



## **SIMON McKENNY**

**BSc(Hons) FRICS FCIArb LLB(Hons) Barrister and Chartered Arbitrator**

**Position:** Senior Vice President of Knowles Ltd

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### **Profile Summary**

Simon McKenny has over 25 years experience in the construction and engineering industry working on a wide range of projects advising contractors, sub-contractors, suppliers and employers on contractual issues and dispute resolution.

Trained as a quantity surveyor became a chartered quantity surveyor in 1985, developed an interest in legal aspects of the building and civil engineering industry and as a result studied law and was called to the bar in 1991. He is now engaged full time in providing contractual advice in relation to both contentious and non-contentious matters arising from construction and engineering contracts.

Simon is a practising adjudicator and is included on the RICS, Chartered Institute of Arbitrators and TeCSA panel of adjudicators. Simon has undertaken over 70 appointments sitting as adjudicator.

Simon has extensive experience in the field of arbitration both domestic and international in the role of overall legal advisor and advocate.

Lectures extensively throughout the UK and overseas on a wide variety of topics.

## **Professional qualifications and achievements obtained since becoming a chartered surveyor**

Since qualifying as a chartered surveyor in 1985 Simon has developed an interest in the legal and dispute resolution aspects of the construction and civil engineering industry and in this regard has obtained the following further qualifications:-

<b>Year</b>	<b>Qualification</b>	<b>Comment</b>
1985	ARICS	Simon became a chartered surveyor.
1986	ACI Arb	Sat the relevant examination and became a member of the Chartered Institute of Arbitrators.
1989	LLB (Hons)	Registered as an external student with the University of London and obtained a law degree with honours in 1989.
1991	Barrister	Sat Bar final examinations and was called to the bar in 1991.
1995	Fellow of the Chartered Institute of Arbitrators	Undertook the relevant course of study and became a Fellow of the Chartered Institute of Arbitrators in 1995.
2000	Enrolled on an RICS Home/Owner/Occupier panel	Undertook the relevant course and enrolled as adjudicator on RICS Home Owner/Occupier panel of adjudicators.
2002	Enrolled on CI Arb panel of adjudicators	Undertook the relevant course and enrolled as adjudicator on CI Arb panel of adjudicators.
2002	Enrolled on RICS panel of adjudicators	Undertook the relevant course and enrolled as adjudicator on RICS panel of adjudicators.
2003	Enrolled on TeCSA Panel of Adjudicators	Undertook the relevant course and enrolled on TeCSA panel of adjudicators
2004	FRICS	Simon became a Fellow of the Royal Institution of Chartered Surveyors
2005	CI Arb North West Branch Committee Member	Simon became a member of the CI Arb North West branch committee and is currently acting as education secretary.
2007	Chartered Arbitrator	Simon became a Chartered Arbitrator in 2007.

## Employment history, current position and duties

Since obtaining a quantity surveying degree in 1985 Simon has worked exclusively for James R Knowles Limited and continues to do so. Simon's development and promotions achieved whilst at James R Knowles are set out below.

