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DAVID SHEARD

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Areas of practice

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

Clerks' Details

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Practice overview

Since joining Keating in 2010, David has developed a busy and wide-ranging practise, encompassing all key areas of Chambers' expertise including construction, adjudication, energy and professional negligence work. He has worked with numerous standard-form and bespoke contracts, including FIDIC, NEC3, PFI, SFA/99, ACE, RICS and many of the JCT forms (past and present), providing advice to individuals ranging from private home-owners to large property-development companies. He also has substantial court experience, having represented various clients in the County and High Courts both for interim applications and at trial.

In addition, David has been instructed on numerous occasions as junior counsel in larger construction disputes, notably having been instructed in two separate arbitrations arising out of wind farm projects, with sums in issue of £300 and £100 million respectively. He enjoyed taking on a high level of responsibility in these cases, including drafting witness statements, opening submissions, closing submissions and cross-examination for discrete areas of the claim worth in excess of £2 million. Building upon this experience, more recently David worked for a number of months as junior counsel to Marcus Taverner QC in *Accolade Wines Limited v GJ3 Limited* and others, a complex multi-party dispute which was one of the biggest cases to come before the TCC in recent years.

David has also worked internationally, most recently having spent time in Doha in connection with a substantial arbitration there.

Recent Cases

Construction & Engineering

- Instructed as junior counsel to Marcus Taverner QC in *Accolade Wines Limited v GJ3 Limited and others*, a claim arising out of defects at a wine distribution warehouse which was listed for an 8 week TCC trial with sums in issue in excess of £150 million. The claim settled during the second week of trial.
- Instructed as junior counsel to Stephen Furst QC to prepare urgent proceedings to injunct a call on a performance bond in excess of EUR 24 million.
- Instructed as junior counsel to Marcus Taverner QC to provide advice in connection with termination for Contractor Default under a PFI contract.
- Instructed as junior counsel in an ICC arbitration concerning a construction project in Doha, Qatar (claim value £350m).
- Instructed to appear in fast and multi-track trials in the county and high courts concerning various issues including allegedly negligent project supervision, defective stonework and defective tiling works.
- Instructed to appear in a wide range of interlocutory applications in the county and high courts including for summary judgment, strike out, case and costs management, relief from sanctions, setting aside default judgment, stay of execution, stay to arbitration and security for costs.
- Instructed as junior counsel in arbitration proceedings arising out of delays and cost overruns on a wind farm project (claim value £300 million), focussing in particular on expert evidence in respect of delay and quantum.
- Instructed as junior counsel in arbitration proceedings concerning various disputes arising out of a wind farm project (claim value £100 million).
- Instructed by the Government Legal Department to prepare various aspects of the defence in a long-running arbitration against a government department.
- Instructed to advise in respect of the application of a full range of JCT contracts and sub-contracts including Design and Build, Standard Form, Intermediate and Minor Works.

Energy & Natural Resources

- Instructed as junior counsel in arbitration proceedings arising out of delays and cost overruns on a wind farm project (claim value £300 million).
- Instructed as junior counsel in arbitration proceedings concerning various disputes arising out of a wind farm project (claim value £100 million).

Professional Negligence

- Instructed as junior counsel to Marc Rowlands QC in connection with a domestic arbitration against an architect (who was contractually responsible for a multi-disciplinary team) for allegedly inadequate design, M&E design co-ordination and preparation of bills of quantities (seeking to pass on elements of a larger settlement with the contractor, with a claim value in excess of £4 million).
- Advising on and defending proceedings in a six-figure professional negligence claim against an architect and project supervisor.
- Instructed on behalf of a school in connection with a domestic arbitration against an architect for various defects in the construction of a new building (claim value c £300,000).
- Instructed in a TCC claim against a quantity surveying firm for negligence in the negotiation and conclusion of a construction contract (sum in issue c £500,000).
- Settling proceedings in a professional negligence claim against an architect and an engineer in respect of a defective retaining wall (claim value £50,000).
- Settling loss of a chance proceedings against a solicitor in respect of a claim which had been allowed to become time barred.

International Arbitration

- Instructed as junior counsel in arbitration proceedings arising out of delays and cost overruns on a wind farm project (claim value £300 million).
- Instructed as junior counsel in arbitration proceedings concerning various disputes arising out of a wind farm project (claim value £100 million).
- Instructed as junior counsel in connection with an ICC arbitration concerning a construction project in Doha, Qatar (claim value £350m).
- Instructed by the Government Legal Department to prepare various aspects of the defence in a long-running arbitration against a government department.
- Instructed as junior counsel to Marc Rowlands QC in connection with a domestic arbitration against an architect (who was contractually responsible for a multi-disciplinary team) for allegedly inadequate design, M&E design co-ordination and preparation of bills of quantities (seeking to pass on elements of a larger settlement with the contractor, with a claim value in excess of £4 million).
- Representing a contractor in an application seeking a stay to arbitration.
- Applying to Court for urgent relief under s. 44 of the Arbitration Act 1996.

Adjudication

- Preparing various aspects of the response and a witness statement in connection with a final account dispute which was referred to adjudication (claim value £5 million).
- Drafting the Response to a referral claiming damages for termination of a contract for the construction of a basement conversion (claim value £45,000).
- Drafting the Notice of Adjudication and Referral Notice for an adjudication arising out of a final account dispute under an NEC3 Contract (claim value £150,000).
- Drafting the Notice of Adjudication and Referral Notice for an adjudication in respect of compensation events and release of retention under an NEC3 Contract (claim value £80,000).
- Drafting the Notice of Adjudication and Referral Notice for an adjudication arising out of the termination of a contractor's employment under a JCT Design and Build Contract (sum in issue £600,000).
- Drafting the Notice of Adjudication and Referral Notice in a claim for certified sums which remained unpaid under a JCT Minor Works Contract.
- Drafting the Response in an adjudication arising out of a final account dispute (claim value £85,000).
- Instructed in proceedings to enforce adjudicators' awards and to advise on the prospects of resisting enforcement.
- Seeking a stay of execution against the enforcement of an adjudicator's award in circumstances in which the successful party had become insolvent but had since assigned the benefit of the Order to a third party.

Education & Professional Career

TECBAR-Accredited Adjudicator	2013
Tenant, Keating Chambers	2011- Present
Pupil, Keating Chambers	2010-2011
Bar Vocational Course, BPP (Very Competent)	2009-2010
LLM, St. John's College, Cambridge (1st Class, 4th in year)	2008-2009
Cunningham Scholarship, St. John's College, Cambridge	2009
Wright Prize, St. John's College, Cambridge	2009
Lord Denning Scholarship, Lincoln's Inn	2008

Hardwicke Scholarship, Lincoln's Inn	2008
MA (Law), St. John's College, Cambridge	2005-2008
Mears Scholarship, Warwick School	2005

Languages

German (basic)

Additional Information

David is a keen musician and sportsman. He plays the piano and violin, played University tennis at Cambridge and also enjoys skiing.