Order in the High Court (TCC).
- Acting for the successful applicant for an order for specific disclosure in respect of a claim for waste removal.
- Acting for the successful respondent to a summary judgment application concerning a “battle-of-forms”.

Adjudication

James is frequently instructed to act for parties during adjudications and on enforcement in the High Court. His recent work includes:

- Appearing for the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Appearing for the successful Claimant in adjudication enforcement proceedings concerning the residential occupiers’ exception; *Howsons Ltd v Redfearns* [2019] EWHC 2540 (TCC).
- Appearing for the successful Claimant in proceedings to enforce four adjudication decisions, raising issues of whether a dispute had crystallised, waiver and severance; *LJH Paving v Meeres Civil Engineering Ltd* [2019] EWHC 2601 (TCC).
- Acting for a successful responding party to a “smash-and-grab” payment notice dispute. The adjudicator accepted James’ written submissions that the contract was a hybrid contract and as a result the alleged payment notice was ineffective.
- Acting for a local authority in a multi-million adjudication in respect of the pain-gain mechanism in an NEC3 contract.
- Advising successful parties and unsuccessful parties to adjudication on whether to issue or resist enforcement proceedings.

Bonds & Guarantees

- Advising an international contractor in respect of a call on an on-demand bond.

Infrastructure & Utilities

- Representing (as sole counsel) a major telecommunications provider in numerous County Court claims.
- Drafting a Defence in a dispute between telecommunications providers concerning the decommissioning of a mobile switching centre.
- Preparing adjudication proceedings (settled before service of the notice) concerning a rail infrastructure development for a major multi-national engineering consultancy.

IT & Technology

- Acting, as Junior Counsel to Sarah Hannaford QC, for the claimant in a claim in the High Court (TCC) involving a defective IT system and public procurement issues.

“He has an excellent eye for detail and provides clear, concise, commercially sound advice; he is very user friendly and is always willing to go the extra mile.”

Rising Star, Construction, Energy and Infrastructure, Legal 500 Asia Pacific 2021

PFI/PPP

- Acting (as junior counsel) for a local authority in ongoing proceedings concerning cladding and fire-stopping issues under a PFI contract in a housing block.

Professional Negligence

- Representing the Claimant in a claim in the High Court (TCC) concerning a Professional Consultant's Certificate.
- Acting for a home-owner in a claim against an architect concerning the negligent design of foundations for a domestic dwelling.
- Acting for a developer in a claim for negligence against a contractor administrator of a JCT contract.

Property/Party Wall

James has experience of acting for the Appellant and the Respondent to appeals to awards under the Party Wall etc. Act 1996, including acting for the successful appellant to a party wall award in *Thomas Ash v Shayne Trimnell-Ritchard* (Central London County Court, 2020).

Education & Professional Career

Tenant, Keating Chambers	2017
Pupil, Keating Chambers	2016-2017
University of Law, Bar Professional Training Course (Outstanding; Written Advocacy Prize)	2015-2016
University of Law, Graduate Diploma in Law (Distinction; Contract, Tort, Criminal and Public Law prizes)	2014-2015
BA in History, Durham University (First)	2011-2014

Seminars & Publications

Contributor to Keating on Construction Contracts 11th edition.

Contributor to Keating on JCT Contracts.

Contributor to Keating on Offshore Construction and Marine Engineering Contracts (2nd edition).

Contributing Editor of the Construction Law Reports.

The Best Laid Schemes of TECBAR and TeCSA: Potential Problems under the New Pre-Action Protocol, Society for Construction Law.

["Out of service": charging orders and service on non-parties outside the jurisdiction](#), Practical Law Construction Blog, May 2017.

[Conditions precedent and the rule against redundancy in contract interpretation](#), Practical Law Construction Blog, November 2017.

["All you need is fraud?": stays of execution and adjudication enforcement](#), Practical Law Construction Blog, November 2018.

[Developer disputes: misrepresentation and summary judgment](#), Practical Law Construction Blog, November 2017.

Awards

Winner, Procurement Lawyers' Association Rosie Choueka Memorial Essay Competition 2017

Society of Construction Law, Hudson Prize 2016, Joint Second Prize

The Worshipful Company of Arbitrators, Arbitration Weekend 2017, Best Team

Exhibition Award for the BPTC from the Inner Temple (2015)

Advocacy Scholarship and Law First Scholarship for the BPTC from the University of Law (2015/2016)

Birmingham Law Society Debating Competition 2015, Winner

Major Scholarship for the GDL from the Inner Temple (2014)

Languages

French (working knowledge)

Additional Information

Outside of Chambers, James is most likely to be found walking on the Kent downs with his wife, baby daughter and cocker spaniel.

James was an Honorary Lecturer in the Bartlett School of Construction and Project Management at UCL, teaching a MSc module on contractual claims and dispute resolution from 2018 to 2020.