



# Profile

## David Rawlinson - Mediator

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David Rawlinson is a practising mediator. He has trained with and is accredited by both CEDR and ADR Group.

David qualified as a solicitor in 1976 and has been a partner in Halliwells LLP since 1978. He is a member of the firm's Dispute Resolution Group and heads up the Construction, Engineering and Surety Division's Liverpool Team.

David specialises in commercial contract litigation; construction litigation, arbitration and adjudication; mediation; defamation; product liability; professional negligence and non-contentious construction contracts/appointments/warranties.

David has extensive experience of acting for a variety of public and private companies, local authority and financial institutions and businesses in a range of cases involving commercial contract and construction disputes both in the provincial courts and in the Royal Courts of Justice. His practice includes the bringing of claims in professional negligence mainly, but not exclusively, against construction professionals.

In addition to his general experience in the above fields, David has, over the past twelve years, built up a considerable expertise in the field of defamation.

He acted for a well-known footballer in his claim against a national newspaper, which claim proceeded through a four-week High Court Jury Trial via the Court of Appeal to the House of Lords and involved substantial and complex issues relating to justification and qualified privilege defences. Since then, David has acted for many clients including well-known personalities and a football club in a variety of cases, including cases of internet defamation and which have involved pre-action disclosure applications.

David believes in a facilitative approach to mediation but is prepared to probe the parties cases through reality testing. He adopts a calm and courteous manner, always concentrating on the building of rapport with the parties, and is patient but persistent. He strives to take the heat out of emotional situations, and always endeavours to explore different or innovative ways to approach settlement.

David is a Member of the Chartered Institute of Arbitrators; a member of the Society of Construction Law; a member of the Law Society and of Liverpool Law society and Vice-Chairman of Governors of St David's College.

## Relevant Experience

The following are examples of the sorts of cases David has advised upon:

- Action for building contractor against employer for £120,000 of unpaid costs for work done on rebuilding/refurbishment of licensed premises.
- Defence of action brought against manufacturer of forgings for damages for alleged breach of contract causing consequential losses exceeding £100,000.
- Action for Trustee in Bankruptcy of specialist steelworks contractor concerning unpaid sums (£180k) relating to steelwork refurbishment of a London railway bridge.
- Action for electrical contractor against employer for unpaid sums due under a series of oral contracts for supply and fitting of specialist electrical components.
- Successful defence of adjudication proceedings brought by sub-contractor against main contractor relating to specialist building cladding.
- Acting for steelwork sub-contractor in substantial claim against main contractor relating to a light railway scheme, including representing client at mediation.
- Acting for partition sub-contractor in claim against major civil engineering in relation to claims for costs overruns etc arising out of out-of-order working on large new build apartment stack on city waterfront development.
- Acting for a well-known footballer in defamation proceedings from High Court to House of Lords involving substantial issues of both justification and qualified privilege; and in many cases for Claimants against media/newspaper and other Defendants over a period of more than ten years, including applications for pre-action disclosure under Norwich Pharmacal case and internet defamation.
- Advising quasi-public institution on all contractual aspects relating to a multi-million pound building and refurbishment of museum and art gallery facilities, including advice on specialist sub-contract issues.
- Advising public art sculptor on engineering contracts relating to two large scale public artworks commissioned by financial institution.
- Acting for mechanical and electrical sub-contractor advising on and negotiating complex, bespoke process engineering contract, including contract amendments, warranties, guarantees.

## Mediation Experience

The following are examples of mediations in which David has acted as Mediator:

### Commercial Contract/Negligence

- Dispute concerning alleged breach of contract by a Water Authority for provision of concrete cleaning services by its sub-contractor involving tens of thousands of pounds.
- Dispute between farmer and supplier of cattle and agricultural consultant concerning the supply of allegedly diseased cattle resulting in alleged losses approaching £1m.

- Dispute relating to supply and installation of an ultra-sonic cake-cutting and packing line, including design and workmanship issues.
- Claim for damages by a bus company for breach of contract and/or negligence in the maintenance of a building destroyed by fire due to alleged faulty electrical work.
- Dispute between householder and building contractor concerning substantial contract for renovation and extension of a property.
- Dispute between warehouseman and tenant concerning damages claim exceeding £150,000 on termination of commercial warehousing contract.
- Claims and cross claims between two abattoir owners in relation to a failed takeover of the business of one of them by the other.

### Construction/Process Engineering

- Case concerning multi-national process engineering company and national civil engineering contractor in dispute involving £900,000 concerning a Power Station contract.
- Dispute between consulting engineers and housing association employers regarding non-payment of fees, the dispute centering on the legal entitlement to payment in light of speculative nature of work.
- Claim for unpaid professional architects fees for design of scheme and counterclaim for alleged breach of contract/negligence.

### Housing Ombudsman

- Two mediations conducted under the Housing Ombudsman's Scheme concerning disputes between Housing Associations and their residents/Residents' Associations.

### Landlord and Tenant

- Dispute between tenant and landlord relating to repairing covenant under a lease and state of disrepair of tenanted offices and consequent flood damage.

### Partnership

- Two partnership disputes involving same/similar parties, one concerning a property development partnership in which proceedings were on foot and the other concerning a trading partnership where proceedings were anticipated imminently, both involving complex issues/remedies and settled successfully after 11/2 days of mediation.

### Professional Negligence

- Dispute between flat owner in a block of flats and freehold owners concerning structural defects leading to loss of value of the flat a claim for professional negligence against the valuer.

### Sale/Supply of Goods/Services

- Dispute between vehicle supplier and purchaser under Leeds Combined Court Mediation Scheme.
- Dispute between specialist glazing sub-contractor and main contractor concerning claim for payment of outstanding invoices and counterclaim for damages for negligent design/installation.