

James Frampton

Call: 2016

"Very bright, focuses on the key issues, always prepares comprehensively, very good advocate, great manner. He is a star junior."

Legal 500 UK Bar 2024



Practice Areas

- Adjudication
- Advisory
- Arbitration
- Dispute Boards
- International Arbitration
- Litigation
- Mediation
- Professional Negligence
- Property
- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering
- PFI & PPP
- Procurement & Competition
- Technology & IT

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Practice Overview

James Frampton specialises in construction, engineering, energy and procurement disputes. He is ranked for Construction, Professional Negligence and Procurement by Chambers and Partners and by Legal 500 as a 'Rising Star' for both Construction and Procurement: *"Very bright, focuses on the key issues, always prepares comprehensively, very good advocate, great manner. He is a star junior."*

James' recent instructions have included a particular focus on:

Building Safety Act 2022 and fire safety/cladding matters.

- James acted as Junior Counsel for Mulalley in the first fire-safety cladding case to be tried in the TCC since the Grenfell Tower (Martlet Homes Limited v Mulalley & Co Limited [2022] EWHC 1813 (TCC)).
- James is currently instructed as Junior Counsel on TCC claims involving applications for Building Liability Orders and liability under section 149 of the Building Safety Act 2022 for cladding products.
- James has also been instructed in relation to a claim for a Remediation Order in the First Tier Tribunal.

Professional negligence claims against architects and other professionals.

- James' current professional negligence cases also involve the added complexity of issues under the Civil Liability (Contribution) Act 1979 and insolvency of the parties.

Adjudication enforcement.

- James regularly appears in the TCC bringing and resisting adjudication enforcement claims and related matters.
- James appeared unled in the Court of Appeal in 2023 in *A&V Building Solutions v J & B Hopkins* [2023] EWCA Civ 54 which is now the leading case on how Part 8 claims can be used in response to adjudicator's decisions.

James' expertise in construction and procurement matters has seen him appointed to the Attorney General's C Panel. James is currently instructed as Junior Counsel for the Cabinet Office on Module 5 (Procurement) of the Covid Inquiry.

International work

James is also regularly instructed as Junior Counsel on substantial international disputes, including projects in South Africa, Australia, Dubai, Abu Dhabi, Ukraine and Qatar. James' international arbitration practice has seen him recommended for construction by Who's Who Legal and ranked as a Rising Star by the Legal 500 in the Middle East.

Practice Areas

Construction & Engineering

James has experience of the whole range of construction related disputes including claims for defective workmanship or design, delay, variations, termination and final accounts.

James' recent domestic work includes:

- Acting for the defendant in *Martlet Homes Limited v Mulalley & Co Limited* [2022] EWHC 1813 (TCC). The first fire-safety cladding case to be tried in the TCC since the Grenfell Tower.
- Acting for the claimant in *Dr Jones Yeovil Limited v The Stepping Stone Group Limited* [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely by Zoom, James' client was successful in recovering its retention and defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.
- Acting for the successful Claimant/Applicant in *Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd* [2019] 1 WLUK 533 securing summary judgment against a £1million set-off/counterclaim for misrepresentation in the High Court (KBD).
- Acting as junior counsel for a local authority in respect of cladding and fire-stopping issues under a PFI contract in a housing block.
- Representing the successful Claimant in a two-day domestic arbitration hearing in relation to defective groundworks.
- Acting, as junior counsel to Sam Townend and unled, in various proceedings involving the National Housing Building Counsel (NHBC), the market leading insurer of new and refurbished residential properties in the UK.
- Representing (as sole counsel) the successful applicant for a final charging order in the High Court (TCC).

International Arbitration

James is regularly instructed as junior counsel on substantial international arbitrations concerning construction and energy projects throughout the world, including:

- Acting (as junior counsel) to Simon Hughes KC in an arbitration concerning a sewage treatment plant in Qatar.
- Acting (as junior counsel to Simon Hughes KC and Vince Moran KC respectively) for a main contractor of two power stations in South Africa in two separate ongoing arbitrations and two separate dispute boards concerning different subcontracts
- Acted (as junior counsel to Richard Harding KC) in an ADCCAC final account arbitration concerning an international airport in the UAE.
- Acting (as junior counsel to Simon Hughes KC) in a 5 week SIAC arbitration under the UNCITRAL rules for a very substantial dispute concerning an iron-ore mine in Western Australia. The governing law was the law of Western Australia.
- Representing (as junior counsel to Simon Hughes KC) a Korean joint venture in a \$500 million dispute, under the LCIA rules, about a power station in the Middle East.
- Acting (as junior counsel to Marcus Taverner KC) for the developer of a skyscraper in Dubai in a DIAC arbitration.
- Representing (with Sam Townend KC) an Eastern European state entity in an ICC Arbitration concerning an infrastructure project funded by the World Bank.

