



Profiles

Name: Krista Lee
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Krista Lee specialises in engineering and construction matters. She has a degree in engineering and is able to handle complex technical and IT disputes. Krista's experience covers the entire construction process, from the negotiation and drafting of contracts, through the management of contractors, designers and sub-contractors on site, and onwards to adjudication, mediation, arbitration or litigation.

Krista is a fellow of the Chartered Institute of Arbitrators and Chartered Arbitrator. In 2009 she was appointed to act as a sole ICC Arbitrator. She has experience of international and domestic arbitration using the ICC, UNCITRAL, LCIA and other ad hoc rules.

Krista's wider commercial expertise covers company and insolvency litigation. She has conducted minority shareholders applications, applications in administration proceedings, partnership disputes, directors' disqualification proceedings and winding up proceedings.

Recommendations

Construction

"continues to distinguish herself through her commitment and the consistently high quality of her work"
Chambers and Partners 2012

Construction

"highly knowledgeable and excellent at drafting."
Chambers and Partners 2011

Construction

"very industrious and willing to burn the midnight oil." Her attention to detail and quality of drafting make her a favourite - she "definitely grasps the key issues and expresses her ideas in an excellent manner."
Chambers and Partners 2010

Professional Negligence

"accurate, commercial and enthusiastic"
Legal 500, 2010

Recent Work

Construction and Engineering

- Substantial multiparty TCC dispute arising out of a scheme to build an art gallery in the sea. Acted for the project managers and quantity surveyors facing allegations of fraud during the design competition and inadequate risk and cost management thereafter.
- Adjudication enforcement proceedings in the Court of Appeal, concerning whether the employer's administration triggered a pay when paid clause.
- Advising Europe's largest operator of sports and entertainment venues on contractual issues.
- £10m professional negligence claim against quantity surveyors in a project to convert and restore a historic manor house in to a first class hotel.
- £32m claim arising out of the construction of a purpose built factory, for the relocation of three businesses serving the automotive industry.
- Junior counsel in a US\$35m claim relating to defects and delay in a Coca-Cola megaplant in Ballina, Ireland.
- Successfully resisted enforcement of an adjudicator's award on the ground that "more than one dispute" had been referred.

Energy

- Negotiation and drafting of a £multi-million engineering contract (based on NEC3) for the design, installation and commissioning of a new power station.
- Counsel in a multi-billion dollar claim arising out of a consortium agreement for the construction and operation of a gas fuelled power station in South America.
- Advised defendants in a multi-party claim arising out of an explosion at Humber Oil Refinery during the installation of a Diesel Hydrodesulphurisation Unit.
- Junior counsel acting for a Joint Venture between Birse Construction Ltd and Bilfinger and Berger UK Ltd, main contractors in respect of the construction of Didcot B power station.

Insurance

- Acted for insurers in a US\$35m insurance claim arising out of civil unrest, which resulted in physical damage to and the emergency evacuation of a gold mine. Coverage was disputed on several grounds including: the civil war exclusion clause; timing of the damage; inapplicability of the business interruption extension; coverage by other policies.
- Junior counsel in a CA case concerning the meaning and effect of joint names insurance provisions within a construction contract.
- Advised on the effect of an insolvent defendant consenting to judgment and the possibility of recovering judgment from the insurers of the group of companies, to which the defendant belonged.
- Routinely act for professional indemnity insurers and advise on issues of coverage, non-disclosure, notification and recovery against insurers of insolvent companies."

Arbitration

- ICC Arbitrator in a dispute concerning failed project management of housing projects in Eastern Europe. (ICC).
- Three week arbitration, involving cross examination of 4 experts concerning the defective refurbishment of a nursing home and substantial claims for loss of profits. (ad hoc).
- US \$35m claim arising out of the failed operation of gold mine on a South Pacific Island. Dispute as to scope of insurance policies covering political risks in the event riots and/or war. (LCIA).

- US\$1.3 billion dispute as to liability for construction and running costs and distribution of profits in respect of a thermoelectric power plant in Brazil. (UNCITRAL).
- US\$40 million letter of credit dispute arising from the performance of a petrochemical plant in Qatar constructed by a French/US joint venture. (ICC).
- US\$2 million claim arising out of the design, construction and commissioning of an Exxon facility on Sakhalin Island. (LCIA/UNCITRAL).

Information Technology

- Junior counsel in an ad hoc arbitration concerning breaches of a software licence agreement to supply financial software to the worldwide branches of an international bank.

