



WILLIAM WEBB KC

Q&A

William Webb KC, who took silk earlier this year, is described as a “brilliantly analytical barrister” whose advocacy is “elegant and persuasive”. He has a strong track record in handling claims relating to defects, variations, delay and disruption across a wide range of projects, from residential developments to large-scale infrastructure ventures. He is also knowledgeable and experienced in fire safety matters, particularly in cladding disputes, and has been involved in the Grenfell inquiry. William frequently appears in the Court of Appeal, TCC, Commercial Court and Chancery Division, as well as substantial international arbitrations. He is also a TECBAR accredited adjudicator and has received appointments as adjudicator and arbitrator in both domestic and international disputes.

As a construction barrister, what are some of your career highlights?

That's a difficult question because in many ways it's the variety of the work we do which is so appealing. All my trips to the Court of Appeal have been highlights because you end up arguing points of important principle in front of a tribunal of three of the most able judges you will encounter. Cases like *Balfour Beatty v Grove* [2016] EWCA Civ 990 and *BDP v Standard Life* [2021] EWCA Civ 1793 were great cases to be involved in as they developed the law and practice in our field.

However, above all it's the trials that I enjoy. That's the real sharp end of your practice as a construction barrister where everything you've done on the case to date is tested. Your pleadings will be scrutinised, your review of the evidence validated, your advice tested and, of course, your advocacy may be the difference between your client winning and losing. They're the most stressful part of our work, but also the most rewarding.

What guidance would you offer law students aspiring for a career at the commercial Bar?

I think the main tip I would give to all law students who want to enter commercial law is to read the cases. When studying law for the first time, there is always a temptation to just rely upon case summaries and nutshells. The case reports seem long and daunting, particularly lengthy Supreme Court decisions with dissents. However, reading the cases properly builds up an innate understanding of how legal principles operate and how judges think, which is indispensable as you progress. A detailed understanding of how judges reason in their decisions will help an aspiring commercial barrister get the degree result that they need to boost their application forms, help them address and answer questions at pupillage interview and finally help them to flourish and succeed during pupillage and tenancy.

A major part of being a barrister is predicting what judges or tribunals will do. What they will think are good points and what they will think are bad points. This applies not just when giving advice on the merits of a case, but also more generally. Every submission you make, every counterpoint you prepare for, every question you ask a witness is with an eye on what you think will appeal to the ultimate decision-maker and what you think will not. You don't realise it at the time, but reading cases is the first step to building up that knowledge and enables you to hit the ground running when you do make it to the commercial Bar.

What are some of the realities and rewards of being a construction barrister?

I think most barristers live for the day where they have a great success at a

hearing. It may be a cross-examination where you have shown the witness to be unreliable, unrealistic, or even untruthful. With submissions, it may be a difficult application that you win as a result of having a strong answer to all the counterarguments thrown at you by the other side and the tribunal. For me, it was this side of the work that led to me deciding to become a barrister rather than a solicitor.

The realities, I suppose, are all the hard work which you don't see that goes into achieving those results. Cross-examination is all about preparation. You need to know the contemporaneous documents in the bundle better than the witness does. With experts you also need a sufficiently good understanding of the technical side of the claim so that you can adapt to or counter any answer given. With submissions, it is about following up the right questions for legal research and then predicting the likely questions that will be thrown back at you by the tribunal. This is especially true of the Court of Appeal where, with three potential interrogators, you are likely to spend a lot more time answering questions than actually making uninterrupted submissions.

I sit part time as a Recorder in the criminal courts, and a lot of the advocacy there is rather more instinctive. The prosecution may have little warning of what the defendant will say, and many witnesses will give surprising answers or simply not come up to proof. The dominant skill lies in adapting to the answers being given and revising the next questions in order to probe at potential lines of enquiry.

Construction disputes are the polar opposite of that. Everything is in writing and anything which isn't supported by the documents tends to be treated with a degree of scepticism. Statements and reports are detailed and prepared far in advance. This gives you a firm bedrock for the preparation of any case and, whilst you need to be able to adapt and adjust to the unexpected, all successful construction barristers will tell you that preparation matters above all else.

What is your most memorable construction case?

I suspect most people would answer this question by referring to their most exciting trip to the Supreme Court or Court of Appeal, but for me the memorable cases are the trials and, indeed, the smaller trials from when I was a baby junior. In those sorts of cases, even a thousand pounds here or there means a lot to the parties, particularly if it will affect who pays the costs of the proceedings. It's great acting for large multi-national corporations in disputes over mega-projects, but I really enjoyed the personal aspect of those sorts of disputes early in my career.

There was one trial in particular that will always stick in my mind. I won't name the parties or the opponents, but it was at Central London County Court, back when it was located on Park Crescent, before HHJ Bailey who was the resident TCC judge back

then. I was acting for the builder who was suing for unpaid work against a homeowner and every day brought a new issue which sometimes verged on the comical. One time a document was magically produced by my opponent from his bundle midway through cross-examination of his client. The document, which was not in anyone else's copy of the bundle, was unpaginated, not hole punched (but rather showed signs of having been forced over the lever arch prongs) and showed fresh biro indentations. It had all the hallmarks of a note of instruction from his client which was now being offered as a contemporaneous missing diary entry. Unsurprisingly, the Judge did not allow it in. Then there was the cross-examination of our surveying expert who was not tested on any of his evidence but instead simply asked to concede that facts are either true or false whereas opinions could legitimately differ.

Whilst it is, of course, far more civilised to be doing the high profile Court and arbitration work, I do somewhat miss the Wild West of the claims that I cut my teeth on back then.

If you could tell your younger self anything, what would it be?

When you've played yourself in, make the most of it and don't throw your wicket away.

There's no hidden meaning to that. I'd have given myself cricketing advice.

If you weren't a construction barrister, what would you be?

As you might be able to tell from the previous answer, I like to think I'd have been a professional cricketer. In truth, however, I was quite some way from that in terms of talent and I suspect it isn't a particularly rewarding career unless you are one of a handful of genuine stars. If I had my time again, I would quite like to have been an architect. There must be something intensely rewarding about seeing your own creation being erected, sometimes on a monumental scale, to form part of the built environment for years to come. But I suspect that in reality, I would have been a doctor. Having studied Science and Maths at A-level, I made a call between Medicine and Law at university and went with the latter.