



NEWSLETTER : JULY 2009

Programme

Unless marked otherwise, the following meetings are free to members and guests.

Location maps are now always available on the website.

All are welcome but for those meetings where the organiser's telephone or email is given, it would be helpful if you could please let them know of your intention to attend.

- Tuesday,
7 July *Joint SCL/Society of Construction Arbitrators Meeting*
"Dispute resolution under FIDIC - Snakes and Ladders on an International Board"
Speaker: Karen Gough
Chairman: John Tackaberry QC
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
- Thursday,
9 July *Junior SCL Boat Trip*
Venue: Temple Pier, Thames, London
Organiser: rbailey@fenwickelliott.co.uk
The annual junior boat trip will be held again in conjunction with RICS matrices and Generation 4 Collaboration the junior part of the RICS and Constructing Excellence respectively. Numbers are limited and places will be allocated on a first pay basis. 6.15pm - 10.30pm
For further details, contact Frances Whitehead, or see booking form on the website
- Thursday,
9 July *Joint SCL/Newcastle Law Society/HMCS event*
"Resolving Technology and Construction Disputes in times of Economic Uncertainty"
Speaker: Mr Justice Ramsey
Chairman: District Judge Ian Atherton
Venue: Grand Jury Room, Moot Hall, Castle Garth,
Newcastle upon Tyne NE1 1RQ 5 for 5.30 pm
Organiser: Simon.Lewis@dickinson-dees.com
See full details on the booking form on the website
There is a charge of £20 for this event (levied by the Newcastle Law Society). It would be helpful if those wishing to attend send their booking fee to Mrs Kate Goodings at Newcastle Law Society (see booking form on the SCL website).
- Thursday,
9 July *Joint Centre of Construction Law/SCL Conference*
"Projects in distress & Economic justice"
Speakers: Lord Justice Jackson, Len Stuart, Adrian Hughes QC,
Chantal-Aimée Doerries QC, David Hudson & R Davies
Chairmen: Professor Phillip Capper and Nicholas Gould
Venue: King's College London, Strand, London WC2R 2LS 2.00pm
Organiser: rbailey@fenwickelliott.co.uk

- Tuesday,
8 September “Careless welders?: Liability for independent contractors post Biffa”
Speaker: Ben Patten, 4 New Square
Chairman: David Turner QC
Venue: National Liberal Club, Whitehall Place,
London SW1 6.30pm
- Thursday,
10 September SCL Junior Site Visit (further details tba announced)
Organiser: rbailey@fenwickelliott.co.uk
- Thursday,
10 September Talk title and venue (Bristol region) tba
Speaker: Professor Anthony Lavers
Chairman: Ronan Champion 6.00pm
Organiser: simon.goss@ttsolicitors.com
- Tuesday,
15 September “Public law and statutory adjudication”
Speaker: Julian Bailey
Chairman: Jocelyn Taylor
Venue: Nottingham Gateway Hotel, Nuthall Road, Cinderhill,
Nottingham NG8 6AZ 6.00 for 6.15pm
Organiser: Jocelyn.Taylor@nelsonslaw.co.uk
- Thursday,
17 September *Joint Junior SCL/King’s College London event*
“Sixth Introduction to the Basics Conference”
Venue: King's College London, Strand, London WC2R 2LS
Organiser: rbailey@fenwickelliott.co.uk
- The lecture will take the same format as in previous years and is anticipated to be followed by the Michael Brown lecture and a drinks reception.*
- Wednesday,
23 September *Joint TECBAR/SCL Meeting*
“The Cost of Construction Disputes”
Speaker: Lord Justice Jackson
Chairman: Sir Anthony May
Venue: Parliament Chamber, Inner Temple,
London EC4Y 6.00 for 6.15pm
- Wednesday,
23 September “The Court’s view of experts and the growth in professional negligence claims”
Speaker: Paul Barry
Venue: Lecture Theatre 118, The Northern Terrace, Civic Quarter,
Leeds LS1 6.15pm
Organiser: jhawkswell@thkp.co.uk
- Thursday,
24 September Talk title, Chairman and venue (Oxford region) tba
Speaker: Adrian Hughes QC
Organiser: richard.wade@bllaw.co.uk

London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by:
julian.bailey@cms-cmck.com rchampion@acutus.co.uk and helena.riches@mcms.co.uk

**Members and their guests are invited to the
SCL Inaugural Lunch in Scotland**

Friday, 9 October, 2009

The Supper Club, 29 Royal Exchange Square, Glasgow

12 noon for 12.30pm

Motivational Speaker: Rona Cant - Explorer and Adventurer

Organisers: Robert Burt; Janey Milligan; Lindy Patterson; Kenny Valentine; Simona Williamson

Cost £50 per person

For further details please contact Frances Whitehead or see the SCL website

AGM and Annual Dinner 2009

The Chairman's report and the financial report presented at the AGM at Middle Temple Hall on 13 May are available on the website. The Chairman reported that Councillors Nerys Jefford QC and David M Richards had decided to stand down from Council and gave thanks to them for their hard work over several years.

