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KEATING
CHAMBERS

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Isobel Kamber

Call: 2021

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Areas of practice

- Construction & Engineering
- Advocacy
- Professional Negligence
- Arbitration
- Energy & Natural Resources
- PFI/PPP
- Adjudication
- Insurance
- Procurement

Clerks' Details

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Practice overview

Isobel was called to the Bar in 2021 and became a tenant at Keating Chambers in 2022 following the successful completion of her pupillage.

Isobel has a broad and busy practice across Chambers' specialisms, including international and domestic cases, both as sole and junior counsel.

Notably, Isobel has been instructed:

1. As sole counsel in a TCC claim worth approximately £15 million, against the Developer of multiple housing developments across the UK which suffered from defects. The dwellings suffered with a range of defects, resulting in everything from water ingress to a lack of fire protection.
2. As junior counsel to William Webb KC in a £200 million ICC Arbitration concerning a project in the Middle East.
3. As sole counsel to advise and bring claims pursuant to the Building Safety Act 2022. For example, Isobel has advised in relation to (a) Building Liability Orders; (b) a developer's liability generally under the BSA; and (c) recovery of remediation costs from leaseholders under their service charge.

4. As junior counsel to Krista Lee KC in one of the Lawyer's top 20 cases – ***WM Morrisons Supermarkets Plc and Neerock Ltd v Lorien Engineering Solutions Ltd (dissolved), GP Strategies Ltd, John Sisk & Sons Ltd and J&E Hall Ltd.***

Isobel's accepts instructions on a wide range of disputes centered on construction, engineering, and energy. She works on cases involving a variety of standard form contracts, including the JCT, NEC, FIDIC and RIBA forms of appointment, as well as bespoke construction contracts, and PFI/PPP agreements. Further, Isobel has gained experience of various forms of alternative dispute resolution, including adjudication (contractual and statutory), arbitration (UNCITRAL, LCIA and ICC rules) and disciplinary tribunals under the Architects Act 1997.

Construction and Engineering

Sole Counsel

- **Advising on and acting in disputes concerning defective structures, for example:**
 - Acting for the insurer against the developer of multiple developments across the UK suffering from defects, seeking indemnification for the money it has paid out pursuant to various insurance policies. The dwellings suffered with a range of defects, resulting in everything from water ingress to a lack of fire protection. The claim's value was in excess of £15 million.
 - Acting for a sub-contractor in respect of alleged defects following the re-development of a block of flats. The defects resulted in water ingress and corrosion. The claim's value was in excess of £6 million.
 - Acting for the owner, developer and operator of hotels an international hotel chain for breach of contract against a building contractor for the supply and installation of defective screed. The claim's value was in excess of £10 million.
 - Acting for homeowners in a dispute concerning their structurally defective dwelling. The claim included, inter alia, claims under the DPA, new extended limitation period. The claim's value was in excess of £3.5 million.
- **Advising on and acting in claims concerning delay to works, for example:**
 - Acting for a main contractor seeking liquidated damages for delay attributable to the sub-contractor. The main contractor was successful in obtaining approximately £1.5 million in liquidated damages.
 - Acting for a sub-contractor defending a claim for liquidated damages by the main contractor on the basis the delay was caused by acts and/or omissions of the main contractor. The sub-contractor was successful in its defence to the claim and its counterclaim for costs associated with the delays (prolongation etc) totalling in excess of £2 million.
- **Advising on and acting in Building Safety Act 2022 related claims, for example:**
 - Advising and acting for a recently dissolved developer defending an application for a Building Liability Orders (s.131 BSA).
 - Advising and acting for a developer defending a claim concerning defective cladding.
 - Advising on the potential to recover the remedial costs of remedying fire safety defects from the leaseholders of the building under their service charge pursuant to the BSA.
 - Advising and acting for a developer resisting an application for a remediation contribution order (s.124 BSA).
- **Advising on and acting in payment disputes, for example:**
 - Acting for the main contractor in a final account dispute regarding a hotel redevelopment project in Central London. I drafted the Particulars of Claim and acted for the main contractor up until settlement.
 - Acting for the employer in defence of a true value adjudication. We were successful in opposing the main contractors claim for the purported notified sum. I drafted the Referral and Rejoinder.
 - Advising on payment terms in various forms of contract, for example, JCT, NEC, FIDIC and bespoke contract.
- Advising a construction contractor on NEC3 contractual provisions relating to compensation events.

