



CEDR Accreditation:	2001
CEDR Panel Member Since:	2002
Languages:	English
Location:	United Kingdom

Rosemary Jackson QC

“Adopts a firm but charming manner.”

“Her style was dynamic and helpful.”

Client Feedback

Overview

Rosemary Jackson is in full-time practice as a Mediator and Conciliator and has embraced virtual mediation since April 2020 with great effect. This follows a successful practice at the Construction Bar from 1983, when she joined Keating Chambers as the first female specialist building counsel at the English Bar, until October 2014. Up to January 2018, Rosemary also accepted appointments as an Adjudicator and Arbitrator. Rosemary was appointed as Queen’s Counsel in 2006.

Rosemary received the Clare Edwards Award for professional excellence and contribution to the legal profession serving the construction industry in 2018. The award, which is sponsored by TECSA and the Contractor’s Legal Group is awarded when an exceptional candidate is identified.

‘Exceptional in fulfilling the role of mediator,’ Rosemary Jackson is ‘very insightful, automatically commands respect, and is very committed to making effective use of the time parties devote to mediation in order to get a settlement’ (Legal 500). Rosemary has been an accredited mediator since 2001 and has built up a first-class reputation as the ‘ideal facilitator’, a personable and user-friendly mediator of domestic and international commercial disputes of all types. She draws praise for her ‘gravitas’ and ‘shuttle diplomacy in difficult circumstances (Chambers & Partners 2017). She is featured as a Leading Silk for construction mediations by Legal 500 (Tier 1) and listed in Band 1 (Mediation) by Chambers and Partners UK and UK Bar Guides, having been ranked as a mediator since 2010. Rosemary is recognised in the Legal 500 Hall of Fame for mediators. She is consistently listed as one of the world’s leading construction mediators in Who’s Who Legal: Construction, and as a Global Elite Thought Leader in Who’s Who Legal: Mediation.

Professional Background

Her background in construction litigation, combined with good preparation, enables her to identify the issues incisively. This enables her to reality-test the parties' cases and assist them in evaluating their strengths and weaknesses. Rosemary's approach is adaptable, and as well as facilitation she is able to deploy a blend of facilitation and evaluation to suit the particular mediation. Where invited (and if appropriate) she is willing to assist the parties by making evaluations, recommendations or post-mediation assessments.

Expertise

- Commercial Contracts
- Competition
- Construction & Engineering
- Energy & Natural Resources
- Insurance
- Intellectual Property
- International Mediations
- Manufacturing
- PFI/PPP
- Professional Negligence
- Property
- Transport
- Utilities

Dispute Experience

Banking & Finance

- Civil recovery claim in respect of bank accounts and properties pursuant to the Proceeds of Crime Act.

Commercial Contracts

- Multi-party dispute concerning follow-on claims for damages consequent upon OFT finding of abuse of dominant position.
- Facilitated a 3-party commercial settlement meeting under an NHS PFI contract.
- Alleged breach of a wine distribution agreement.



- Dispute relating to performance of baggage handling/security screening equipment.
- Claim for misrepresentation and breach of warranty in relation to due diligence processes for Sale and Purchase Agreement.
- Earn-out dispute arising from commercial buy-out.
- Breach of confidentiality claim in relation to introduction to a land purchase opportunity.
- Disputed success fee on settlement of major insurance litigation.
- Dispute related to validity of market research data.

Competition

- Dispute concerning liability for fines imposed by the European Court for anti-competitive (cartel) practices.

Construction & Engineering

- Numerous disputes involving up to 6 parties relating to fire safety defects in public, private and PFI estates (both pre and post-Grenfell).
- Disputes relating to overheating in newly constructed apartment blocks
- Dispute between a design and build contractor and his brickwork subcontractor and novated consultant engineer in relation to the collapse of a partially-built crescent of 10 houses.
- £2bn dispute relating to a complex infrastructure project.
- Disputes concerning responsibility for damage caused by spread of fire through newly built premises.
- Defects claim, delay claim and final account dispute between Employer and Main Contractor in relation to construction of a hotel.
- Dispute between a sub-contractor and main contractor regarding provision of roofing materials for a factory development.
- Several disputes up to 6 parties and £160m arising from settlement of concrete slabs/piles in industrial premises.
- Conducted ICE conciliation in respect of adverse physical conditions encountered during demolition works.
- Disputes relating to heave and environmental damage to waterways and SSSIs as a result of using steel slag fill.
- Alleged design and construction defects in curtain-walling, overcladding, thermal insulation, roofs, air-conditioning, windows, kitchen equipment, acoustics, drainage.
- Delay and disruption claims – JCT, NEC and bespoke contracts.