At the Annual Dinner following the AGM, ex-Councillor Peter Higgins was awarded Honorary Membership of the Society for his many years on Council and, in particular, for his sterling work as Ethics Champion.

New SCL Officers

At the first meeting of the new Council on 1 June the following were elected as Officers:

Chairman: Ronan Champion

Vice Chairman: Adrian Hughes QC

Secretary: Jocelyn Taylor

Treasurer: Richard Bailey

Keith Keown was co-opted onto Council.

Honour for SCL Member

Congratulations go to former SCL Council member Dr Martin Barnes who was awarded the CBE in the Queen's Birthday Honours list for services to civil engineering. Martin is best known as the originator of the NEC contracts – the most important development in construction law in recent times.

2009 in 2009

At the start of June 2009 we had 1677 UK-based members and a further 332 overseas members – memorably that's 2009 members in 2009 – with members being based in 58 countries. Several past chairmen of the Society have remarked that they never thought that the membership would exceed 1000, nor that there might be members outside UK. Sister SCL Societies are being formed in Egypt, Australia and elsewhere. As part of the normal business of running events across UK, we have an extensive programme of events being organised across UK from which and we are aiming to publish as many papers as before over the next year; our development of training for Expert Witnesses is nearing fruition; and we have an inaugural Lunch-event planned in Scotland (which some have termed the 'Lunch at the Distillery' after the success of London's Brewery Lunch that attracted 650 attendees last year). This promises to be a popular event. With limited availability, please make an early booking.

Our events and activities are the product of hours of planning and organisation by our regional co-ordinators, members of council and others. They, and the firms or organisations with whom they work, deserve our thanks and support. We welcome feedback on talks given. If there are suggestions for topics you would like to see covered in future talks, do let us know. Contact details are available on the website, and will appear on the Autumn/Winter calendar of events when published.

Particular thanks go to outgoing Chairman Barry Milton for all his work throughout what has been a very busy year for the Society. Our thanks also go to outgoing councillors Nerys Jefford QC and David M Richards, and Regional Co-ordinator Alison Short, for their support over the last four or more years.

Ronan Champion
Chairman

Advocacy Training

The Society is pleased to announce that it will be holding another Advocacy Training Course again this autumn. It will be run at a location in central London over five evening sessions during November and December 5:30 – 8:00pm. The Course will give each advocate the opportunity to present and oppose interim applications in a construction dispute. The course is open only to SCL members who are solicitors and will entitle each advocate to claim 12.5 CPD hours. For further details, contact *Vicky.lee@dundas-wilson.com*

Report from Recent Regional Meetings - The Great ADR Debate

Following a similarly successful event in Southampton the previous week, almost 50 people attended the second Great ADR Debate at Clarke Willmott's offices in Birmingham on 10th June.

The debate was chaired by HHJ David Grant, the recently appointed TCC Judge. The four speakers, from the Judge's former Chambers at 3 Paper Buildings, were Stuart Kennedy (Litigation), Tony Bingham (Adjudication), Peter Aeberli (Arbitration) and Graeme Sampson (Mediation). Each speaker offered a robust claim that their method of dispute resolution was to be preferred and pointed out the deficiencies in the other methods. This was followed by a lively debate at the end of which, in true Dimbleby style, the Judge requested a show of hands and declared litigation the winner.

Stuart Kennedy

Junior SCL

The annual Junior SCL Boat Trip on the Thames will take place on Thursday, 9 July. Again this year it will be held in conjunction with RICS matrix and Generation 4 Collaboration, the junior part of the RICS and Constructing Excellence respectively. Please note that this is a popular event. Numbers are limited and places will be allocated on a first pay basis so please book as soon as possible in order to avoid disappointment! See booking form attached – or you may make your booking online.

SCL Hudson Prize 2009 – win £2,000!

Entries are invited for the 2009 Competition from all entrants with an interest in construction law and an idea which they wish to share. The judging panel places emphasis on originality of thought and approach. The length of essay is a maximum of 5000 words. (While footnoting or other method of referencing sources does not count towards this total and is encouraged, some recent entrants appear to have tried to avoid the word limit by loading footnotes with matters of substance, sometimes running to several paragraphs, in a disproportionate and inappropriate way. This is almost always counter-productive).

Eligible subjects can be drawn from any part of construction law widely defined, including (but not restricted to) construction and engineering contracts, contract administration, claims, arbitration and dispute resolution, construction litigation, the law of torts, company law, property law, taxation (although this must be related to construction) and any other aspect of law or procedure relevant to the construction industry. **First prize is £2,000.** Entrants can also be highly commended or commended. All who are awarded prizes or commendations receive a year's free membership of the Society.

Past winners have included members of almost all the disciplines relating to construction law including barristers, solicitors (including a trainee) quantity surveyors, engineers, academics, architects, and several hybrids qualified in more than one discipline.

Further details of the competition, the closing date for which is Monday, 4 January 2010, can be obtained from the website. Any queries can be referred to me via Jackie Morris in the first instance at admin@scl.org.uk

Good luck to all entrants.

