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## Adam Walton

Call: 2021

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### Areas of practice

- Construction & Engineering
- Professional Negligence
- Adjudication
- Commercial
- Arbitration

### Clerks' Details

**Paul Adams**

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**Amy Barrie**

T: +44 (0)20 7544 2797

E: [abarrie@keatingchambers.com](mailto:abarrie@keatingchambers.com)

**Rosina Thomas**

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E: [rthomas@keatingchambers.com](mailto:rthomas@keatingchambers.com)

### Practice overview

Adam specialises in disputes arising from construction, engineering, energy, and infrastructure projects. He accepts instructions to advise, draft, and provide representation at all stages of litigation or other dispute resolution process, and particularly relishes disputes which raise novel or complex questions of law. He joined Keating following the successful completion of his pupillage in 2023.

Most recently, Adam has been instructed:

- As junior counsel on a final account dispute in the High Court (TCC) which arises out of one of the largest development projects in Europe.
- As part of the counsel team led by Simon Hughes KC on a £400 million ICC Arbitration concerning a project in the Middle East.
- As sole counsel to defend a breach of contract claim in the High Court (TCC), which concerns alleged defects on a large infrastructure project in Dubai.
- To advise on the insurance position in relation to a defects claim with a value in excess of £120 million.

- As sole counsel to defend a negligence claim in the High Court (TCC), which concerns an infrastructure project and raises issues relating to pure economic loss and limitation.
- By an Employer to advise and act in relation to a number of complex issues arising out of a £30 million residential development project. One such issue being the interaction between the suspension and termination provisions of the JCT 2016 Design and Build in circumstances where the works have been delayed by external and uncontrollable events.
- As sole counsel to defend an adjudication brought against a surveying firm, which raised issues of assignment, transferred loss, reasonable settlement, and professional negligence.

In addition to having worked with the JCT standard forms on numerous occasions, Adam has also worked with a wide variety of other standard form contracts, including the NEC, and FIDIC, as well as bespoke construction contracts, insurance contracts, guarantees, and bonds.

Prior to joining Keating, Adam worked at the Law Commission of England and Wales as a Research Assistant and at the Court of Appeal as Lord Justice Coulson's Judicial Assistant. Whilst working as a Judicial Assistant, Adam's work was consistently lauded by members of the Court of Appeal for its quality and clarity; Lord Justice Coulson notably describing him as *"incredibly clever"* and *"exceptionally good at identifying the issues at the heart of a case"*.

Alongside being the holder of over ten awards and scholarships, Adam has also published work in several leading law journals; with a number of those published works going on to be cited in both leading textbooks and further academic pieces. Most notably, Adam's work on scope of duty is cited in Chitty on Contracts, whilst his work on the Civil Liability (Contribution) Act 1978 is cited in Clerk and Lindsell on Torts. He is also a contributor to Keating on Construction Contracts.

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## Recent work

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### Construction and Engineering

- Junior counsel to Paul Bury on a final account dispute in the High Court (TCC) which arises out one of the largest development projects in Europe.
- Sole counsel on a breach of contract claim in the High Court (TCC), which concerns alleged defects on a project in Dubai.
- Led by Charles Banner KC, advised and acted in relation to the construction-related issues which arose out of a £30 million residential development project.
- Drafted numerous particulars of claim, both led and unled, which set out defects claims.
- Sole counsel on a negligence claim in the High Court (TCC). This claim concerns an infrastructure project and raises issues relating to pure economic loss and limitation.
- Junior counsel to Brenna Conroy on a claim which relates to defective work on a substantial Government-led development project.
- Advised and now acting as sole counsel on a Defective Premises Act 1972 claim.
- Sole counsel on a claim for payment following a substantial number of variations.
- Drafted numerous defences to defects claims.
- Advised on the correct interpretation of the X1 inflation clause in the NEC3 Professional Services standard form.
- Acted as sole counsel in a defects claim in the county court, which included a very late amendment application and legal submissions about the legal status of a unilateral contract.
- Drafted a particulars of claim in relation to a misrepresentation and rescission claim.
- Advised on section 14A of the Limitation Act 1980, pure economic loss, and assumption of responsibility in relation to a defects claim on a large residential property development.