Company/Insolvency

- Two week Chancery Division trial of preliminary issues arising out of a £4m partnership dispute.
- Obtained injunctive relief for minority shareholders to prevent the threatened buy out of their shares.
- Junior counsel in £230m claim against investment bankers, directors and solicitors for fraud, misrepresentation and breach of the Listing Rules and the City Code prior to the sale of a PLC.
- Junior counsel in four week trial for breach of warranty in a share sale agreement.
- Acted for chief executive of Crystal Palace Football Club (1986) Ltd in a five week directors disqualification action.

Selected Reported Cases

- **Carillion JM Ltd v PHI Group Ltd** [2010] EWHC 496 (TCC)
 - **William Hare Ltd v Shepherd Construction Ltd** [2010] EWCA Civ 283; [2010] BLR 358, [2010] 12 EG 96, 130 Con LR 1, [2010] CILL 2825, [2010] 22 EG 108
 - **Mayhaven Healthcare Ltd v Bothma (t/a DAB Builders)** [2009] EWHC 2634 (TCC), 127 Con LR 1, [2010] BLR 154
 - **William Hare Ltd v Shepherd Construction Ltd** [2009] EWHC 1603 (TCC), [2009] BLR 447, 125 Con LR 123, [2009] CILL 2753, [2010] BCC 332
 - **Tyco Fire & Integrated Solutions (UK) Ltd v Rolls-Royce Motor Cars Ltd** [2008] [2008] 1 CLC 625, [2008] Lloyd's Rep IR 617, [2008] EWCA Civ 286, [2008] 2 All ER (Comm) 584, [2008] BLR 285, 118 Con LR 25 and [2008] 14 EG 100
 - **Permasteelisa Japan UK v Bouyguesstroi** [2007] All ER (D) 97 TCC
 - **Sydenhams (Timber Engineering) Ltd v CHG Holdings Ltd** [2007] EWHC 1129 (TCC)
 - **Tyco Fire & Integrated Solutions (UK) Ltd v Rolls - Royce Motor Cars Ltd** [2007] LTL 11/07/2007
 - **David and Teresa Bothma (in partnership) t/a DAB Builders v Mayhaven Healthcare Ltd** [2006] EWHC B2 (TCC) , [2007] EWCA Civ 527 (114 Con LR131)
 - **Isaacs, Harrison v Belfield Furnishings Ltd and ors** [2006] 2 BCLC 705
 - **Khan v Khan** [2006] EWHC 1477 (ChD); [2006] All ER (D) 217
 - **Hitesh Lad v (1) Subhas Patel (2) Satyadev Patel (3) Central Coating Ltd** [2004] LTL
 - **Infinteland Ltd v Artisan Constructing Ltd** [2004] EWHC 955 (ChD); [2004] All ER (D) 350
 - **Secretary of State for Trade & Industry v Goldberg & Anor** [2004] EWCA Civ 1292; [2003] EWHC 2843 (ChD); [2003] All ER (D) 369
 - **Re A Company (number 1299 of 2001) June** [2001] CILL 1745
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Publications

- Researcher, Keating on Construction Contract - Ninth Edition (2012)
- Adjudicating More than One Dispute – Adjudication Society Newsletter (December 2006)
- Arbitration: Practical self-study course on best practice (Informa (2005))
- Civil War Exclusion Clauses - (On Risk Spring 2005 - Insurance Newsletter)
- Winding up petitions following an application for payment (Tolley's Newsletter 2001)

Seminars

- The New Administration Regime (April 2006)
- Pride & Prejudice -s459 of the Companies Act 1985 (March 2006)
- Performance Bonds & Guarantees (November 2005)
- Concurrent Delay in Construction Claims (September 2005)
- The Liability of Construction Professionals (April 2005)
- Brokers - The New Regulatory Framework (March 2005)
- Liquidated Damages Clauses in Construction Contracts (August 2004)
- Unlawful Financial Assistance - Recent Cases (March 2004)
- The Enterprise Act 2002 - Impact on Corporate Insolvency (December 2003)
- Freezing Injunctions -A Practical Guide (March 2002)

Education and Professional Career

BA (Hons) Jurisprudence, University College Oxford	
Exhibitioner at University College Oxford	1992-1995
Hardwicke, Megarry and Sunley Scholarships, Lincoln's Inn	1993
Called to the Bar, Lincoln's Inn	1994-1996
BCL, University College Oxford (Corporate Insolvency, Restitution, Evidence, Conflicts)	1996
Hilda Martindale Scholar	1996-1997
MA, University College Oxford	1996
BSc (Hons) Engineering, Open University	2001
TECBAR Accredited Adjudicator	2003
Public Access Training	2007
Chartered Arbitrator	2007

Memberships

Fellow Chartered Institute of Arbitrators
London Court of International Arbitration
Technology and Construction Bar Association
Society of Construction Law

Other Information

Krista enjoys classical music, theatre, yoga and riding.

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