Anthony Lavers

Chair of the Judging Panel

Construction Industry Council

The CIC website contains various Government consultation documents on subjects such as “Carbon Emissions Reduction Target” and the “Community Energy Saving Programme (CESP)”. Members who wish to participate should visit the CIC website at www.cic.org.uk/home/index.shtml

Are your contact details correct?

A hard copy of the Members Directory will shortly be going to print. Could you please take a few moments to review your details on the website and check that we hold current information for you, prior to the Directory going to print.

New SCL website

The new SCL website was launched at the beginning of April, and if you have not already done so you may like to visit it at www.scl.org.uk. You will notice that the homepage carries helpful information about next events, latest papers, and so on. The structure of the site is similar to the old one, but once you log in you will notice some differences. It would be helpful if you could check that the personal information we hold for you is accurate by going to your 'member profile'. Instructions on how to do that, and an introduction to other features of the site, follow.

You can log in using your old SCL username and password via the log in block in the left column of each page of the site. Once logged in you will see a block at the top of the left column identifying you, and with links to 'My account' and to log out of the site.

Below this you will see a 'Member Menu' block with several links:

- My membership – gives you the status of your membership and your membership number
- Update member profile – this is where you keep your personal information and preferences up to date. Please review it thoroughly, make any changes you wish, and save the form.
- Search for members – here you can find out how to contact other members who have agreed to be in the online database (which is only available to members)
- Member discounts / Junior members
- My bookings – if you book for an event such as the AGM, you can review your bookings here and make changes as needed
- Help – a page with further information about how to use the site, including how to use the 'My account' section

Among the most obvious changes elsewhere on the website are:

- The papers section has been completely redesigned. One of your privileges as a member is to be able to download published papers from the website. The link to the file is displayed on the page for each paper, provided you are logged in.
- There is now a full search engine which you can use to find anything you need on the website. The search box is in the top right hand side of the screen.
- You can subscribe to receive 'Web updates' if you would like to be informed when new content is added to the site. This subscription is quite different from the monthly SCL members newsletter.
- The online shop has been completely redesigned.

If you have any questions at all, please do not hesitate to contact our webmaster, Edward Peters, at webmaster@scl.org.uk

Papers

Building Information Modeling. You hear more and more about Building Information Modeling (BIM): do you know what it is, and do you understand the issues it throws up? This paper, now on the website, will help fill the gaps in your knowledge.

Building Information Modeling: A Framework for Collaboration, by Howard W Ashcraft (paper number D101) is an updated version of the paper presented to the International Conference held in London last October. Howard Ashcraft describes Building Information Modelling and how it is being used in the United States, looking at both practical and legal aspects. Howard W Ashcraft is a partner of Hanson Bridgett, LLP of San Francisco, California; a Fellow of the American College of Construction Lawyers, an honorary member of American Institute of Architects California Council, and a LEED Accredited Professional.

Special issue of the International Journal of Law in the Built Environment

The CIB World Congress is taking place in Salford between Monday 10 May and Thursday 13 May 2010. The CIB is an international organisation which promotes research into all aspects of the built environment. One subgroup of the CIB, Working Commission W113 focusses on “Law and Dispute Resolution”. The construction law research stream of the CIB World Congress is sponsored by the Society of Construction Law and will provide a forum for the presentation of the very best research, worldwide, in Construction Law & Dispute Resolution.

Selected papers presented at the CIB World Congress 2010 in the area of Construction Law and Dispute Resolution will be published in a special issue of the International Journal of Law in the Built Environment. In addition, a prize of £1,500 is to be awarded for the best construction law paper. The prize has been kindly donated by the Society of Construction Law.

Contributions are invited in all aspects of the construction law theme, and in particular in any of the following areas. Construction Contract Law, Procurement Law, Mediation in Construction, Adjudication in Construction, Legal Aspects of Building Information Modelling (BIM), Islamic Law in Construction Projects, Green Buildings & the Law.

For further details contact Brodie McAdam, Guest Editor w.b.mcadam@salford.ac.uk or navigate to: www.constructionlaw.org.uk.

New Members

Finally, we are pleased to welcome the new members who recently joined the Society:

Michael Thorne, Farnborough	Mohamed Abd Elghany, Giza, Egypt
Ronald Petersen, Navan, Canada	Richard Phelan, Perth, Australia
David Ellis, London	Bill Welburn, Rueil Malmaison, France
Michael Nelson, Dunbartonshire	John Miller, London
Elizabeth Tooth, Cambridge	Steve Davis, Warwickshire
Ajibola Olufemi Alofe, Dubai, UAE	Christopher Sunderland, London
Simon Wigley, London	Kelly Ngo, London
Melissa Daigneault, College Station, USA	Amy Munro, Dubai, United Arab Emirates
Paul Thwaite, London	Coenraad Snyman, Johannesburg, South Africa
John Papworth, Somerset	Keith Ward, Norfolk
Gustav Weich, Pretoria, South Africa	