Year	Position	Duties
1983	Consultant at Knutsford office	Traditional quantity surveying duties assisting in claims preparation, advising contractors, subcontractors, suppliers and employers in respect of contractual issues and assisting in the conduct of arbitration references.
1991	Regional Director	Advising contractors, subcontractors and employers in respect of contractual issues, lecturing on legal and contractual matters and acting as advocate and team leader in arbitration references and major commissions.
1994	Executive Director	Duties continued as when a Regional Director in addition as a main board director contribution was made to the overall strategy and development of the company.
1996	Branch Manager/ Executive Director	In 1996, Simon was appointed branch manager of James R Knowles Manchester office. As branch manager, in addition to his normal fee earning duties, Simon was responsible for the overall performance of the office including management of both technical and administrative staff, recruitment issues, client care, quality of work, marketing and office administration. In 2002 James R Knowles had a re-organisation of its office structure and Simon became joint Branch Manager of its largest branch office at Daresbury, Warrington.
2000	Head of Legal Services	In 2000 Simon was appointed Head of Legal Services for James R Knowles. As Head of Legal Services Simon oversees the conduct and advises in respect of company-wide arbitration and adjudication proceedings. Simon currently also continues in his role as branch manager of the Daresbury office and undertakes his traditional fee earning duties. Such duties include acting as advocate and team leader in both arbitration and adjudication proceedings, team leader in major commissions, lecturing and acting as adjudicator.  In addition Simon regularly lectures on a voluntary basis for professional institutes including the RICS Greater Manchester Division, RICS Merseyside and Isle of Man Branch, Chartered Institute of Building, Chartered Institute of Arbitrators.
2008	Senior Vice President	In 2007 Knowles were taken over by Hill International an American construction consultancy practise. In 2008 Simon was appointed Senior Vice President of Knowles / Hill International and continues to undertake the duties previously undertaken as Head of Legal Services.

## **Arbitration related experience**

In his 25 years at Knowles Simon has had extensive experience in respect of arbitration undertaking both the role normally undertaken by a solicitor and that of advocate. Simon has attended numerous preliminary meetings and hearings and appeared before many arbitrators such as:-

Mr J Bray  
Mr R Byrom  
Mr K Hayes  
Mr L Menzies  
Mr A Canham  
Mr B Eggleston  
Mr N Bunni  
Mr J Phillips  
Mr D Smith  
Mr R Dyer  
Mr J Simms  
Mr M Needham  
Mr C Randle

Examples of arbitration Simon has been involved with are:-

- an international arbitration arising from a dispute in respect of a major civil engineering project on the island of Barbados. Acting for the Claimant being a Spanish joint venture company the arbitration is in its early stages with the draft Statement of Claim now produced. The arbitration is subject to the laws of Barbados with an eminent QC arbitrator. On this reference it is intended that Simon will act as a junior to a QC.
- an international arbitration arising from a dispute in respect of the design and construction of two mobile off-shore drilling vessels. The arbitration was conducted under the auspices of the International Chamber of Commerce Paris with three arbitrator's being appointed. Acting for the Claimant the dispute was resolved by agreement of the parties at an early stage.
- an arbitration arising from a dispute in respect of the construction of a major building in Port of Spain, Trinidad. An eminent European arbitrator was appointed, hearings have been held and an award published. Simon's role in this arbitration was to advise local Trinidadian lawyers as to arbitration practice and procedure and in respect of construction law generally.
- a domestic UK arbitration in respect of the construction of residential properties in the South of England. Arbitration was subject to the CIMAR rules and was settled following the service of the Statement of Case. On this reference Simon's role was as advocate.

## **Adjudication related experience**

Simon is enlisted on the RICS, CI Arb and TeCSA panel of adjudicators and has undertaken over 70 appointments as adjudicator in UK construction and engineering disputes.

Appointed adjudicator to act as Dispute Adjudication Board under a FIDIC contract on a major power station project in Eire. The appointment was for 2½ years.

## **Non arbitration assignments**

Advised Employer in relation to procurement procedures to be adopted in respect of major building and IT communications centre on 4 sites in the North of England.

Acted for Contractor in connection with the negotiation and resolution of contractual claims arising from the design and construction of light rail system in Eire.

Advised and successfully negotiated on behalf of an Employer the resolution of a multi-million pound claim arising from the design and construction of a light rail system in Manchester.

Advised and successfully negotiated on behalf of an Employer the resolution of a multi-million pound claim arising from the design and construction of a combined heat and power plant.

Advised Engineer in respect of a disputed fee entitlement in respect of design work on major civil engineering project.

Advised and undertook adjudication on behalf of a Contractor arising from a disputed final account in respect of a contract for the provision of security systems to a housing estate.

Advised Employer in relation to a dispute in connection with a defect to curtain wall glazing on a prestigious hotel in Dubai UAE.