

**Keating Chambers**  
15 Essex Street  
London  
WC2R 3AA

DX: LDE 1045

**T** +44 (0)20 7544 2600  
**F** +44 (0)20 7544 2700  
**keatingchambers.com**

**KEATING**  
CHAMBERS



## ROSEMARY JACKSON QC

**Call:** 1981 / **Silk:** 2006

**rjackson@keatingchambers.com**

### Areas of practice

- Mediation & Conciliation
- Arbitration
- Adjudication

### Clerks' Details

**Declan Redmond**

**T:** +44 (0)20 7544 2616  
**E:** dredmond@keatingchambers.com

**Claire Thomas**

**T:** +44 (0)20 7544 2610  
**E:** claire.thomas@keatingchambers.com

### Practice overview

Since November 2014, Rosemary Jackson has been in full-time practice as a Mediator, Conciliator, Adjudicator and Arbitrator. This follows a successful practice at the Construction Bar from 1983, when she joined Keating Chambers as the first female specialist building counsel at the English Bar, until October 2014. Rosemary was appointed as Queen's Counsel in 2006.

#### Mediation and Conciliation

Rosemary has been an accredited mediator since 2001 and has built up a first class reputation as a personable and user-friendly mediator of domestic and international commercial disputes of all types. She is featured as a Leading Silk for construction mediations by Legal 500, 2014 and listed in Band 2 (Mediation) by Chambers and Partners UK and UK Bar Guides 2015, having been ranked as a mediator since 2010. Rosemary is consistently listed as one of the world's leading Commercial Mediators in the International Who's Who Legal: Commercial Mediators 2015. She is also listed as a leading Barrister (mediation) in Who's Who Legal: UK Bar 2015.

Her background in construction litigation, combined with good preparation, enables her to identify the issues incisively. This enables her to reality-test the parties' cases and assist them in evaluating their strengths and weaknesses. Rosemary's approach is adaptable, and as well as facilitation she is able to deploy a blend of facilitation and evaluation to suit the particular mediation. Where invited (and if appropriate) she is willing to assist the parties by making evaluations, recommendations or post-mediation assessments.

Rosemary's approach is highly commercial. She has mediated disputes up to £200m and between up to 8 parties. Many complex or multi-party mediations benefit from Rosemary's ability to case-manage the dispute and participate in a structured mediation process over a number of months.

Feedback shows that Rosemary is much appreciated for her calmness and patience but also her tenacity. She understands that parties sometimes need time and patience to make the necessary move to clinch a deal but also that there are times when firm handling is needed to help them bridge the seemingly unbridgeable final gap. She is excellent at injecting a little humour when necessary, to relieve the tension. She is also mindful that it must be the right deal for the parties, and not one which they feel bullied into.

- CEDR-accredited and registered Mediator since 2001
- CEDR Solve panel Mediator
- ResoLex Construction panel Mediator
- Bengal Chamber of Commerce panel Mediator
- TECBAR panel mediator
- Kuala Lumpur Regional Centre for Arbitration panel Mediator
- Member of Civil Mediation Council
- Project Advisor to ENGI Participatory Peacemaking Project for Cyprus

---

*“A highly effective mediator who provides clear, concise and commercial advice.”*

Chambers UK Bar, 2015

---

#### Adjudication

Rosemary is very experienced in acting as an adjudicator. She is a member of the CEDR and TECBAR Construction Adjudication Panels and has recently adjudicated disputes in relation to power, railway, motorway infrastructure projects and construction disputes. She has been appointed by the Chairman of the Bar to sit on a Joint Tribunal to determine a fees dispute between solicitors and counsel.

- CEDR Construction Panel Adjudicator
- TECBAR panel Adjudicator
- Kuala Lumpur Regional Centre for Arbitration panel Adjudicator
- Named Adjudicator and expert panel member in numerous PPP/PFI/BSF and other major projects

#### Arbitration

Whilst at the bar, Rosemary successfully represented many clients in arbitration. Rosemary also acts as an arbitrator, with experience as a sole arbitrator and of appointment to a 3-person ICC arbitral panel.

