

Andrew Kearney

Associate Mediator Member



YEAR OF CALL: 2007

INN: INNER TEMPLE

SOLICITOR: 1992

JUDICIAL OFFICE: DISTRICT
JUDGE (2004-2009)

“ He is an extremely gifted lawyer, and he's very hard-working and extremely user-friendly, with a first-class legal brain.”

CHAMBERS UK, 2022

CONSTRUCTION

Practice Overview

Andrew has nearly 30 years dispute resolution experience. He is a barrister at 39 Essex Chambers, a leading set based in London, Manchester, Singapore and Kuala Lumpur. He is a member of the St John's Chambers mediation panel, and mediates disputes both nationally and across the South West and Wales. Andrew is a former solicitor, and was a partner in the construction team at Masons (now Pinsent Masons). He transferred to the Bar in 2007.

Andrew became an Adjudicator in 2001, and a Chartered Arbitrator in 2008. He also has 5 years experience sitting as a Deputy District Judge. Andrew has been a Mediator since 2007.

Andrew is an active and accredited Civil Mediator and has mediated cases ranging from disputes over the appointment of locum GPs within the NHS to multi party construction disputes, sometimes over multiple days. He is used to mediating cases involving insurance backed parties.

Areas of Expertise

Mediation

Andrew is an accredited and active Civil Mediator, and has been a mediator for nearly 15 years. He has particular experience in construction and commercial disputes (including within the NHS and in respect of local authority funding of social care) and has recently mediated a number of multi-party construction disputes over multiple days, and is available to mediate any civil (non family) dispute in any of St John's practice areas.

Andrew is a mediation panel member of specialist provider Mediation for Construction and Insurance (M4CI). Andrew is willing to consider appointment as evaluative mediator in construction dispute mediation if the participants request this approach.

Andrew is an experienced dispute resolver, having held various legal roles since 1985 and having a broad perspective as a result. He has been involved in the successful mediation of many apparently intractable disputes. His focus on identifying interests and facilitating solutions and his wide dispute resolution experience make him suitable for appointment as mediator in any civil dispute.

Related Cases

- ▶ [Dawnus Construction Holdings Ltd v Amey LG Ltd](#) [2017] EWHC B13 (TCC)
- ▶ [Ecovision Systems Ltd v Vinci Construction UK Ltd](#)
- ▶ [Cometson v Merthyr Tydfil County Borough Council and R&M Williams Limited](#) [2014] EWHC 419 (Ch)
- ▶ [Freshwater v Dŵr Cymru Cyf \(Welsh Water\)](#)
- ▶ [Stopjoin Projects Limited v Balfour Beatty Engineering Services \(HY\) Limited](#) [2014] EWHC 589 (TCC)
- ▶ [Lidl UK GmbH v R G Carter Colchester Ltd](#) [2012] EWHC 3138 (TCC)
- ▶ [Melhuish & Saunders Ltd v Hurden & Anor](#) [2012] EWHC 3119 (TCC)
- ▶ [J B Leadbitter & Co Ltd v Hygrove Holdings Ltd](#) [2012] EWHC 1941 (TCC)
- ▶ [Cain Electrical Ltd v Cox t/a Pennine Control Systems](#) [2011] EWHC 2681 (TCC) 2011 EWCA Civ 1466
- ▶ [Rok Building Ltd v Bestwood Carpentry Ltd](#) [2010] EWHC 1409 (TCC)
- ▶ [RWE Npower plc v Alstom Power Limited, Alstom Norway AS, Alstom Power Sweden AB and Amec Group Limited](#) [2010] EWHC 3061 (TCC)
- ▶ [RWE nPower plc v Alstom Power Limited](#) [2009] EWHC 1192 (QB)
- ▶ [Destruction of landmark building by fire](#)
- ▶ [Williams \(t/a Sanclair Construction\) v Noor \(t/a India Kitchen\)](#) [2007] EWHC 3467 (TCC)
- ▶ [Mowlem plc v Bath & North East Somerset Council](#) [2004] EWCA Civ 115
- ▶ [Alfred McAlpine Construction Limited v Panatown Limited](#) [2001] 1 AC 518

Related Articles

- ▶ [Dawnus Construction Holdings Ltd v Amey LG Ltd](#)

- ▶ Mules, Muck Sweats and the Mediation Trough – A Follow Up
- ▶ A different Court of Appeal takes a different view on Jim Ennis, Aspect Contracts
- ▶ Natural Justice and Adjudicators' Fees
- ▶ New statutory regime for construction contracts comes into force

Recommendations

- ▶ "Widely regarded as the Western Circuit's leading barrister for construction and engineering disputes. 'Very much number one in this region. He is excellent on tactics, very commercial and a real street fighter for advocacy.' 'He is dynamic, a team player and hugely intelligent – he doesn't expect to be served things on a platter but works with you to find the strengths and weaknesses of a case."

CHAMBERS UK, 2020
CONSTRUCTION

- ▶ "A regular at the Bristol TCC, he is frequently instructed in sophisticated and high-profile cases. Regularly coming up against London silks, Kearney represents national and international contractors in a variety of cases, including those in the Middle East. He is also an accomplished arbitrator and accredited mediator."

CHAMBERS UK, 2020
CONSTRUCTION

- ▶ "He has an extensive and impressive knowledge of construction law and practice."

LEGAL 500, 2020
CONSTRUCTION, PLANNING AND ENVIRONMENT

- ▶ "Andrew is frequently instructed in sophisticated and high-profile cases. He routinely represents contractor clients, and is well known for his adroit handling of matters involving professional negligence elements. He is heavily involved in the promotion of mediation in the industry. An increasing proportion of his work is international. 'Incredibly intelligent, he is able to drill down into the issues and dig into things we might not have thought about; he certainly adds something to the team.' 'Andrew is an excellent sounding board, who provides well-considered advice quickly and efficiently. Nothing is too much trouble for Andrew and he is very enjoyable to work with.' "

CHAMBERS UK, 2019
CONSTRUCTION

- ▶ "A brilliant tactician who instils confidence in his clients."

LEGAL 500, 2019
CONSTRUCTION, PLANNING AND ENVIRONMENT

Appointments

- ▶ TECBAR accredited Adjudicator
- ▶ TeCSA accredited Adjudicator
- ▶ Chartered Arbitrator
- ▶ CI Arb Presidential Panel member
- ▶ Fellow of the Chartered Institute of Arbitrators
- ▶ Accredited Civil Mediator
- ▶ Deputy District Judge

Professional Memberships

- ▶ Technology and Construction Bar Association
- ▶ Society of Construction Law
- ▶ Adjudication Society
- ▶ Chartered Institute of Arbitrators

Qualifications & awards:

- ▶ BA (Hons) (Christ Church, Oxford University)
- ▶ PG Dip (with Merit) Construction Law and Arbitration
- ▶ FCI Arb
- ▶ Lord Mustill's CI Arb President's Prize (Award Writing)
- ▶ Former Solicitor

Additional information:

Andrew has nearly 30 years experience of construction disputes. He is a former solicitor, and was a partner in the construction team at Masons (now Pinsent Masons). He became an Adjudicator in 2001 and a Mediator in 2007. He transferred to the Bar in 2007.

Contact Andrew:

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