

WELCOME

to the Winter 2019/2020 Edition
of KC LEGAL UPDATE



In 2018 the rapper, Jay-Z, had a brush with the arbitration community in New York. It turned out that there were only three African-American arbitrators on the roster maintained by the American Arbitration Association ("the AAA") - and one of these had already been retained by the opposing side as counsel. Jay-Z's lawyers secured an injunction which temporarily restrained further proceedings in the arbitration on the footing that the AAA's procedures arguably deprived him of equal protection under the law and equal access to justice.

The case serves to remind us of diversity problems closer to home, where women and Black, Asian and Minority Ethnic ("BAME") students are at a disadvantage. In that context, we at Keating Chambers claim to have made some progress. With our international members, we can boast members who have a genuine understanding of cultures from the Caribbean to Ireland, Scotland, Nigeria, South Africa, the Middle East, the Far East, Malaysia and Australia. Moreover, we have a strong tradition of successful women. Our alumni include Mrs Justice O'Farrell and Mrs Justice Jefford. Currently, we have a flexible working culture that has enabled several women (and men) to enjoy both their families and professional life.

But there is more work to do. In the event, Jay-Z achieved speedy redress to his grievances. For the arbitration in question, the AAA appears to have agreed to put aside its roster. It seems eventually to have put forward some 18 African-American arbitrators for consideration. And it seems to have agreed to take various steps to improve the diversity of its roster for use in future arbitrations. In our case, since it is essentially one of recruitment, we cannot hope to match such speed. Rather, we must settle in for a longer campaign.

To that end, we are engaged in a number of initiatives. Our recruitment procedure now includes a contextualised scoring system that identifies outperformers, irrespective of whether they went to state of independent schools. Members of Chambers participate in the Bar Placement Scheme that pairs talented sixth form students, from non-traditional backgrounds for the Bar, with practising barristers. Krista and Abdul are founding members of the TECBAR BAME Network, whose objectives include enhancing BAME inclusion, participation and progression at the Technology and Construction Bar, judiciary and arbitral practice and in the wider Commercial Bar and to provide support and mentoring for aspiring barristers.

In all this, our objective is clear. We hope that, with initiatives such as the formation of the BAME Network and with an enlightened approach, exemplified by the introduction of contextualised assessment, we will eventually become truly inclusive.

By John Marrin QC and Krista Lee



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