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JAMES THOMPSON

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Areas of practice

- Construction & Engineering
- International Arbitration
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering

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Practice Overview

James acts in a wide range of domestic and international disputes encompassing onshore and offshore construction and engineering, energy, technology, infrastructure and international arbitration. Described as an “exceptionally bright” barrister who has “a great style and is good with clients”, he has an excellent reputation for trial advocacy, and his “cross-examination skills are at the level you might expect of a vastly more senior counsel”.

James appears regularly in the TCC in disputes relating to a wide range of construction projects, such as large-scale residential and commercial developments, power stations and infrastructure projects. A large part of his practice relates to international arbitration, and he has extensive experience of acting in disputes in Europe, the Caribbean, Africa and the Gulf under various rules (including DIFC-LCIA, ICC and DIAC).

Described as “something of an expert in Qatari, Omani and UAE-related matters”, James has extensive experience of projects in the Middle East. He has acted in numerous high value disputes in the region arising out of energy-related projects, infrastructure projects, airports, educational facilities and commercial developments.

James is ranked in Chambers & Partners for construction litigation, The Legal 500 for both construction and international arbitration, and in the Legal 500 EMEA for his UAE expertise. He comes recommended by instructing solicitors as “a rising star” with “a great ability to analyse proceedings” and who “understands the commercial realities”.

Examples of James' recent work include: acting in multiparty TCC litigation arising out of a luxury residential redevelopment in London; in a US\$1 billion dispute concerning the construction of an airport in the Middle East; in arbitration proceedings concerning the construction of a new university in Abu Dhabi; in TCC proceedings concerning liability for a major fire at a power station in the UK; and in arbitration proceedings concerning a final account dispute relating to a project to upgrade and expand an LNG process plant in the Middle East.

Selection of Recent Cases

Construction & Engineering

- Sole counsel for one of the defendants in multiparty TCC litigation arising out of a luxury residential redevelopment in London, involving claims in contract, tort and under the Defective Premises Act.
- Lead junior counsel, leading a team of three other juniors, in final account dispute relating to a project to upgrade a liquid natural gas plant in the Middle East, involving issues of delay and disruption.
- Lead junior counsel for employer in dispute arising out of the construction of a new airport terminal in the Middle East.
- Counsel for owner of a power station in TCC proceedings relating to liability for a major fire during refurbishment work.
- Counsel for main contractor in dispute arising out of the construction of a new university in Abu Dhabi, involving issues of delay and disruption and variations claims.
- Sole counsel for a structural engineering consultant in multi-party TCC proceedings relating to allegedly defective design of a floor in a warehouse.
- Counsel for a UK developer in multi-party TCC proceedings arising out of the design and construction of 100 new homes pursuant to an environmentally-friendly scheme backed by the Government.
- Sole counsel for the developer in claim against the design and build contractor for defects in the roof of a residential and retail development in Cornwall.

“He is very accessible. His advice is practical and commercial and he understands his client’s objectives.”

Chambers & Partners 2020

International Arbitration

- Counsel for EPC contractor in £250million termination dispute regarding a project to construct a power plant in Iraq (ICC arbitration).
- Counsel for MEP subcontractor in several final account arbitrations arising out of construction projects in the Middle East (DIFC-LCIA arbitrations, UAE law).
- Counsel for main contractor in dispute arising out of the construction of a new university in Abu Dhabi (DIFC-LCIA arbitration, UAE law).
- Lead junior counsel, leading a team of three other juniors, for contractor in dispute relating to upgrade and expansion of an LNG plant in Qatar (ICC arbitration, seated in Switzerland, Qatari law).
- Lead junior counsel for employer in US\$1 billion dispute arising out of the construction of a new airport terminal in the UAE (DIAC arbitration, UAE law).
- Sole counsel for owner of maritime facility in dispute relating to the design, construction and

installation of vessel docking facilities (DIAC arbitration, UAE law).

- Lead junior counsel for IT contractor in relation to a project to upgrade two airports in Oman (ICC arbitration, seated in Oman, Omani law).
- Counsel acting for the main contractor in a \$150 million termination dispute arising out of the construction of the world's largest energy research and development centre, in Saudi Arabia (ICC arbitration, seated in London).

“Very good at cutting through the chaos of construction disputes to identify the key legal and commercial issues.”

