



Michael O'Shea

CEDR Accreditation:	2006
CEDR Panel	2023
Languages:	English
Location:	London, United Kingdom

"Michael O'Shea is an exceptionally talented and commercially aware lawyer with a strong customer focus, ideal to deal with

Client Feedback

Overview

Michael is a Partner and Head of Construction & Engineering Dispute Resolution at Gowling WLG (UK) LLP. He qualified and practiced as a Quantity Surveyor with a Tier One contractor before requalifying as a Solicitor. Michael trained at Masons where he became a Partner in 2000. He joined Wragge & Co LLP (now Gowling WLG) in 2006. Michael has been involved in mediation for over 25 years. He is highly regarded by clients and his peers and is known for his pragmatic and practical approach to dispute resolution underpinned by his commercial understanding of the industry.

Professional Background

Michael offers a rare combination of experience as both a qualified Chartered Quantity Surveyor and practicing Solicitor. His experience as a Quantity Surveyor was focused on a wide range of complex and high value commercial projects where he gained invaluable experience of the commercial realities and drivers operating at all levels of the supply chain. This experience has been invaluable in his legal career and has been a key part of his approach to dispute resolution. He understands the technical and financial issues underpinning disputes.

Those who have worked with him recognise his clear understanding of the commercial realities they face and his ability to find solutions against the challenging background of how the industry operates.



He is Head of Construction & Engineering Dispute Resolution at Gowling WLG (UK) LLP and has a wealth of experience in all types of dispute resolution with a reputation for advising on complex technical disputes, and those involving valuation and quantum issues, delay and disruption, drawing on his construction and commercial knowledge. He has worked on some of the largest and most complexed disputes and is one of only a handful of construction solicitors that have taken a case to the House of Lords (now the Supreme Court).

Michael has been actively involved in mediation for over 20 years using his combined skill and experience to bring a different perspective to the resolution of disputes meaning he can often help to provide innovative solutions that others may not see.

He is recognised by the Legal Directories as a leading practitioner in his field.

Expertise

- Commercial, retail and residential,
- Concrete frame structures & Heavy Engineering
- Construction & Engineering
- Energy & Renewable Energy
- Highways, Bridges, Tunnels
- Process Engineering and Laboratories
- Property Planning and Environment
- PFI & PPP
- Sports Stadiums and Leisure
- Transport, Rail and Airports

Dispute Experience

Mediation

- Main Contractor & Specialist concrete frame contractor - Specialist cancer hospital facility - Dispute concerning Final Account – Variations, Extension of Time & Loss and/or expense
- Employer & Tenants - Main Contractor - Luxury Residential Development Leeds - Defects in the curtain walling / external envelop
- Employer &- Main Contractor - Major Sporting Stadium - Defects in concrete structure and fire protection
- Main Contractor & Employer / Architect / Sub contractor - Logistic / Distribution Facility - Defects in system roofing – Multi Party
- Employer & Main Contractor – Academy School - Dispute concerning Final Account – Variations, Extension of Time & Loss and/or expense

- Main Contractor & Sub Contractor - PFI Library Project - Issues regarding achieving performance requirements and Non Availability Charges
- Main Contractor & Employer / Architect/ Sub Contractor - Magistrates Court and Office Facility - Defects in roofing system
- Employer & Main Contractor, Sub contractor, Engineer - Major Inland Port Facility - Defects in docking fender system designed to facilitate the safe berthing of vessels
- Main Contractor & Sub Contractor - Residential Development - Issues regarding termination and financial consequence for the parties
- Specialist Package Subcontractor & Employer / Management Contractor - National Theatre Complex - Completion and delays to the works including claims for damages and loss and/or expense
- Specialist Sub contractor & Mechanical Consultant - Government Medical Research Facility - Errors in the design leading to additional / remedial works and costs consequences
- Employer & Main Contractor - Swimming Pool and Leisure Complex - Completion and delays to the works including claims for damages and loss and/or expense
- Employer & Main Contractor - Office and retail complex - Defects in the structural element of Façade and cladding
- Employer & Specialist Package Subcontractor –Luxury Hotel and Leisure facility - Completion and delays to the works including claims for damages and loss and/or expense
- Employer & Contractor / Sub Contractor / Consultants - Residential Development - Defects in the works relating to fire safety and structural issues – Multi Party
- Contractor & Sub Contractor - Luxury Residential Development - Dispute concerning Final Account – Variations, Extension of Time & Loss and/or expense
- Employer & Contractor - Defects in the works and claims and counterclaims relating to the value of work carried out. The extent and ability to omit work.

Examples of Recent Advisory Experience

- Advising an Employer in relation to issues concerning completion and final account relating to the construction of £100m sports facility.
- Advising a Developer in relation multiparty proceedings concerning a £22m claim relating to alleged defects in a large car distribution facility
- Advising specialist process plant contractor in relation to issues concerning commission and completion testing relating to a £70m state of the art automotive and propulsion research and development facility
- Acting for a developer in multiparty proceedings concerning fire safety issues relating to the design and construction of one phase of a large residential development
- Advising a major term maintenance contractor in relation to liabilities arising for the termination of a £50m planned and reactive maintenance to a portfolio of over 2000 properties

- Acting for a developer in multi party proceedings concerning a £20m claim relating to the construction of a large concrete hardstanding as part of the infrastructure to an automotive production facility
- Advising a modular construction company in relation to issues arising out of a multi million pound contract for the design, supply and installation of modular residential units
- Advising a major contractor in relation to issues concerning delays due to the impact of the Covid 19 pandemic relating to the refurbishment of a number of high rise residential blocks where residents remained within the units during the works
- Advising a specialist services contractor in relation to issues arising out of the termination of a contract for the construction of a waste to energy facility.
- Advising a transport infrastructure provider in relation to the design and construction of a new bus and tram hub
- Acting for mechanical and electrical contractor in relation to the issues arising out of the design and construction of a new sports facility part of a major UK sporting event.