- Payment dispute under Term Contracts pursuant to Framework Agreement.
- Alleged defects in design and construction of new academic facility – roofs, air-conditioning, windows, kitchen equipment, acoustics.
- Disputed responsibility for defects in lift installation in a school.
- Design of dehumidification and air-conditioning plant, ventilation and smoke/fire safety systems.
- Alleged delay in design and construction of commercial storage unit, alleged defects in cladding and lifts.
- Collapse of cobb wall.
- Delays in construction of a new wing for boutique hotel, disputed final account, alleged defects (JCT).
- Delays and compensation claims (NEC), final account disputes (FIDIC, FCEC).
- Alleged negligence in carrying out non-destructive survey to locate underground features, interpretation of standard terms and conditions.
- Alleged defects in over cladding system on tower blocks – cracks and debonding of external wall insulation – thermal cycling, design and workmanship (JCT).
- Alleged mechanical and electrical and builders work defects in refurbishment of prestige hotel - loss of profits.
- Alleged defects in racecourse drainage.
- Final account dispute in relation to construction of new academic building.
- Alleged defects and delay in design and construction of prestige private house.
- Water ingress during roofing works.
- Final account dispute for asbestos removal.
- Asbestos removal.
- Design of ground slab – effect of potential heave, construction of collateral warranty.
- Disputes relating to ground engineering, site investigations, anchor piling works, combi-piles and diaphragm walls.
- Dispute relating to scope of design requirement in project management of the M & E works in a design and build contract for a military field hospital.
- Dispute relating to ground and surface water design, and landslips during conversion of a disused quarry to landfill site.
- Claim by property developer in relation to defects in a property in a new industrial estate built on a brownfield site. The developer had settled with the tenant and sought to recover £6m from the steelwork subcontractor, piling contractor and structural engineer.

Energy & Natural Resources

- Mechanical equipment and pipework installation and erection for a Fischer Tropsch design reactor – compensation events (NEC3).
- Subsea pipeline trenching and backfilling dispute – site investigation information.
- Dispute relating to cathodic protection to undersea oil pipeline.

Process Plant Mediations

- Alleged defects in design and construction of sequencing batch reactor.
- Disputes relating to design and construction of hydro-electric installations
- Disputes relating to biomass plants
- Disputed variations in sub-contract for supply and installation of chemical dosing rig.
- Disputed final account for construction of desalination plant.
- Alleged defects in water evaporation and pH correction plant for volume reduction of hazardous waste water.
- Dispute concerning termination of a contract for installation of a biofuels plant.
- Dispute concerning Microbially Induced Corrosion (MIC) due to SRB in condenser.
- Alleged negligence in provision of COMAH report.

Insurance

- Claim for £6m under disputed success fee agreement in respect of brokering the settlement of a \$90m+ insurance claim for losses due to the effects of 9/11.
- Dispute concerning construction of Professional Indemnity policy and extent of cover.
- Claim by contractor against Professional Indemnity insurers for indemnity against sums paid to employer in respect of alleged negligence in design of conversion of derelict institutional building – sub-floor ventilation.
- Claim by buildings insurer against surveyor in respect of excessive rebuilding costs due to negligent design and contract administration.
- Dispute concerning the consequences of a piling rig overturning.



Intellectual Property

- Breach of copyright claim in relation to housing development.

International mediations

- Disputes up to 5 days' duration relating to projects in Afghanistan, Australia, Azerbaijan, Cayman, Denmark, Egypt, Georgia, India, Iraq, Jordan, Libya, Madagascar, Qatar, Rwanda, Saudi Arabia, South Africa, West Indies.
- Facilitated at 3-day workshop for Greek Cypriot and Turkish Cypriot business leaders, politicians and leaders of civic society promoted by Engi and UNDP under the Participatory Peacemaking Project for Cyprus.

Manufacturing

- Dispute concerning alleged shortfall in throughput achieved by design and supply of a dry batching mixing and blending systems for foodstuffs.
- Dispute relating to spoilt marzipan and icing on wedding and Christmas cakes due to contamination with osmophilic yeast.
- Alleged defects in design and construction of poultry processing plant.

Media & Entertainment

- Commercial/banking dispute arising out of a failed film investment scheme.