- Member of Society of Construction Arbitrators

#### Previous Experience

Whilst in practice at the Bar, Rosemary Jackson specialised in the field of construction, engineering, professional negligence and commercial/contract law, including advice and advocacy in relation to litigation and arbitration, adjudication and mediation, and contract drafting. She appeared as an advocate in Courts at all levels and before a wide range of adjudicators and arbitrators, as well as in appeals or challenges against arbitration decisions. She represented local authorities, the Treasury Solicitor, contractors, sub-contractors, developers, property owners and purchasers, and professionals, including architects, engineers and surveyors. She gained considerable experience of advisory work and litigation arising out of party wall matters. Rosemary was consistently ranked in Legal Experts, Legal 500 and Chambers and Partners for Construction Law.

---

She is experienced in standard forms of building, engineering and process engineering contracts, including design and build, JCT, FIDIC, NEC, PPP, PFI projects and government supply contracts.

Rosemary also sat until recently as a Recorder in the Crown Courts, where she was authorised to try Serious Sexual Offences.

Having moved to full time ADR work, Rosemary no longer accepts instructions to provide services as a barrister.

---

## Recent Cases

---

### Commercial (non-construction) mediations

- Multi-party dispute concerning follow-on claims for damages consequent upon OFT finding of abuse of dominant position.
- Claim for misrepresentation and breach of warranty in relation to due diligence processes for Sale and Purchase Agreement.
- Breach of copyright claim in relation to housing development.
- Breach of confidentiality claim in relation to introduction to a land purchase opportunity.
- Dispute concerning alleged shortfall in throughput achieved by design and supply of a dry batching mixing and blending systems for foodstuffs.
- Dispute concerning liability for fines imposed by the European Court for anti-competitive (cartel) practices.
- Disputed success fee on settlement of major insurance litigation.
- Dispute related to validity of market research data.

### Conciliation

- Conducted a conciliation over 6 weeks in relation to the termination of a prestigious civic regeneration project.
- Conducted ICE conciliation in respect of adverse physical conditions encountered during demolition works.

### Construction mediations

- Several disputes up to 6 parties and £160m arising from settlement of concrete slabs/piles in industrial premises.
- Disputes relating to heave and environmental damage to waterways and SSSIs as a result of using steel slag fill.
- Final account disputes.
- Delay and disruption claims – JCT, NEC and bespoke contracts.
- Alleged design and construction defects in curtain-walling, overcladding, thermal insulation, roofs, air-conditioning, windows, kitchen equipment, acoustics, drainage.
- Asbestos removal.
- Non-compliance with conditions of planning permission.
- Payment dispute under Term Contracts pursuant to Framework Agreement.

### Energy (onshore and offshore, oil, gas, electricity) mediations

- Mechanical equipment and pipework installation and erection for a Fischer Tropsch design reactor – compensation events (NEC3).
- Subsea pipeline trenching and backfilling dispute – site investigation information.
- Dispute relating to cathodic protection to undersea oil pipeline.

### Engineering (civil, structural, process, mechanical and electrical) mediations

- Delays and compensation claims (NEC), final account disputes (FIDIC, FCEC).
- Design of dehumidification and air-conditioning plant, ventilation and smoke/fire safety systems.
- Alleged negligence in carrying out non-destructive survey to locate underground features, interpretation of standard terms and conditions.
- Disputed responsibility for defects in lift installation in a school.
- Disputes relating to ground engineering, site investigations, anchor piling works, combi-piles and diaphragm walls.
- Dispute relating to scope of design requirement in project management of the M & E works in a design and build contract for a military field hospital.
- Dispute relating to performance of baggage handling/security screening equipment.
- Dispute relating to ground and surface water design, and landslips during conversion of a disused quarry to landfill site.

### Facilitation

- Facilitated a 3-party commercial settlement meeting under an NHS PFI contract.
- Facilitated at 3 day workshop for Greek Cypriot and Turkish Cypriot business leaders, politicians and leaders of civic society promoted by Engi and UNDP under the Participatory Peacemaking Project for Cyprus.