### Professional Negligence

- Drafted a particulars of claim in a claim against a designer for producing defective outbuilding and retaining structure designs.

- Drafted a particulars of claim in a claim against a well-known insurer for negligently investigating and advising in relation to substantial defects in the foundations of a new-build property.

### Adjudication

- Sole counsel on numerous smash and grab adjudications.
- Sole counsel on an adjudication against a surveying firm, which raised complex issues of assignment, transferred loss, reasonable settlement, and professional negligence.
- Junior counsel to Tom Coulson on two separate, but concurrent adjudications for the same client (the Employer) in relation to the same project: one bringing a claim for liquidated damages, the other resisting the main contractor's smash and grab.
- Junior counsel to Emma Healiss on an adjudication against a steelwork subcontractor, which raised issues of delay, defects, and repudiatory breach.
- Instructed to appear as sole counsel in enforcement proceedings.

### Commercial

- Successfully acted to set aside a number of default judgments in the county court, on both construction and more general commercial matters.
- Advised on a number of cases which engaged complex issues of contractual formation.
- Advised and drafted a particulars of claim in relation to a claim on a parent company guarantee.
- Led by Brenna Conroy, advised on the insurance position in relation to a defects claim with a value in excess of £120 million.
- Advised in relation to a claim for specific performance of an obligation to provide a parent company guarantee.
- Advised on the insurance (which included the Third Parties (Rights Against Insurers) Act 2010) and limitation position with regard to a negligence claim against a contractor.

### Arbitration

- As part of the counsel team led by Simon Hughes KC on a £400 million ICC Arbitration concerning a project in the Middle East.
- Assisted on a USD \$20 million arbitration regarding the sale of a number of aircraft.
- Assisted on a high-value international arbitration under ICC rules.

## Education & Professional Career

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| Tenant, Keating Chambers                                       | 2023-Present |
| Pupil, Keating Chambers  | 2022-2023    |
| Judicial Assistant to Lord Justice Coulson                     | 2021-2022    |
| Research Assistant, Law Commission of England and Wales        | 2020-2021    |
| Bar Professional Training Course, City Law School              | 2019-2020    |
| Bachelor of Civil Law, Brasenose College, University of Oxford | 2018-2019    |
| Bachelor of Laws, Halifax College, University of York          | 2015-2018    |

## Scholarships

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| BPTC Academic Scholarship, City Law School | 2019 |
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| Lord Denning Scholarship, Lincoln's Inn              | 2018 |
| 4 New Square BCL Scholarship, University of Oxford   | 2018 |
| Lord Laidlaw Scholarship, University of York         | 2017 |
| Achieving Excellence Scholarship, University of York | 2016 |

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## Awards and Other Academic Achievements

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| Reward and Recognition Award, Law Commission of England and Wales | 2020 |
| Lincoln's Inn Entrance Award                                      | 2018 |
| Winner, York Law School's Tenth Anniversary Mooting Competition   | 2018 |
| Winner, Landmark Chambers' National Property Mooting Competition  | 2017 |
| Bridge to the Future Law Award, University of York                | 2017 |
| Semi-Finalist, Times 2TG National Mooting Competition             | 2016 |

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## Seminars and Publications

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- AC Walton, 'A Common Sense Approach Toward Contribution Claims' (2022) 38(4) Journal of Professional Negligence 245
- AC Walton, 'Collateral Warranties and Construction Contracts: A Victory of Substance Over Form' (2022) 38(7) Construction Law Journal 487
- AC Walton, 'Negligence and Scope of Duty Post SAAMCO: Old Ideas, New Look' (2022) Lloyd's Maritime and Commercial Law Quarterly 33
- Adam Walton, 'Accessory Liability in Equity: The Case for Unconscionability' (2019) 25(2) Trusts & Trustees 186
- M. Maciel and Adam Walton, 'Can Player Economic-Value Rights be Used as Collateral in Lending' (2019) 18(3-4) The International Sports Law Journal 185
- M. Maciel and Adam Walton, 'When the Music Stops: the UKSC Judgment in Akers, Applying the Bona Fide Purchaser Rule and Offshore Trusts' (2017) 23(5) Trusts & Trustees 577

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## Memberships

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- Member of the Attorney General's Junior Junior Scheme (2023-2027).
- Commercial Bar Association (COMBAR).