Junior Counsel

- To Tom Owen:
 - in a dispute concerning defects at three multi-million-pound developments in the UK.
 - acting for the defendant in a professional negligence claim concerning fire stopping defects at a residential development in London.
 - acting for the claimant in a PFI dispute concerning defects at a Hospital.
- To Krista Lee KC and Rachael O'Hagan on one of the Lawyer's Top 20 cases - *WM Morrisons Supermarkets Plc and Neerock Ltd v Lorien Engineering Solutions Ltd (dissolved), GP Strategies Ltd, John Sisk & Sons Ltd and J&E Hall Ltd*.
- To Alexander Nissen KC and Matt Finn on a dispute concerning subsidence.
- To William Webb KC in a £200 million ICC arbitration concerning a project in the Middle East.
- To Ben Sareen on a dispute concerning defects at a multi-million-pound project.
- To Paul Buckingham KC in a dispute concerning fire defects at a Hospital.
- To Sam Townend KC advising a hard services contractor on its liability for fire stopping defects at a Hospital.
- To Peter Brogden in two simultaneous adjudications, one concerning delay the other concerning a final account. The combined value of the claim is in excess of £15 million.

Advocacy

Final Hearings:

- **Final hearing (Wandsworth County Court)** – appeared on behalf of the Defendant in an action for damages for breach of contract.
- **Final hearing (Sheffield County Court)** – appeared on behalf of the Defendant in an action for damages for negligence.
- **Final hearing (Bournemouth County Court)** – appeared on behalf of the Defendant in an action for damages for negligence resulting from a car accident.

Adjudication Enforcement:

- **Adjudication Enforcement hearing (TCC - Leeds)** – acted on behalf of the Claimant seeking to enforce an adjudicator's decision. I was successful.
- **Adjudication Enforcement hearing (Central London County Court)** – acted on behalf of the Claimant seeking to enforce an adjudicator's decision. I was successful.
- **Adjudication Enforcement hearing (TCC - London)** - Assisted in an adjudication enforcement hearing, successfully resisting enforcement on the basis the Claimant's solvency was in doubt.
- Drafted a Skeleton Argument in an Adjudication Enforcement Hearing in the TCC, resisting enforcement (summary judgment).

TCC Litigation:

- Application to the High Court to obtain an interim prohibitory injunction to prevent trespass and property damage.
- Application for an interim mandatory injunction in the High Court for delivery up of drawings, documents and software relating to an ongoing project, whilst resisting a cross application for a stay of proceedings under section 9 Arbitration Act 1996.
- Application to stay proceedings under section 9 Arbitration Act 1996 due to the existence of an arbitration clause.
- Assisted in an Architect's Disciplinary Tribunal Hearing, acting for the Architect.

Professional Negligence

- **Junior Counsel** to Tom Owen acting for the defendant in a professional negligence claim

concerning fire stopping defects at a residential development in London.

- Drafted a Particulars of Claim for an international furniture company against a firm of architects, for the defective design of an industrial flat roof.
- Drafted a Particulars of Claim against a sole trader for the defective installation of a canopy ceiling.

Arbitration

- **Junior Counsel to** William Webb KC in a £200 million ICC Arbitration concerning a project in the Middle East.
- Advising a main contractor on the scope of an arbitration clause under a JCT contract with bespoke amendments.

Energy and Natural Resources

- Advised a construction contractor on the proper construction of provisions relating to a performance test under an EPC contract for a solar power farm.

PFI/PPP

- **Junior Counsel** to Sam Townend KC advising a hard services contractor on its liability for fire stopping defects at a Hospital.
- **Junior Counsel** to Tom Owen acting for the claimant in a PFI dispute concerning defects at a Hospital.
- Drafted a Particulars of Claim on behalf of an NHS Trust concerning fire stopping defects in a hospital.