### Insurance mediations

- Dispute concerning construction of Professional Indemnity policy and extent of cover.
- Claim by contractor against Professional Indemnity insurers for indemnity against sums paid to employer in respect of alleged negligence in design of conversion of derelict institutional building – sub-floor ventilation.
- Claim by buildings insurer against surveyor in respect of excessive rebuilding costs due to negligent design and contract administration.
- Dispute concerning the consequences of a piling rig overturning.

---

*“she’s instinctively capable and like a lot of the better mediators, there’s a touch of humility about her, which can make all the difference between being good and being great.”*

Chambers UK Bar, 2015

---

### International mediations

- Disputes up to 5 days’ duration relating to projects in Libya, Azerbaijan, South Africa, India, Madagascar, Jordan, Saudi Arabia, Georgia, Afghanistan, West Indies, Cayman, Rwanda.

### Party Wall mediations

- Protracted dispute between individual householders about validity and correctness of party wall award, quantum of compensation, ancillary issues.
- 8-party dispute concerning party wall awards, boundary dispute and 5 separate professional negligence claims.

### **PFI mediations**

- Facilitated legal workshop in relation to a dispute arising out of cancellation of a PFI project.
- Disputed sub-contract formation for mechanical and electrical works (PFI).
- Dispute concerning calculation of contribution payable towards Unitary Service Charge (USC) under a PFI project.
- Evaluation and mediation of a dispute concerning alleged design defects in a PFI hospital re-development.
- Dispute concerning defects in BSF PFI Schools construction.

### **Process Plant mediations**

- Alleged defects in design and construction of sequencing batch reactor.
- Disputed variations in sub-contract for supply and installation of chemical dosing rig.
- Disputed final account for construction of desalination plant.
- Alleged defects in water evaporation and pH correction plant for volume reduction of hazardous waste water.
- Dispute concerning termination of a contract for installation of a biofuels plant.
- Dispute concerning Microbially Induced Corrosion (MIC) due to SRB in condenser.
- Alleged negligence in provision of COMAH report.
- Disputes relating to performance of anaerobic digesters.

### **Professional negligence mediations**

- Allegedly negligent performance of architects, engineers and quantity surveyors' duties.
- Solicitor's negligence – failure to issue proceedings in time.
- Solicitor's negligence – drafting of settlement documentation in divorce proceedings.
- Solicitor's negligence in conduct of TOLATA proceedings.
- Alleged negligence by architects in advising prospective developer prior to land purchase.
- Alleged negligence by architects providing design services to design and build contractor – delay and alleged defects.
- Alleged negligence and breach of contract in carrying out asbestos surveys and COMAH reports.
- Alleged negligence by Party Wall surveyors and engineers.

### **Transport (rail and underground infrastructure and rolling stock) mediations**

- Claim for increased costs under contract for disposal of contaminated spoil from civil engineering works to improve underground railways – hazardous and non-hazardous waste.
- Claim for damage to railway infrastructure due to water run-off from adjacent quarry.
- £200m dispute in respect of compensation events and other issues in relation to a major railway infrastructure project.

### **Tribunal Appointments**

- Appointed by an Italian Contractor as part of a three person tribunal in an ICC Arbitration regarding a dispute in relation to a Hydro Electric Power plant in Africa.
- Named Adjudicator for a schools PFI contract relating to the provisions, servicing and maintenance.
- Acted as Adjudicator in a dispute on a point of contractual interpretation between a top 10 Contractor and a Water Company regarding a Bio Solids Dryer project.
- Acted as Adjudicator in four separate Adjudication Decisions regarding legal and technical issues relating to an automated handling plant for picking goods to fulfil delivery orders.
- Acted as adjudicator in dispute relating to preparatory works for Crossrail.

- Appointed by ICC and LCIA as Mediator in cross-border disputes.
- Acted as sole Arbitrator in respect of construction dispute.
- Appointed by Chairman of the Bar to Joint Tribunal to determine fees dispute between solicitors and Counsel.
- Appointed as Adjudicator in two separate disputes relating to power supplies under Framework Agreement.