PFI/PPP

- Mediated a £90m dispute related to an NHS PFI project which was cancelled because of cost increases to the capital cost and the proposed unitary payment. This involved consideration of the unitary payment because the dispute concerned whether the Health Authority was entitled to terminate the project, and what the financial consequences should be.
- Facilitated legal workshop in relation to a dispute arising out of cancellation of a PFI project.
- Disputed sub-contract formation for mechanical and electrical works (PFI).
- Dispute concerning calculation of contribution payable towards Unitary Service Charge (USC) under a PFI project.
- Evaluation and mediation of a dispute concerning alleged design defects in a PFI hospital re-development.
- Dispute concerning defects in BSF PFI Schools construction.

Professional Negligence

- Claim by design and build contractor in respect of alleged deficiencies in structural engineering design by novated consultant.
- Allegedly negligent performance of architects, engineers and quantity surveyors' duties.
- Solicitor's negligence – drafting of settlement documentation in divorce proceedings.
- Solicitor's negligence in conduct of TOLATA proceedings.
- Alleged negligence in design and contract administration of Mechanical and Electrical installation in training building – adequacy of estimates of heat gain and chiller duty, delay in producing design.
- Solicitor's negligence – failure to issue proceedings in time.
- Eight party mediation including claims against two firms of solicitors for negligence in the handling of proceedings.
- Alleged negligence by architects in advising prospective developer prior to land purchase.
- Alleged negligence by architects providing design services to design and build contractor – delay and alleged defects.
- Contribution claim against consulting engineers in relation to contamination of site due to leaking diesel pipe.
- Alleged negligence and breach of contract in carrying out asbestos surveys and COMAH reports.
- Alleged negligence by Party Wall surveyors and engineers.
- Alleged negligent valuation of commercial property
- Alleged negligence by funder's monitoring surveyors.

Property Boundary

- A dispute between neighbours concerning rights of way and nuisance.
- Protracted dispute between individual householders about validity and correctness of party wall award, quantum of compensation, ancillary issues.
- 8-party dispute concerning party wall awards, boundary dispute and 5 separate professional negligence claims.

Shipping

- Design and construction of a racing yacht which took in water on its maiden voyage.

Transport



- Claim for increased costs under contract for disposal of contaminated spoil from civil engineering works to improve underground railways – hazardous and non-hazardous waste.
- Claim for damage to railway infrastructure due to water run-off from adjacent quarry.
- £200m dispute in respect of compensation events and other issues in relation to a major railway infrastructure project.

Utilities (Water Mediations)

- Dispute re water damage to properties under construction, allegedly due to escape of water during mains diversion, or from leaking.
- Alleged defects in design and build of sewage treatment works – dosing and odour control.
- Sewer collapse – effect of pre-existing condition of sewer and/or overlying spoil heaps.
- Subsidence after alleged blockage of surface water drain.
- Damage to, and blockage of, deep sewer after compression grouting – dynamic probing, protection of buried services – construction of contract.
- Responsibility for supply and payment of water supplies to industrial estates, method of charging.
- Design and construction of plant producing polished water.
- Disputes relating to compensation events in installation of pump shafts and water mains under NEC3 form of contract.

Personal Style

Rosemary's approach is highly commercial. She has mediated and co-mediated disputes up to £2bn and disputes between up to 10 parties. Many complex or multi-party mediations benefit from Rosemary's ability to case-manage the dispute and participate in a structured mediation process over a number of months.

Feedback shows that Rosemary is much appreciated for her calmness and patience but also her tenacity. She understands that parties sometimes need time and patience to make the necessary move to clinch a deal but also that there are times when firm handling is needed to help them bridge the seemingly unbridgeable final gap.

She is excellent at injecting a little humour when necessary, to relieve the tension. She is also mindful that it must be the right deal for the parties, and not one which they feel bullied into. She has also understood the added pressures on parties attending virtual mediations.



Since April 2020 Rosemary has conducted many mediations online, and is familiar with many video platforms.

Feedback – Directories

“Clients love” the “fantastic” Rosemary Jackson QC of Keating Chambers, who is “absolutely outstanding” and a “good operator, with a strong international portfolio of work and a great understanding of construction issues”

- Mediation, Who's Who Legal 2020

“Very, very bright, disarmingly funny and someone who draws clients into her confidence and has the ability to use her legal background effectively.”

- Mediators, Chambers UK 2020

“The first pick for mediation and construction disputes in the UK” and “one of the top mediators around – in any sector”.

- Who's Who Legal 2019: Global Construction

“Undeniably the number-one construction mediator at the whole construction Bar”.

- Who's Who Legal 2019: UK Bar Construction

“A relaxed and personable style, but with a wealth of experience behind her which makes parties pay attention.”