Legal 500 2020

- Counsel representing a joint venture contractor in a circa \$50 million arbitration concerning delay and disruption to the construction of a new highway in Qatar (ICC arbitration, seated in Qatar, Qatari law).
- Counsel acting for main contractor in numerous disputes arising out of the construction of a 720MW combined cycle power station in the Caribbean (ICC arbitrations seated in London).
- Counsel acting for main contractor in dispute with developer arising out of a \$1 billion combined commercial and residential development project in Dubai, UAE (DIAC arbitration, UAE law).
- Counsel for a joint venture developer in a multi-million-dollar dispute arising out of the construction of a large office complex in Russia (ICC arbitration, seated in London, Russian and English law).
- Counsel for contractor in a series of high value international arbitrations arising out of four major road construction and maintenance projects in Oman and Yemen (ad hoc under the Omani Arbitration Act, seated in Oman, Omani law).

“Has great ability to analyse proceedings and was fantastic at the hearing. The judges took to him.”

Chambers & Partners 2019

Energy & Natural Resources

- Counsel for EPC contractor in £250million termination dispute regarding a project to construct a power plant in Iraq.
- Lead junior counsel, leading a team of three other juniors, for contractor in US\$100 million dispute relating to upgrade and expansion of an LNG plant in Qatar.
- Counsel for main contractor in US\$50 million dispute with sub-contractor arising out of the construction of a new 720MW combined cycle power station in the Caribbean.
- Counsel for member of a joint venture engaged as EPC contractor under a US\$1 billion contract relating to the construction of a new oil refinery and terminal in Saudi Arabia.
- Sole counsel for contractor in disputes arising out of the construction of fuel feed systems for three new alternative fuel power stations in the UK.
- Counsel for the main contractor in a \$150 million termination dispute relating to the construction

of the world's largest energy research and development centre in Saudi Arabia.

- Sole counsel for main contractor in dispute with pipework subcontractor engaged for the construction of a new combined heat and power biomass power plant in the UK.
- Counsel for main contractor in dispute with sub-contractor arising out of chemical cleaning and commissioning works to a gas-fired combined cycle power plant.

“The way he can just pick up a case and run with it is impressive.”

Chambers & Partners 2018

Infrastructure & Utilities

- Lead junior counsel for employer in US\$1 billion dispute arising out of the construction of a new airport terminal in the UAE.
- Lead junior counsel for contractor in disputes arising out of a project to upgrade two airports in the Gulf.
- Counsel representing a joint venture contractor in a \$50 million arbitration concerning delay and disruption to the construction of a new highway in Qatar.
- Counsel for contractor in TCC proceedings concerning the construction of the Cambridge Guided Busway.
- Counsel for contractor in four arbitrations arising out of major road construction and maintenance projects in Oman and Yemen.
- Counsel instructed by HM Treasury Solicitor in a high value domestic arbitration relating to 25-year PFI infrastructure contracts covering 3,000 sites in England, Wales and Scotland.
- Sole counsel for owner of damaged gas apparatus in £1 million claim for negligence and statutory liability.
- Sole counsel for developer in relation to works to install various utilities services as part of a wider project to construct a housing development.

“A rising star. He builds relationships, and his advice and written work is spot on.”

Chambers & Partners 2018

Offshore Construction & Marine Engineering

- Sole counsel for contractor in relation to a dispute arising out of the decommissioning of a topside oil platform.
- Sole counsel for owner of a maritime centre in the Gulf in relation to a dispute concerning docking and undocking facilities.
- Counsel for main contractor in dispute arising out of €0.5 billion project to construct breakwater for new port in Iraq.
- Sole counsel for supplier of equipment for the construction of a new port in Pointe Noire, Republic of Congo.

Selected Reported Cases

- AIS Pipework Ltd (formerly AIG Engineering Services Ltd v Saxlund International Ltd [2017] EWHC 1523 (TCC)
- AMD Environmental Ltd v Cumberland Construction Company Ltd [2016] EWHC 285 (TCC)
- Larkfleet Ltd v Allison Homes Eastern Ltd [2016] EWHC 195 (TCC)
- European Dynamics SA v HM Treasury (sued as Buying Solutions) [2009] EWHC 3419 (TCC), [2010] Eu LR 397, (2010) 26 Const LJ 191 and 128 Con LR 36
- Avoncroft Construction Ltd v Sharba Homes (CN) Ltd [2008] All ER (D) 411 TCC, (2009) 119 Con LR 130

Publications & Papers

- Co-author of Keating on Offshore Construction and Marine Engineering (2015)
- Contributor to the Construction Law Reports
- Researcher, Keating on Construction Contracts 9th Edition (2012)
- Researcher, Keating on Construction Contracts 8th Edition 1st Supplement (2008)