#### Water mediations

- Dispute re water damage to properties under construction, allegedly due to escape of water during mains diversion, or from leaking.
- Alleged defects in design and build of sewage treatment works – dosing and odour control.
- Sewer collapse – effect of pre-existing condition of sewer and/or overlying spoil heaps.
- Subsidence after alleged blockage of surface water drain.
- Damage to, and blockage of, deep sewer after compression grouting – dynamic probing, protection of buried services – construction of contract.
- Responsibility for supply and payment of water supplies to industrial estates, method of charging.
- Design and construction of plant producing polished water.
- Disputes relating to compensation events in installation of pump shafts and water mains under NEC3 form of contract.

## Education & Professional Career

LL.B. (Hons), King's College, University of London	1980
Associate of King's College (AKC)	1980
Called to the Bar (Middle Temple)	1981
Awarded Benefactors Scholarship by Middle Temple	1981
Keating Chambers	1983
CEDR Accredited Mediator	2001
CEDR Mediator Panel	2002
Crown Court Recorder	2002
Queen's Counsel	2006
CEDR Adjudicator Panel	2008
Tecbar Adjudicator and Mediator Panels	2011
Approved Mediator, Kuala Lumpur Regional Centre for Arbitration	2014
Approved Arbitrator, Kuala Lumpur Regional Centre for Arbitration	2014
Full time Mediator, Conciliator, Adjudicator and Arbitrator	2014

## Memberships

Technology and Construction Bar Association (TECBAR)  
 Commercial Bar Association (COMBAR)  
 Society of Construction Law  
 Society of Construction Arbitrators

---

## Seminars, Publications & Papers

---

**Keating Chambers Mediation Guide** Rosemary Jackson QC December 2011

**Mediation, And Some Tips For Getting The Best Out Of It** Rosemary Jackson QC January 2011

**Mediation: Some Do's and Don'ts** Rosemary Jackson QC 1st July 2005

---

### Client feedback

---

- "As you know, we work with many mediators from all around the world, but your responsiveness, attention to detail, care and follow-ups were just outstanding".
- "The parties instructed Rosemary to act as mediator in June 2012 to assist in settling a breach of contract and misrepresentation dispute over technological equipment used in a processing plant. She was excellent and helped achieve a great settlement. The Claimant and Defendant have ongoing separate contractual relationships and Rosemary was fantastic at negotiating a settlement without inflaming the parties, so that their other business activities could continue despite the claim at hand. Rosemary had a sound grasp of the technical data and legal/factual issues in dispute. She has a wealth of experience and adopts a commercial approach to mediation, taking on board the parties issues and providing sensible advice and guidance through the day. My clients were particularly pleased as they did not feel under any pressure to settle at a point beyond their bottom line, however, the common sense approach adopted by Rosemary in dealing with the offers passing back and forth resulted in a satisfactory settlement for both parties. Rosemary has a fantastic reputation and it is well deserved. Both I and my clients will definitely instruct Rosemary in the future".
- "Thank you for working such miracles yesterday. You succeeded where [my client and I] had failed over the last 2 years! We are immensely grateful".
- "Both counsel and I remarked that of all the mediations we have recently been to this was the one where we were most impressed with the mediator."
- "I don't think I've been in a mediation before where the mediator added so much value. So "well done".
- "My client and their team were really positive about the experience of having you as mediator and maintained that positive attitude throughout the two day process. Thank you for your hard work and for keeping up such a pace! It was the most active mediation I have ever been in! I will recommend you to my colleagues and look forward to working with you again."
- "[the client] had no expectations as the parties were so entrenched so the fact that the parties reached a settlement is extreme credit to the mediator. He was enormously impressed with her - her manner was spot on throughout the day. She made it feel as though the parties were leading, obviously they weren't but it was done in a charming way you couldn't help but to go with it. The mediator drove it forward. She was well-prepared and knew the case inside out at the start of the day, she asked the parties "How can I best help you to achieve a settlement position?". Although there was still a gap between the parties towards the end, the mediator gave her perspective on an appropriate settlement figure (with the parties' consent) . This helped focus the parties, the actual settlement figure was almost the same figure."
- "Clients very impressed by you as mediator (as was I), and pleased with settlement. I have to say I think you should put it into one of your "settled the unsesttable" case studies. You really were very good indeed. Excellent level of preparation. [My lay and professional clients] were enormously impressed by the depth of knowledge, your familiarity with the various reports, but also that you had a proper understanding of the overall picture of the case. Your delivery of the [requested] evaluation was also very impressive. You exuded an air of such complete confidence in yourself, your knowledge, your expertise and the process that it all seemed very easy. As regards sensitivity to commercial issues, this was brilliantly done - [the clients'] confidence and trust in you were cemented by your approach, and they really felt that you had understood their position".
- "Rosemary had a good grasp of all the relevant facts and the law. Her style was dynamic and helpful. She clearly aimed to make sure no stone was left unturned. She was friendly, yet firm. This was highly appropriate to the mediation, inter alia as it involved insurers. The mediator helped to keep the litigation risks and the economics of the situation at the forefront of everyone's minds.

