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MATTHEW FINN

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Areas of practice

- Construction & Energy
- Profession Negligence
- Alternative Dispute Resolution

Clerks' Details

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Practice overview

Matthew Finn has specialist expertise in the resolution of disputes arising in the construction, engineering and energy industries. His practice includes led work in highly-complex disputes in the TCC, with recent examples including ***Biffa West Sussex v MW High Tech Projects UK Limited*** and ***Co-Operative Group v Birse Developments Limited***. Matthew also has substantial experience as sole counsel, both advising on and appearing in multi-track and fast-track cases before the High Court and in the County Courts. Recent examples of Matthew's work as sole counsel include a successful claim for an adjudicator's fees in the TCC in London in the matter of ***Kitt v TLB*** [2014] EWHC 4250 (TCC) and the successful defence of a complex construction claim in a multi-track trial. Matthew has considerable experience of all major standard form construction and engineering contracts, including JCT, FIDIC and NEC3. He is adept at resolving disputes through litigation, as well as adjudication, mediation and arbitration. Moreover, he is a contributor to the forthcoming edition of ***Keating on Construction Contracts***.

Building upon his work in the construction, engineering and energy sectors, Matthew's practice incorporates a large and ever-increasing amount of work in other areas of commercial dispute resolution. In that regard, Matthew is regularly instructed to advise and represent clients in disputes concerning the sale of goods, insurance, procurement, conflict of laws and sports law matters.

Recent examples of such work include:

- Advising a commercial party in relation to a restitution claim arising from the sale of a largescale pharmaceutical plant
- Representing a high-profile football club in a claim for agency fees arising out of a player transfer agreement
- Advising a commercial party on the recovery of sums under a product liability insurance policy relating to damage to a bank in Zurich

Through his considerable experience of resolving commercial disputes of the type described above, Matthew is adept at handling all commercial disputes that require both specific industry awareness and an in-depth knowledge of the law of contract, tort and restitution.

In each of the cases he is instructed upon Matthew combines incisive legal analysis of the issues involved with a pragmatic approach to dispute resolution, which takes account of the commercial reality of the parties' relationship and the commercial client's particular objectives.

Recent Cases

Construction & Engineering

- *Biffa West Sussex Limited v MW High Tech Projects UK Limited (TCC)* - For the Claimant (with Marcus Taverner QC & Jonathan Lee QC) in proceedings relating to the design and construction of a mechanical biological treatment plant in West Sussex.
- Acted for a property owner in successfully defending a factually and legally complex payment claim in a multi-track trial, arising out of substantial property development project.
- *Kitt v The Laundry Building Ltd [2014] EWHC 4250 (TCC)* - For the Claimant in a successful application for summary judgment in respect of unpaid adjudicator's fees and expenses in the TCC in London.
- Acting for a specialist contractor in successfully defending, at trial, a claim founded upon alleged breaches of contractual design and/or workmanship obligations.
- For the Defendant building contractor in proceedings concerning allegations of defective design relating to an offshore wind farm on the east coast of England.
- *Rendlesham Estates Plc v Barr Limited (TCC)* - For the Claimant (with Jonathan Selby) in proceedings relating to the development of 120 apartments in Leeds city centre, alleged to be unfit for habitation for the purposes of the Defective Premises Act 1972.

Amongst other matters, Matthew has also recently advised in relation to:

- Appropriate wording for incorporation into a contractual indemnity, relating to ongoing construction works;
- Limitation and merits in a claim concerning large-scale construction works;
- Effectiveness of a pay less notice;
- Termination of a JCT standard form contract;
- A prospective claim for loss of UK Government Feed-in Tariff payments for photovoltaic energy generation; and
- Adjudication enforcement proceedings.

Professional Negligence

- For the Claimant business owner in a case concerning its solicitors' failure to instigate legal proceedings within a contractually mandated limitation period.
- For the Defendant architect in proceedings concerning professional negligence in the provision of architectural services.
- Advised the Claimant employer on limitation issues arising in respect of a prospective professional negligence claim that related to the provision of architectural services.

Alternative Dispute Resolution

Arbitration

- For the Respondent hotel owner in LCIA proceedings relating to the construction of a hotel in Libya.
- For the Claimant specialist contractor in ad hoc proceedings relating to the design and construction of headquarters for a boutique financial firm based in Jersey.

Adjudication

- For the Referring Party employer in a multi-million pound commercial claim for liquidated and ascertained damages and damages at common law.
- For the Referring Party plant owner in proceedings relating to the design and construction of a waste treatment plant in southern England.
- For the Responding Party contractor in a claim for payment pursuant to contract relating to office fit-out works.

Mediation

- For the Claimant building association in the successful mediation of an insurance dispute in proceedings raising issues of non est factum.
- For the Claimant adjoining home owner in the successful mediation of a dispute under the Party Wall Act 1996.

Professional Career

Tenancy, Keating Chambers	2013
Pupillage, Keating Chambers	2012
Call, Lincoln's Inn	2011

Education

BPTC, City University	2011
Graduate Diploma in Law, City University (Distinction)	2010
MA (Cantab), St. Catharine's College, Cambridge (First Class) – ranked 3rd in year	2009

Scholarships & Prizes

Lord Denning Scholarship, Lincoln's Inn	2011
Finalist, Blackstone Chambers Mooting Competition	2011
Hardwicke Scholarship, Lincoln's Inn	2010
Thomas Hobbes Scholarship, St. Catharine's College, Cambridge	2009
Gooderson Scholarship, St. Catharine's College, Cambridge	2009
Arthur Andersen Prize, St. Catharine's College, Cambridge	2009

Memberships

Commercial Bar Association
Technology and Construction Bar Association
Young Fraud Lawyer's Association

Seminars, Publications & Papers

- **Net Contribution Clauses.** Article considering judicial treatment of net contribution clauses in professional appointments, by which professionals increasingly seek to modify their common law joint and several liability.
 - **Denton: Mitchell Clarified and Amplified.** Article considering the import of the Court of Appeal decision in *Denton v White* [2014] EWCA Civ 906 in relation to relief from sanctions applications under CPR r. 3.9.
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Recent Reported Cases

- *Gary Kitt and EC Harris v The Laundry Building Ltd and Etcetera Construction Services Ltd* [2014] EWHC 4250 (TCC)
 - *NATS (Services) Limited v Gatwick Airport Limited* [2014] EWHC 3728 (TCC)
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Languages

French (conversational)
Italian (basic)
German (basic)

Additional Information

Matthew is a keen sportsman, and regularly plays football, tennis and golf, in that order of ability.