Adjudication

Adjudication

- Acted as sole counsel in multiple adjudication, for example:
 - Acting for the main contractor on three simultaneous adjudications in respect of three separate projects. The dispute concerned whether the purported termination was wrongful.
 - Acting for the developer in an adjudication seeking liquidated damages from a sub-contractor on the basis their works were substantially delayed.
 - Acting for various contractors in true value (smash and grab) adjudications.
 - Acting for various contractors in true value adjudications.
- Advised a building contractor on the likely prospects of resisting adjudication enforcement proceedings following an unsuccessful adjudication.
- **Junior counsel** on an adjudication against the design and build contractor for the defective design and installation of in-situ cast reinforced water-tight concrete walls, floors and roof.

Adjudication Enforcement

- **Adjudication Enforcement hearing (TCC - Leeds)** – acted on behalf of the Claimant seeking to enforce an adjudicator’s decision. I was successful.
- **Adjudication Enforcement hearing (Central London County Court)** – acted on behalf of the Claimant seeking to enforce an adjudicator’s decision. I was successful.
- Adjudication Enforcement hearing (TCC – London) – Assisted in an adjudication enforcement hearing, successfully resisting enforcement on the basis the Claimant’s solvency was in doubt.
- Drafted a Skeleton Argument in an Adjudication Enforcement Hearing in the TCC, resisting enforcement (summary judgment).
- Advised on the prospects of resisting the enforcement of an adjudication decision, in respect of jurisdiction and/or natural justice defences for example:
 - The dispute being referred under multiple contracts.
 - The dispute not concerning a construction contract.

- Bias of an adjudicator.
- An adjudicator's failure to consider all defences in the Response.
- The dispute being referred before the dispute had crystallised as at the date of the Notice of Adjudication.

Insurance

- Acting on behalf of the Claimant in proceedings against an insurer in a claim concerning defects at a new build million pound house.
- Acting for various insurers in claims:
 - Against the Developer of multi-million-pound developments which are defective and to which the insurer has had to indemnify the policyholders.
 - Against homeowners, where the insurer disputed the value of the remedial solution to fix the defective dwelling.

Procurement

- Assisted drafting the Skeleton Argument in opposition to an application to set aside an automatic suspension.
- Drafted cost submissions in support of proceedings brought to challenge a procurement conducted for the provision of housing maintenance services with an estimated value of £120 million.
- Advised a local authority on whether prospective actions would create a risk of breach of the Public Contract Regulations 2015.
- Advised a local authority on (a) the lawfulness of the scoring and evaluation of bids in a procurement exercise and (b) what the risks and benefits would be of abandoning the procurement.
- Advised a company on whether it constitutes a contracting authority for the purposes of the Public Contract Regulations 2015.

Education & Professional Career

Tenant, Keating Chambers:	2022
Pupil, Keating Chambers: 2022	2021 –
Called to the Bar, Inner Temple (delayed call due to Covid-19):	2021
Thames Water, Case Manager: 2021	2020 –
Pro Bono Work with ELTAL: Employment Law Telephone Advice Line and StreetLaw:	2019 – 2020
Bar Professional Training Course, BPP (Outstanding): 2020	2019 –
LLB Law, University of Bristol (First Class with honours, awarded multiple prizes for obtaining top in year in multiple units):	2016 – 2019

Awards & Scholarships

Major Scholarship, Inner Temple:	2019
Duke of Edinburgh Award Scholarship, Inner Temple:	2019
Excellence Scholarship, BPP:	2019
Pegasus Access Scholarship, Inner Temple:	2018

Additional Information

Isobel loves all things fashion, art and interiors. To channel this, in her spare time she enjoys shopping and attending exhibitions. Isobel is also a keen cyclist (albeit in a spin studio) and enjoys reading. When she's not doing all the aforementioned, she enjoys a trip out of London back to her home town, for long walks with her family and games of Golf with her dad.