What could have been done better? – To be fair, little. It was a sound and professional facilitation. I would use the mediator again and I have recommended her frequently since.”

- “Delighted. She really understood what was going on. She was able to assess the fact of the cases – we were miles apart. She was optimistic for a settlement from the start and we didn’t believe her but there we were. I would definitely use her again. I wanted somebody who would get to grips with the lawyers.”
- “You were great. Best mediator I have worked with”.
- “We’ve been involved in a number of large and lengthy mediations over the last few years and, as it happens, you are the best mediator I have dealt with in Scotland and England so far”.
- “My clients and the whole team have nothing but admiration for the calm, firm and resilient way in which you dealt with what must have appeared to have been an intractable dispute and entrenched parties. Although I had explained to my client that mediation works even in the most difficult of circumstances there were times when I really thought that we would not conclude an agreement. That we did is down to your skill and steel.”
- “You kept going when I’m pretty sure both parties had given up and for that I am eternally grateful. You managed to resolve a situation in 6 hours that had been going for 20 months which is a testament both to the mediation process and your expertise. Without your help I would no doubt have been bankrupted by the cost of the litigation process and would have had to have gone through another year or two of legal hell. Thank You doesn’t seem to be enough”.
- “Rosemary – you were brilliant. Really, really appreciated your approach and input. I have done about 40+ and you were way up there as absolutely “magic”. [The client] liked/respected you and that was the clincher”
- “My view is that of all the barristers on the construction law mediation circuit Rosemary is one of the most effective”.
- “You did a wonderful job yesterday. You did not have an easy task, yet you managed to start a momentum and kept it going to a successful conclusion, by applying just the right amount of pressure when necessary, and comforting very tired, weary, and hungry people as the day wore on – and all without showing any signs of fatigue or frustration.”
- “I would like to thank you for the part you played in this settlement and for the competent and professional manner that the mediation was run. I must say I was a little dubious about reaching a settlement to begin with as a previous encounter with mediation had left me unimpressed. In retrospect, although time consuming it definitely beats arbitration, etc. On the whole ... to say you impressed me greatly is an understatement. You knocked my socks off!”
- “You possess some special qualities which make the process of mediation calm with down to earth humanity, and I thank you very much for this. Whilst the whole litigation process has been a very wearing one for me I can honestly say you helped me with focusing on the issues to consider. At long last I feel the burden on [us] is now released so that we can get on with our lives”.
- “Very many thanks for the way you dealt with things at the mediation and subsequently. You were very busy and proactive during the day (something that we do not see in all mediators) and I think that intensity of effort really helped bridge the gap between the parties. ”

---

## Additional Information

---

Rosemary’s interests include international conflict resolution. In 2012 she was a member of the OSCE monitoring team for the Armenian Presidential elections. In 2013 she was one of 3 facilitators of a 3-day peace-making workshop for Cyprus, sponsored by the UNDP.