Procurement

James is regularly instructed on public procurement disputes, including acting as Junior Counsel to Sarah Hannaford KC and Simon Taylor.

James' recent cases include:

- Acting as Junior Counsel for the Cabinet Office on Module 5 (Procurement) of the Covid Inquiry.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to a procurement of health care services in prisons (***Practice Plus Group Health and Rehabilitation Services Ltd v NHS Commissioning Board*** [2022] EWHC 2082 (TCC).)
- Acting (as sole counsel) for the unsuccessful bidder in challenging a procurement for an ambulance contract in London.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to the procurement of a major infrastructure project in London.
- Acting (as sole counsel) for a bidder which had been disqualified from a procurement. The procurement was restarted following the service of Particulars of Claim drafted by James. Acting (as junior counsel to Sarah Hannaford KC) for the unsuccessful bidder in a procurement for signaling works on the East Coast Main Line (***Alstom Transport UK Ltd v Network Rail Infrastructure Ltd*** [2019] EWHC 3585 (TCC)).
- Acting (as junior counsel to Sarah Hannaford KC) for the MOD in a challenge to the procurement of a fire and rescue contract.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to the procurement of a rail infrastructure project ***Alstom Transport UK Ltd v Network Rail Infrastructure Ltd*** [2019] EWHC 3585 (TCC).
- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of a naval gun system.
- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of an adult education and training service.

Advocacy

James regularly appears as an advocate in the High Court and has appeared unled in the Court of Appeal.

His recent experience includes:

- Acting for the successful claimant enforcing an adjudicator's decision in ***Van Elle v Keynvor Morlift Ltd*** [2023] EWHC 3137 (TCC). This case involved a novel and difficult issue as to the scope of England under the HGCRA.
- Appearing unled in the Court of Appeal in 2023 in ***A&V Building Solutions v J & B Hopkins*** [2023] EWCA Civ 54 which is now the leading case on how Part 8 claims can be used in response to adjudicator's decisions.
- Acting for the successful defendant resisting a claim that an adjudicator acted in breach of natural justice in ***Manor Co-Living Ltd v RY Construction Ltd*** [2022] EWHC 2715 (TCC).
- Acting for the claimant in ***Dr Jones Yeovil Limited v The Stepping Stone Group Limited*** [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely by Zoom, James' client was successful in recovering its retention and

defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.

- Acting for the successful applicant for summary judgment on a set-off/counterclaim for misrepresentation in the High Court (KBD); *Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd* [2019] 1 WLUK 533.
- Representing the successful Claimant in a two-day domestic arbitration concerning defective groundworks.
- Representing the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Appearing for the successful Claimant in a one-day fast track trial on whether payments for VAT were due under a building contract.
- Representing the successful applicant for a Final Charging Order in the High Court (TCC).
- Acting for the successful applicant for an order for specific disclosure in respect of a claim for waste removal.
- Acting for the successful respondent to a summary judgment application concerning a “battle-of-forms”.

Adjudication

James is frequently instructed to act for parties during adjudications and on enforcement in the High Court. His recent work includes:

- Acting for the successful claimant enforcing an adjudicator’s decision in *Van Elle v Keynvor Morlift Ltd* [2023] EWHC 3137 (TCC). This case involved a novel and difficult issue as to the scope of England under the HGCR.
- Acting for the successful claimant who enforced an adjudicator’s decision despite being dormant in *WRB (NI) Ltd v Henry Construction Projects Ltd* [2023] EWHC 278 (TCC).
- Acting in various enforcement and other adjudication related hearings in the ongoing disputes between J&B Hopkins and A&V Building Solution Ltd ([2023] EWHC 1483 (TCC), [2023] EWHC 2475 (TCC), [2023] EWHC 2576 (TCC) , [2023] EWHC 301 (TCC), [2023] EWCA Civ 54
- Appearing for the successful Claimant in proceedings to enforce four adjudication decisions, raising issues of whether a dispute had crystallised, waiver and severance; *LJH Paving v Meeres Civil Engineering Ltd* [2019] EWHC 2601 (TCC).
- Appearing for the successful Claimant in adjudication enforcement proceedings concerning the residential occupiers’ exception; *Howsons Ltd v Redfearns* [2019] EWHC 2540 (TCC).
- Appearing for the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Acting for a successful responding party to a “smash-and-grab” payment notice dispute. The adjudicator accepted James’ written submissions that the contract was a hybrid contract and as a result the alleged payment notice was ineffective.
- Acting for a local authority in a multi-million adjudication in respect of the pain-gain mechanism in an NEC3 contract.
- Advising successful parties and unsuccessful parties to adjudication on whether to issue or resist enforcement proceedings.

