



**HAWKSWELL  
KILVINGTON**

Specialist Construction Solicitors



# Specialist solicitors to the construction and engineering industries

Hawkswell Kilvington is a niche firm of award winning, specialist solicitors with a firmly established reputation for providing legal services to both the construction and engineering industries.

We provide expert advice and solutions in all principles of construction and engineering law, from drafting, reviewing and amending bespoke and standard form construction contracts and sub-contracts to resolving construction and engineering disputes through adjudication, mediation, negotiation, arbitration and litigation.

Our team of professional and highly experienced lawyers have an up-to-date and in-depth knowledge of the latest

in legal developments and always adopt a pragmatic, commercial and cost-effective approach. We also offer a personal service and a high level of partner involvement that other firms are unable to provide. Our aim is to always be accessible and for our clients to know who is actually doing the work for them.



# Areas of expertise

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When problems arise, our aim is to provide constructive and proactive advice at an early stage. We are renowned for understanding our clients' objectives and developing effective, practical, and commercial dispute resolution strategies when formal disputes cannot be avoided.

We have a team of solicitors focused entirely on resolving the variety of disputes which can arise in relation to the construction and engineering projects through:

## Adjudication

By far the most common form of dispute resolution in relation to which we are instructed is adjudication. Hawkswell Kilvington has successfully handled hundreds of construction and engineering adjudications on behalf of claimants and respondents, ranging in scope from the straightforward recovery of outstanding payments, through to the presentation and defence of extremely complex claims dealing with:

- Failure to serve requisite payment and/or pay less notices
- Extensions of time
- Loss and expense
- Loss of productivity
- Valuation of change(s)/variations
- Interim and final payment disputes
- Wrongful withholding of monies (including retention)
- Declarations concerning contract formation
- Termination
- Liquidated damages claims

In terms of value, claims have ranged from thousands to tens of millions of pounds. Our specialist and experienced solicitors advise on the tactics and strategy of the adjudication process, and proactively manage everything.



Typically, our input will cover the preparation and drafting of the necessary submissions including (where required) the Notice of Adjudication, Referral Notice, Response, Reply and any Rejoinder(s). We also regularly attend and represent clients at adjudication hearings.

Hawkswell Kilvington have also successfully enforced various adjudication decisions through the specialist Technology and Construction Court and have also successfully resisted enforcement of decisions.

## Mediation

Hawkswell Kilvington have resolved a number of complex disputes through mediation, including a good number of professional negligence claims. Naturally, our professional involvement includes every aspect of preparation for and client representation throughout the mediation process.

## Negotiation

We recognise the importance of seeking to resolve disputes via negotiation before taking more costly action. We will always consider this, before exploring more formal dispute resolution options.

## Litigation

Hawkswell Kilvington have extensive experience of successfully bringing and defending claims, particularly in the Technology and Construction Court. These have included a number of complex multi-party disputes.

## Arbitration

Hawkswell Kilvington have successfully handled numerous arbitrations for contractors, sub-contractors, and employers in the UK and internationally. These have included complex and high value claims relating to the process and heavy engineering industries.

## Conciliation and early neutral evaluation

Hawkswell Kilvington have extensive experience of representing both claimants and defendants in the conciliation processes and early neutral evaluation hearings

# Other specialist areas of expertise

## Contract Solutions

Hawkswell Kilvington is known for a straightforward, no-nonsense approach to construction and engineering project documentation. We believe it is of paramount importance to minimise client risks at all times. The firm has a dedicated team of solicitors with a wealth of experience in drafting, advising on, negotiating and drafting amendments to:

- Standard forms of construction contract, including JCT, NEC3, NEC4, Infrastructure Conditions of Contract and FIDIC
- Bespoke construction contracts and warranties (including those relating to energy and nuclear projects)
- Bespoke and standard form sub-contracts more formal dispute resolution options
- All standard forms of professional appointments, including RIBA and ACE
- Bespoke professional appointments
- Novation agreements
- Collateral warranties including third-party rights memorandums
- Letters of intent, performance bonds and parent company guarantees
- Framework agreements and joint venture agreements
- Retention bonds
- Terms and conditions for the sale and purchase of goods
- PFI construction documentation

## Contract Reviews

When entering into a new contract, it is essential to fully appreciate what your responsibilities and potential liabilities will be and take steps to ensure that your

contractual position is adequately protected. This can be difficult, as you may have limited bargaining power, or do not wish to appear inflexible or uncooperative.

Hawkswell Kilvington can assist you with contract negotiations by reviewing prospective contracts for you, pointing out the key risk areas when categorising the issues in order of importance to allow you to prioritise potential risks.

We can also suggest suitable amendments which protect your contractual position without alienating your potential client. We always aim to provide contract reviews within a timescale to suit you.

## Insolvency

Hawkswell Kilvington regularly advise Contractors, Sub-Contractors, Banks and Insolvency Practitioners on the impact of insolvency on construction contracts, determination of those contracts and resolving claims relating to the same.

## Insurance

Hawkswell Kilvington have the experience of representing insurers, brokers and underwriters in relation to professional indemnity claims and subrogated recoveries.

## Construction plant and machinery

Hawkswell Kilvington act for some of the major crane and plant hire companies, as well as engineering insurers. We have been involved in numerous recovery cases concerning damage to plant or delays or disruption arising out of the hire and supply of plant. We have considerable experience of the CPA Model Condition.



## About our team

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**Daniel Silberstein** | Partner  
07515 574935 | [dsilberstein@hklegal.co.uk](mailto:dsilberstein@hklegal.co.uk)

Praised by clients for his “experience, commitment, legal knowledge and negotiation skills,” Daniel specialises in complex and high-value construction disputes. He provides strategic advice on issues such as valuations, time extensions, liquidated damages, defective works and construction related professional negligence claims, successfully resolving many claims by alternative dispute resolution methods.

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**Thomas Salter** | Partner  
07885 803145 | [tsalter@hklegal.co.uk](mailto:tsalter@hklegal.co.uk)

Described by Chambers and Partners as providing “sound advice that is not only pragmatic, but easy to understand,” Thomas focuses on contentious matters and advises clients on complex construction and engineering disputes throughout the contractual supply chain. He is regularly instructed to represent clients in adjudication, litigation, arbitration and mediation.

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**David Spires** | Partner  
07596 298077 | [dspires@hklegal.co.uk](mailto:dspires@hklegal.co.uk)

Described by clients as “a pleasure to work with,” David has seen a lot in his 20-year career as a construction specialist. His work covers all aspects of construction and engineering law, with particular emphasis on resolving complex disputes through adjudication, where his career has run in parallel with the growth of this forum into the industry’s principal means of dispute resolution.

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**Gary Ashton** | Partner  
07513 121404 | [gashton@hklegal.co.uk](mailto:gashton@hklegal.co.uk)

Gary has dealt with many complex, multi-party, high value disputes in his 18-year construction law career and has personally acted in over 125 adjudications. A dispute resolution specialist, he is commended in the Legal 500 as “a breath of fresh air, understanding the construction industry and being proactive in ways that are not often thought of. He has a great wealth of knowledge.”

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**Rachel Heald** | Partner  
07736 29442 | [rheald@hklegal.co.uk](mailto:rheald@hklegal.co.uk)

Rachel leads the firm’s non-contentious team. Working with clients across the construction ecosystem, she drafts, negotiates and advises on all forms of building contracts, consultant appointments, collateral warranties, letters of intent and performance bonds. Her substantial cross sector experience includes retail fit-outs, care homes, hotels and residential developments.

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### HAWKSWELL KILVINGTON LIMITED

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