- Mediators, Chambers UK 2019

“Simply great.”

- Mediators, Legal 500 2018

Regarded as a “super mediator” by peers who highlight her “diligence, intellect and charm.”

- Mediation, Who's Who Legal 2018

“She is clear and effective at defusing any emotion from the parties that might create a barrier to settlement.”

- Mediation, Who's Who Legal 2018

“Rosemary is clearly at the top of her game but is also down-to-earth in her style and approach to the parties.”

- Mediators, Chambers UK 2018

“A dogged and determined mediator who combines great charm and powers of persuasion.”

- Mediators, Chambers UK 2018



"A very good mediator" who is regarded as "excellent in the construction field."

- Mediation, Who's Who Legal UK Bar 2018

"Impresses with her effortless manner, calm authority and ability to keep very strong personalities engaged throughout the process."

- Mediators, Legal 500 2017

"A first choice mediator due to her tenacity."

- Mediators, Legal 500 2017

"The best construction mediator in the UK."

- Who's Who Legal: Mediation 2017

Feedback - Clients

- "Your highly professional approach to matters, whilst still providing the parties with a friendly face to talk to made it easier for the parties to engage more openly and this was invaluable in facilitating an agreement by all. This is my first Virtual Mediation and I must admit I was sceptical about before, but it ran much smoother than I expected, although this is no doubt as a result of your leadership and guidance throughout the process. Once again thank you very much for a job admirably done."
- "Clearly the pre-eminent mediator of her generation. There is no other construction mediator that is anywhere near her class."
- "As you know, we work with many mediators from all around the world, but your responsiveness, attention to detail, care and follow-ups were just outstanding".
- "I still much prefer the "normal" mediation experience and would be keen to return to it as soon as circumstances allow. However, I must confess that it was far smoother than I thought it would be. That's largely due to all the hard work and thought you evidently put into making it so. Thank you for that, it is very much appreciated and it really did make a difference."
- "She was excellent and helped achieve a great settlement. The Claimant and Defendant have ongoing separate contractual relationships and Rosemary was fantastic at negotiating a settlement without inflaming the parties, so that their other business activities could continue despite the claim at hand. Rosemary had a sound grasp of the technical data and legal/factual issues in dispute. She has a wealth of experience and adopts a commercial approach to mediation, taking on board the parties' issues and providing sensible advice and guidance through the day. My clients were particularly pleased as they did not feel under any pressure to settle at a point beyond their bottom line, however, the common-sense approach adopted by Rosemary in dealing with the offers passing back and forth resulted in a satisfactory settlement for both parties. Rosemary has a fantastic reputation and it is well deserved. Both

I and my clients will definitely instruct Rosemary in the future”.

- “I think she has all the usual mediator qualities – whether lawyer or non-lawyer – in considerable quantity. She has them genuinely and does not have them in a forced or artificial way. She comes across as empathetic without appearing over touchy-feely, for example.”
- “Rosemary brought her extensive skills and experience to bear on the process right from the start. She read the papers thoroughly, suggested ways to make the process more likely to produce a successful outcome, and quickly gained the clients’ confidence on both sides. When the process threatened to result in deadlock, it was Rosemary who found a way to cut through the differences, leading to an overall settlement.”
- “You possess some special qualities which make the process of mediation calm with down to earth humanity, and I thank you very much for this. Whilst the whole litigation process has been a very wearing one for me I can honestly say you helped me with focusing on the issues to consider. At long last I feel the burden on [us] is now released so that we can get on with our lives”.
- “[the client] had no expectations as the parties were so entrenched so the fact that the parties reached a settlement is extreme credit to the mediator. He was enormously impressed with her – her manner was spot on throughout the day. She made it feel as though the parties were leading, obviously they weren’t but it was done in a charming way you couldn’t help but to go with it. The mediator drove it forward. She was well prepared and knew the case inside out at the start of the day, she asked the parties “How can I best help you to achieve a settlement position?”. Although there was still a gap between the parties towards the end, the mediator gave her perspective on an appropriate settlement figure (with the parties’ consent). This helped focus the parties, the actual settlement figure was almost the same figure.”
- “Clients very impressed by you as mediator (as was I), and pleased with settlement. I have to say I think you should put it into one of your “settled the unsettable” case studies. You really were very good indeed. Excellent level of preparation. [My lay and professional clients] were enormously impressed by the depth of knowledge, your familiarity with the various reports, but also that you had a proper understanding of the overall picture of the case. Your delivery of the [requested] evaluation was also very impressive. You exuded an air of such complete confidence in yourself, your knowledge, your expertise and the process that it all seemed very easy. As regards sensitivity to commercial issues, this was brilliantly done – [the clients’] confidence and trust in you were cemented by your approach, and they really felt that you had understood their position”.
- “My clients and the whole team have nothing but admiration for the calm, firm and resilient way in which you dealt with what must have appeared to have been an intractable dispute and entrenched parties. Although I had explained to my client that mediation works even in the most difficult of circumstances there were times when I really thought that we would not conclude an agreement. That we did is down to your skill and steel.”
- “You kept going when I’m pretty sure both parties had given up and for that I am eternally grateful. You managed to resolve a situation in 6 hours that had been going for 20 months which is a testament both to the mediation process and your expertise. Without your help I would no doubt have been bankrupted by the cost of the litigation process