Academic Qualifications

- BSc (Honours) Quantity Surveying –
- LLB
- Solicitor – England & Wales
- Solicitor – Ireland
- Fellow of the Royal Institution of Chartered Surveyors
- Member of the Chartered Institute of Arbitrators

Professional Qualifications

- Member of the Law Society of England and Wales
- Member of the Law Society of Ireland
- Member of the Technology and Construction Solicitors Association
- Regional Coordinator of the Society of Construction Law

Independent Recognition / Directories

- Legal 500 – 2024 – Leading Individual
- Chambers & Partners 2024 – Leading Individual
- Best Lawyers UK 2024 – Ranked Individual

- *"He is my go-to when I need help, is very calm under pressure, very knowledgeable, and always delivers."*
- *"He provides an excellent personal, practicable and knowledgeable service."*
- (Chambers & Partners – 2024)

Selection of Reported Cases

Alfred McAlpine Construction Limited-v-Panatown Limited, Represented the successful contractor in an appeal to the House of Lords [2000] UKHL 43, [2000] 4 All ER 97, [2000] 3 WLR 946, [2001] 1 AC 518) in relation to a landmark decision regarding privity of contract and the ability of a non building owner to recover more than nominal damages.

Alfred McAlpine Construction Limited-v-Forum Architects (a Firm) Represented the contractor in London High Court [2002] EWHC 1152 (TCC) ; [2002] CILL 1880 ; [2002] BLR 378 in relation to a preliminary issue concerning whether the defendant partnership was the undisclosed principle of the service company that had carried out various design work to a commercial development.

Shepherd Construction Limited v-Mecright Limited. Represented the successful applicant contractor in London High Court [2000] BLR 489 in relation to an application for a declaration relating to the status of a settlement agreement and the ability of a party to refer to disputes to adjudication. This was one of the first cases dealt with by the Courts in relation to the enforcement of Adjudicators' decisions.

London & Regional (St George's Court) Limited-v-Ministry of Defence and Secretary of State for Defence. Represented the successful claimant contractor in London High Court ([2008] EWHC 526 (TCC); (2008) SJLB 28)) and Court of Appeal (Civil Division) ([2009] EWCA Civ 1212; [2009] BLR 20; 121 Con LR 26; [2009] CILL 2651; [2008] 45EG 100 (CS)) in relation to issues such as certification, capacity and "no loss" arising out of a dispute over the redevelopment of a building in central London.

William Hare Limited-v-Shepherd Construction Limited; C R Reynolds Construction) Limited. Acting for and advising the defendant main contractor in London High Court proceedings ([2009] EWHC 1603 (TCC)) and in the Court of Appeal (Civil Division) ([2010] EWCA Civ 283; [2010] BLR 358; 130 Con LR 1; [2010] 2 EGLR 10; [2010] 22 EG 108; [2010] CILL 2852; [2010] 12 EG 96 (CS)). The substantive issue in dispute concerned the scope and operative effect of a clause in various sub-contacts under which the main contractor argued it was not required to make any further payments to its sub-contractors on a £200 million project for the construction of a retail.

Thomas v Taylor Wimpey Developments & Others Acting for the defendant developer in High Court Proceedings [2019] EWHC 1134. The court found that the builder did not owe a duty of care to the home owners in tort in respect of pure economic loss. There was no exception where a building

stood so close to a boundary that it represented a danger to persons or property on neighbouring land

Examples of Publication

- [Can Insolvent Companies a dispute to Adjudication?](#) – Gowling WLG Insight – April 2020
- [The Basics: What you need to know about Part 36 Offers](#) - Gowling WLG Insight - May 2019
- [The Winfield Rock Report - Overcoming the Legal and Contractual Barriers of BIM](#) – February 2018 May Winfield and Sarah Rock – Contributor
- [Fenn, P., O'Shea M & Davies E. \(2011\).](#) Commercial Conflict Management and Dispute Resolution. (1 ed.) (Spon Press). London: Taylor and Francis.
- [Fenn, P., & O'Shea, M. \(2008\).](#) Adjudication. Journal of Professional Issues in Engineering Education and Practice, 134(3), 297. DOI: 10.1061/(ASCE)1052-3928(2008)134:3(297).
- [Fenn, P., & O'Shea, M. \(2008\).](#) Adjudication: Tiered and temporary binding dispute resolution in construction and engineering. Journal of Professional Issues in Engineering Education and Practice, 134(2), 203. DOI: 10.1061/(ASCE)1052-3928(2008)134:2(203).
- [P Fenn, C Jinks, M O'Shea \(1999\).](#) New Opportunities for Expert Witnesses in Court
- Nature, Volume 401, Issue 6749 pp112.
- [Fenn, Peter; Speck, Christopher; O'Shea, Michael \(1995\).](#) Scientific Experts: More Attention Needed.
- Nature, Volume 378, Issue 6558, pp. 754.