Bonds & Guarantees

- Advising an international contractor in respect of a call on an on-demand bond.

Infrastructure & Utilities

- Acted for the joint venture contractor (led by Adam Constable KC, now Mr Justice Constable) in an adjudication, worth circa £12m, in relation to an ongoing major infrastructure project in London.
- Representing (as sole counsel) a major telecommunications provider in numerous County Court claims.
- Drafting a Defence in a dispute between telecommunications providers concerning the decommissioning of a mobile switching centre.
- Preparing adjudication proceedings (settled before service of the notice) concerning a rail infrastructure development for a major multi-national engineering consultancy.

IT & Technology

- Acting, as Junior Counsel to Sarah Hannaford KC, for the claimant in a claim in the High Court (TCC) involving a defective IT system and public procurement issues.

PFI/PPP

- Acting (as junior counsel) for a local authority in proceedings concerning cladding and fire-stopping issues under a PFI contract in a housing block.

Professional Negligence

- Acting for the claimant contractor in ongoing proceedings in the High Court (TCC) seeking a contribution from the architect and clerk of works in respect of a residential development in London.
- Acting for the fourth party architect in ongoing proceedings in the High Court (TCC)
- Advising and representing architects in Architect Review Board professional discipline procedures.
- Representing the Claimant in a claim in the High Court (TCC) concerning a Professional Consultant's Certificate.
- Acting for a home-owner in a claim against an architect concerning the negligent design of foundations for a domestic dwelling.
- Acting for a developer in a claim for negligence against a contractor administrator of a JCT contract.

Property/Party Wall

James has experience of acting for the Appellant and the Respondent to appeals to awards under the Party Wall etc. Act 1996, including acting for the successful appellant to a party wall award in *Thomas Ash v Shayne Trimnell-Ritchard* (Central London County Court, 2020).

Reported Cases

- The Occupiers of Samuel Garside v (1) Bellway Homes Limited and (2) Sheppard Robson Architects LLP [2024] EWHC 1579 (KB)
 - ISG Retail Limited v FK Construction Limited [2024] EWHC 878 (TCC)
 - Van Elle Ltd v Keynvor Morlift Ltd [2023] EWHC 3137 (TCC), Weekly Law Reports: [2024] 1 W.L.R. 2807
 - Martlet Homes Limited v Mulalley & Co. Limited [2022] EWHC 1813 (TCC)
 - A & V Building Solution Ltd v J & B Hopkins Ltd [2024] EWHC 2295 (TCC)
 - A&V Building Solutions Ltd v J&B Hopkins Ltd [2024] EWHC 1510 (TCC)
 - J&B Hopkins Ltd v A&V Building Solution Ltd [2023] EWHC 2576 (TCC)
 - J&B Hopkins Ltd v A&V Building Solution Ltd [2023] EWHC 2475 (TCC)
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Other information

Education & Professional Career

Professional Career

- Tenant, Keating Chambers, 2017
- Pupil, Keating Chambers, 2016 – 2017

Education

- University of Law, Bar Professional Training Course (Outstanding; Written Advocacy Prize), 2015 – 2016
- University of Law, Graduate Diploma in Law (Distinction; Contract, Tort, Criminal and Public Law prizes), 2014 – 2015
- BA in History, Durham University (First), 2011 – 2014

Additional Information

James was an Honorary Lecturer in the Bartlett School of Construction and Project Management at UCL, teaching a MSc module on contractual claims and dispute resolution from 2018 to 2020.