and would have had to have gone through another year or two of legal hell. Thank You doesn't seem to be enough".

- "Rosemary – you were brilliant. Really, really appreciated your approach and input. I have done about 40+ and you were way up there as absolutely "magic". [The client] liked/respected you and that was the clincher".
- "You did a wonderful job yesterday. You did not have an easy task, yet you managed to start a momentum and kept it going to a successful conclusion, by applying just the right amount of pressure when necessary, and comforting very tired, weary, and hungry people as the day wore on – and all without showing any signs of fatigue or frustration."
- "I would like to thank you for the part you played in this settlement and for the competent and professional manner that the mediation was run. On the whole ... to say you impressed me greatly is an understatement. You knocked my socks off!"
- "Very many thanks for the way you dealt with things at the mediation and subsequently. You were very busy and proactive during the day (something that we do not see in all mediators) and I think that intensity of effort really helped bridge the gap between the parties."

Professional Skills

Rosemary has extensive experience as a barrister, adjudicator, arbitrator and a mediator, in the following sectors:

- Commercial
- Construction
- Dredging and subsea pipeline trenching
- Energy (onshore and offshore, oil, gas, electricity)
- Engineering (civil, structural, process and mechanical & electrical)
- Insurance (Professional Indemnity, CAR, buildings)
- Party Walls
- PFI, PPP
- Process plants
- Professional negligence
- Standard form contracts including ICE, FCEC, JCT, NEC, I.Chem.E, RIBA
- Transport (rail and underground infrastructure and rolling stock)
- Water (treatment, sewer installation, collapsed and blocked sewers)

Previous Experience



Whilst in practice at the Bar, Rosemary Jackson specialised in the field of construction, engineering, professional negligence and commercial/contract law, including advice and advocacy in relation to litigation and arbitration, adjudication and mediation, and contract drafting. She appeared as an advocate in Courts at all levels and before a wide range of adjudicators and arbitrators, as well as in appeals or challenges against arbitration decisions. She represented local authorities, the Treasury Solicitor, contractors, sub-contractors, developers, property owners and purchasers, and professionals, including architects, engineers and surveyors. She gained considerable experience of advisory work and litigation arising out of party wall matters. Rosemary was consistently ranked in Legal Experts, Legal 500 and Chambers and Partners for Construction Law.

She is experienced in standard forms of building, engineering and process engineering contracts, including design and build, JCT, FIDIC, NEC, PPP, PFI projects and government supply contracts.

Rosemary acted as an adjudicator on many occasions and has had appointment as an arbitrator. Rosemary also sat as a Recorder in the Crown Courts for 13 years, where she was authorised to try Serious Sexual Offences.

Having moved to full time ADR work, Rosemary no longer accepts instructions to provide services as a barrister.

Other Information

Rosemary's interests include international conflict resolution. In 2012 she was a member of the OSCE monitoring team for the Armenian Presidential elections. In 2013 she was one of 3 facilitators of a 3-day peace-making workshop for Cyprus, sponsored by the United Nations Development Programme.

- CEDR-accredited and registered Mediator since 2001
- CEDR panel Mediator
- ResoLex Construction panel Mediator
- TECBAR panel mediator
- Asian International Arbitration Centre Panel Mediator
- Arbitration and Mediation Court of the Caribbean Panel Mediator
- New Zealand International Arbitration Centre Mediation Panel Member
- Member of Civil Mediation Council
- Project Advisor to ENGI Participatory Peacemaking Project for Cyprus in 2013
- Independent Chair of Euston and Camden Community Group engagement meetings in relation to HS2; July 2016 - 2020



Better conflicts, Better outcomes, Better world

Memberships

- Technology and Construction Bar Association (TECBAR)

