



Simon Tolson

Partner

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Simon is a solicitor with an Honours degree in Law, and he is also a Chartered Arbitrator and Adjudicator.

He has specialised in construction and engineering law, and the disputes generated by the industry, for most of his professional career after a time spent working on construction sites. With 25 years' post-qualification experience, Simon is ranked amongst the top construction solicitors in *Who's Who Legal 2016*, *The Legal 500 UK* and the *Legal Experts* guides. Simon is also classed in the top league in *Chambers and Partners UK* which deems him to be a widely respected practitioner in the field, both for his legal ability and for his commitment and knowledge of the construction industry as a whole. Comments include that Simon is "extremely good"; "absolutely excellent – such a hard worker and hugely dedicated", he can be relied upon to be "right on the money" and is "a big hitter". His peers admire his "brilliant grasp of the technical and the tactical" and his real ability to "lead from the front", whilst to clients "he is a real gentleman" in domestic adjudication matters. In the 2017 publication, one client says "he's super-fast, I've never seen anyone so quick and efficient".

Simon is experienced in all main industry contracts such as JCT, NEC, IChemE, ICE, IEE, FIDIC, FCEC and GC/Works, as well as numerous bespoke forms.

Specialist expertise

Simon is a recognised authority on dispute resolution within the industry and has prepared and conducted many cases at senior level for over 20 years, both in the Technology and Construction Court (including numerous major reported decisions) and before international arbitration tribunals. He has acted in well over 120 adjudications over the past 11 years, 8 of which have been reported at enforcement stage. Simon is an accredited adjudicator with the TeCSA, RICS and CIC panels.

Examples of Simon's expertise include:

- dispute avoidance and management advice to major corporations on construction projects;
- money and overrun cases;
- failed reservoirs, lakes and dams disputes;
- disputes over ill-procured and managed major hotels;
- disputes concerning bioethanol plants;
- disputes over the termination of EPC contracts and termination cases

more generally;

- disputes over EVOH plants;
- disputes over contiguous piling failure;
- pipeline contract disputes;
- gas treatment plant disputes;
- disputes over functional performance attenuation and holding tanks;
- tender dispute cases;
- disputes over bonds and collateral securities on construction works;
- delay, disruption and prolongation disputes;
- disputes over health farm business projects;
- failed lay-in-grid ceilings;
- collapse cases;
- injunctive business in construction cases;
- fatal accidents on construction sites;
- waste-to-energy plant disputes;
- high voltage apparatus disputes in data centres;
- PFI disputes over SPV management in the health care arena;
- disputes over construction of schools using modern methods of construction;
- disputes involving misrepresentation and negligent misstatement;
- materials disputes and cases concerning a wide variety of building and design defects.

Other activities

Simon is immediate past chairman of the Technology and Construction Solicitors' Association, a role he held for five years. In that time he championed the TeCSA eDisclosure Protocol and its first revision in January 2015.

In 2015 Simon also led TeCSA's research and thorough review of the Construction and Engineering Pre-Action Protocol (PAP) and the views of those using PAP including solicitors, consultants, contractors, employers and specialist sub-contractors, and working with the services of Acuigen investigated the ways in which PAP was and was not working, and produced recommendations for its amendment. It was the first time the views of those using PAP and the Technology and Construction Court (TCC) had been subject to a detailed independent survey. It resulted in TeCSA and TECBAR drafting a revised version of the PAP (in which Simon was heavily involved) reflecting the study outputs which is due to be added to the White Book in late 2016.

Simon is also involved with the training and policy of construction solicitors and TeCSA adjudicators. He is also a Visiting Lecturer at King's College London on their MSc in Construction Law and Dispute Resolution. He has lectured and chaired extensively for most of the major conference

symposia as well as at many other universities, the RICS, Arbrix, SCL, ICES and the Chartered Institute of Arbitrators, and legal education networks. He has also chaired and taken part in numerous webinars on construction law issues for two publishing houses. Simon wrote the contract module for King's College's Construction Law, Litigation and Regulation distance learning course.

He co-authored *Avoiding Contractors' Claims* with Mark Hackett, then partner in Davis Langdon & Everest.

He has an occasional column in *Building* magazine and has contributed to numerous other legal and construction journals. He is also a past member of the editorial board for the CLT journal, *The Engineering and Construction Law Journal*. Between 1998 and 1999, Simon was also on the Faculty Training Board of the CIOB training adjudicators.

Simon's memberships/positions include:

- immediate past chairman of the Technology and Construction Solicitors' Association (2010–2015) and current committee member;
- member of the Society of Construction Arbitrators;
- founder associate member of the Planning Engineers Organisation;
- member of the Dispute Resolution Board Foundation;
- fellow of the Chartered Institute of Arbitrators 1995;
- fellow of the Forum for the Built Environment which in 1995 awarded him the Gordon Tomalin prize;
- member of LCIA;
- liveryman of the Worshipful Company of Arbitrators;
- CEDR trained mediator;
- TeCSA Accredited Adjudicator.

Simon's interests outside the law are buildings (restoring them), building structures and materials, power generation and architecture; he is a self-confessed petrolhead, loves travel, motorcycles, off-roading, and his family.