Appointments & Awards

- Winner, Procurement Lawyers' Association Rosie Choueka Memorial Essay Competition 2017

- Society of Construction Law, Hudson Prize 2016, Joint Second Prize
- The Worshipful Company of Arbitrators, Arbitration Weekend 2017, Best Team
- Exhibition Award for the BPTC from the Inner Temple (2015)
- Advocacy Scholarship and Law First Scholarship for the BPTC from the University of Law (2015/2016)
- Birmingham Law Society Debating Competition 2015, Winner
- Major Scholarship for the GDL from the Inner Temple (2014)

Seminars & Publications

- Co-author of Section H: Construction in Bullen & Leake & Jacob's Precedents of Pleadings.
- Contributor to Keating on Construction Contracts 11th edition.
- Contributor to Keating on JCT Contracts.
- Contributor to Keating on Offshore Construction and Marine Engineering Contracts (2nd edition).
- Contributing Editor of the Construction Law Reports.
- The Best Laid Schemes of TECBAR and TeCSA: Potential Problems under the New Pre-Action Protocol, Society for Construction Law.
- "Out of service": charging orders and service on non-parties outside the jurisdiction, Practical Law Construction Blog, May 2017.
- Conditions precedent and the rule against redundancy in contract interpretation, Practical Law Construction Blog, November 2017.
- "All you need is fraud?": stays of execution and adjudication enforcement, Practical Law Construction Blog, November 2018.
- Developer disputes: misrepresentation and summary judgment, Practical Law Construction Blog, November 2017.

Recommendations

"James' ability to digest and distil the detail is impressive. He is exceptionally hard-working, quick to grasp the key issues, easy to work with and highly valued by our team and clients alike. James' is incredibly bright, quick thinking and his advocacy is sharp and precise."

Construction, Legal 500 UK Bar 2025

"Pleasant and easy to work with, very smart, hardworking, excellent drafting, fits in seamlessly within a well-established team and gets up to speed on the case very quickly."

International Arbitration: Counsel, Legal 500 UK Bar 2025

"His key strengths are his oral advocacy, attention to detail, and his knowledge of key case law."

Professional Negligence, Legal 500 UK Bar 2025

'James is an energetic, exceptionally bright, and robust barrister. He is hands-on, down-to-earth, and a good team player. He is also proactive and drives matters forward, with skilled drafting.'

Construction, Legal 500 EMEA 2024

"Very bright, focuses on the key issues, always prepares comprehensively, very good advocate, great manner. He is a star junior."

Construction, Legal 500 UK Bar 2024

"James has proven to be excellent in terms of how he presents and communicates with clients and experts."

Construction, Chambers & Partners UK Bar 2024

"James is great on the detail, with excellent drafting and the ability to distil documents to the important points."

Construction, Chambers & Partners UK Bar 2024

"James is a first-rate barrister who always provides an excellent level of service."

Construction, Chambers & Partners UK Bar 2024

"James is tenacious and hard-working."

Professional Negligence, Chambers & Partners UK Bar 2024

"James is a gifted junior and is wise beyond his years."

Professional Negligence, Chambers & Partners UK Bar 2024

"Extremely sharp, impressive on his feet and produces excellent written submissions."

Professional Negligence, Chambers & Partners UK Bar 2024

'James is bright, diligent and easy to work with. He is efficient and has a distinct clarity of drafting.'

Construction, Legal 500 EMEA 2023

'Experienced and wise beyond his years - great on the law, deep into the facts and documents, and impressively on top of technical evidence and standards.'

Construction, Rising Star, Legal 500 2023

'James is diligent, hard working and on top of the detail. He is easy to work with and has an affable style. The quality of his written work is high, and delivered timeously. He also has a good understanding of the local market.'

International Arbitration, Rising Star, Legal 500 2023

"He is proactive, thorough, collaborative and critical in his approach to legal argument and strategy."

Rising Star, Construction, Energy and Infrastructure, Legal 500 Asia Pacific 2022

"He impresses with his knowledge and meticulous attention to detail."

Construction, Chambers & Partners 2022

"His drafting skills, knowledge and ability to plan out strategies for litigation are exceptional."

Construction, Chambers & Partners 2022

"James is superb. The quality of his work is astonishingly good; far beyond his year of call. He is always proactive, his turnaround times are excellent and his manner with all clients has been exceptional."

Rising Star, Construction, Legal 500 UK 2022

"James is rightly seen as a rising star. He masters the detail incredibly quickly and provided proactive and commercial advice at a level you would expect from someone well beyond his year of call."

Rising Star, Procurement, Legal 500 UK 2022

“He is a star junior, absolutely incredible, consistently providing a brilliant level of service.”

Rising Star, Construction, Legal 500 UK 2021

“Incredibly cerebral, always proactive.”

Rising Star, Public Procurement, Legal 500 UK 2021

“He has an excellent eye for detail and provides clear, concise, commercially sound advice; he is very user friendly and is always willing to go the extra mile.”

Rising Star, Construction, Energy and Infrastructure, Legal 500 Asia Pacific 2021

James Frampton is a “top-notch advocate” who is “rated incredibly highly” for his “significant construction litigation experience.

Construction, Who’s Who Legal 2020
