

# Isobel Kamber

Call: 2021



## Practice Areas

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

## Clerk details

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## Practice Overview

Isobel has a broad and busy practice in domestic and international construction and engineering disputes, together with associated professional negligence and insurance matters. She joined Keating as a tenant in 2022 following completion of her pupillage.

Recent experience as sole counsel includes:

1. Acting in a £15 million TCC claim, against the Developer of multiple housing developments across the UK which suffered from defects. The dwellings suffered with a range of defects, resulting in water ingress, structural instability and a lack of fire protection.
2. Advising on and acting in claims relating 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; (c) recovery of remediation costs from leaseholders under their service charge; and (d) Remediation Contribution Orders.
3. Appearing in a successful strike out application in relation to a multi-million pound professional negligence claim.

Recent experience as junior counsel includes:

1. Acting as junior counsel to William Webb KC in a £400 million ICC Arbitration concerning a project in the Middle East.
2. Acting 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.***
3. Acting as junior counsel to Tom Owen KC in a professional negligence claim concerning fire stopping defects at a multi-million pound residential development in London.

Isobel 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.

Alongside Isobel's busy practice, she is also a contributor to Keating on Construction Contracts.

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## Practice Areas

Construction & 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 KC:
  - 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.

## Adjudication

### Adjudication

- **Acted as sole counsel in multiple adjudications, 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. Isobel was successful.

- **Adjudication Enforcement hearing (Central London County Court)** – acted on behalf of the Claimant seeking to enforce an adjudicator's decision. Isobel 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.
  - The referring parties failure to appoint the Adjudicator pursuant to the relevant contractual provision.
  - 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.

## Advocacy

### Final Hearings:

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

### Adjudication Enforcement:

- **Adjudication Enforcement hearing (TCC – Leeds)** – acted on behalf of the Claimant seeking to enforce an adjudicator's decision. Isobel was successful.
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- **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.
- Assisted in a strike out application in relation to a multi-million pound professional negligence claim.

### Professional Negligence

- **Junior Counsel** to Tom Owen KC 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.
- **Junior Counsel** to Tom Owen KC in a RICS arbitration, acting for an insurer in an indemnity claim against the developer and builder of various multi-million pound developments in the UK.
- Advising a main contractor on the scope of an arbitration clause under a JCT contract with bespoke amendments.

### 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 KC 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.

### Commercial

- Isobel has a particular interest and expertise in cases involving banking instruments including guarantees and performance bonds and has advised clients in respect of the nature of those instruments.
- Isobel also acts in various insurance related matters, including:

- Acting on behalf of the Claimant in proceedings against an insurer in a claim concerning structural defects at a new build million pound home.
- Acting for the insurers in a claim against the Developer of multi-million pound developments which are defective and which the insurer has had to indemnify the policyholders for.
- Acting for the insurer against homeowners, the issue was primarily mitigation in respect of the remedial scheme.

## 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.

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## Reported Cases

- Planning appeal decision against the decision of Exeter City Council APP/Y1110/W/22/3296946

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## Other information

### Education & Professional Career

#### Professional Career

- Tenant, Keating Chambers 2022
- Pupil, Keating Chambers 2021 – 2022
- Called to the Bar, Inner Temple (delayed call due to Covid-19) 2021
- Thames Water, Case Manager 2020 – 2021

- Pro Bono Work with ELTAL: Employment Law Telephone Advice Line and StreetLaw 2019 – 2020

### **Education**

- Bar Professional Training Course, BPP (Outstanding) 2019 – 2020
- LLB Law, University of Bristol (First Class with honours, awarded multiple prizes for obtaining top in year in multiple units):  
2016 – 2019

### **Additional Information**

Isobel enjoys shopping (primarily for clothes, shoes, and bags) and attending exhibitions. Isobel is also a keen cyclist (albeit in a spin studio) and enjoys reading. Current book recommendations include the ACOTAR series by Sarah J Mass and The Marriage Portrait by Maggie O'Farrell.

### **Appointments & Awards**

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