



James B LONGBOTTOM

BSc(Hons) LLB(Hons) PgD(Law) FRICS FHKIS FCIArb RPS
HKIAC Accredited Mediator

Managing Director

Key Experience:

James is a founding director of ADR Partnership Limited. He is a Chartered Quantity Surveyor, a Fellow of the Chartered Institute of Arbitrators and has a degree in law. James has almost 20 years experience in the construction industry working on major projects in the UK, Hong Kong, Philippines, Singapore and Sri Lanka. His experience includes tunnels, roads, rail, bridges, foundations, site formation, building services, commercial and residential developments.

His expertise includes working at senior level in the preparation, defense and negotiation of contractual claims for extensions of time and additional payment where he has played an integral part in the successful settlement of a number of major projects on the Airport Railway, West Rail, East Rail and Route 8. James advises clients in arbitration, High Court actions adjudication and mediation proceedings and is experienced in drafting contract documents.

Prior to forming ADR Partnership Limited, James was managing director of Brian E Rawling & Associates Limited a commercial and contractual consultancy for the construction industry based in Hong Kong. Prior to this James was employed by prominent main contractors in both the UK and Hong Kong.

Career Summary:

2007 – present: Managing Director of ADR Partnership Limited (ADR)

James is a founding director of ADR responsible for commercial and contractual advice to clients on a range of projects. Selected projects include:

- > **Reconstruction and Improvement of Highway (Contractor):** commercial and contractual advice;
- > **Government Offices (Joint Venture):** commercial and contractual review of contract documents and advising on strategy;
- > **Drill and Blast Drainage Tunnel (Joint Venture):** commercial and contractual review of contract documents;
- > **Sewerage Works (Main Contractor):** commercial and contractual advice and preparation of contractual claims for extensions of time and additional payment;
- > **MTRC Station and Overrun Tunnel (Joint Venture):** pre-tender report on commercial opportunity in geotechnical baseline report;
- > **TBM Drainage Tunnel (Joint Venture):** commercial and contractual review of geotechnical baseline report;
- > **Aircraft Maintenance Hangar (Joint Venture):** commercial review of contract and advising on strategy;
- > **TBM Drainage Tunnel (Joint Venture):** commercial review of contract, advising on strategy and preparation of contractual claims for extensions of time and additional payment including one adjudication;
- > **Cable Stay Bridge (Joint Venture):** preparation of contractual claims for extensions of time and additional payment for delays and disruption to the bored piled foundations, concrete piers, steelwork deck, concrete backspans, access facilities and provision of commercial and contractual advice on measurement issues;
- > **Drill and Blast Highway Tunnel, Route 8 (Joint Venture):** provision of commercial and contractual advice on measurement issues, together with claims for extensions of time and additional payment for delays and disruption to the civils, building services and ancillary buildings;
- > **Grade A Office Development (Main Contractor and Building Services SubContractor):** commercial and contractual advice on measurement issues and changes under a guaranteed maximum price contract;
- > **Luxury Development on the Peak (Lawyer):** contractual and technical advice on the drafting of consultancy agreement for the engagement of an Architect;
- > **Site Formation Works (Main Contractor):** pre-tender report on commercial opportunity;

Career Summary (Cont'd):

- > **Asian Development Bank Funded Road Network, Sri Lanka (Main Contractor):** preliminary expert report on delays and disruption to the construction of a new highway; and
- > **Luxury Residential Development (Nominated SubContractor):** commercial and contractual advice on the valuation of design changes to building maintenance units.

1996 – 2007: Managing Director of Brian E Rawling & Associates Limited (BERA)

James commenced employment with BERA in 1996, a commercial and contractual consultancy with offices in Hong Kong, Macau and the Middle East and was promoted to the position of managing director in 2004.

Projects for the preparation, defense and negotiation of contractual claims include:

- > **Drill and Blast Highway Tunnel, Route 8 (Joint Venture):** commercial and contractual advice on the measurement and valuation of missing items;
- > **KCRC Rail Station and Pedestrian Subway (Joint Venture):** claims manager of team of 15 claims writers, delay analysts and researchers tasked with settling the final account;
- > **KCRC Rail Station (Joint Venture):** commercial review of records and procedures and preparation of contractual claims for extensions of time and additional payment for delays and disruption to the reclamation works and building services;
- > **Factory, Philippines (Main Contractor):** preparation of contractual claims for extensions of time and additional payment for delays and disruption to the foundations, structural works and building services;
- > **KCRC Rail Station (Joint Venture):** preparation of contractual claims for management of change and delays and disruption to the building services;
- > **Technology Enterprise Development (Developer):** contractual advice on dispute with concrete supplier and assessment of liability for construction delays on the commercial portion of the development;
- > **Airport Rail Station (Curtain Walling SubContractor):** commercial advice on preparation of prolongation claims;
- > **Muti-level Shopping, Dining and Leisure Complex (Developer):** contractual and commercial advice on defective terrazzo floor tiling;
- > **Luxury Residential Development (Main Contractor):** preparation of extension of time claims for delays and disruption to the construction of soldier pile wall cofferdam, bored pile retaining wall, kingpost and bulk excavation;
- > **Luxury Residential Development (Developer):** contractual and commercial advice on defective window frames and assessment of contractor's claims for delay and disruption;
- > **Air Cargo Terminal (Developer):** preparation of report on the causes of delay to Super Terminal 1 as part of the John Woo judicial commission of inquiry by the Hong Kong Government;
- > **MTRC Rail Station (Joint Venture):** claims leader of 5 delay analysts and researchers providing advice and preparation of claims for delay and disruption to the building services installations;
- > **MTRC Rail Station (HVAC SubContractor):** preparation of contractual claims for additional payment; and
- > **International Airport (Building Services Contractor):** preparation of contractual claims for extensions of time and additional payment for delays and disruption to the plumbing and drainage installations.

Projects involving arbitration, High Court action and mediation proceedings include:

- > **Cable Stay Bridge (Joint Venture):** supported Joint Venture in mediation concerning the Worldwide shortage of steel and delays to the bored piling caused by unforeseen ground conditions;
- > **Redevelopment of Public Housing Estate (Liquidator):** advice to liquidators in dispute with the Government of Hong Kong on extensions of time and quantum caused by delays to bored piled foundations;
- > **Public Housing Residential Development at Hung Hom (Piling SubContractor):** assisted expert on quantum for delays and disruption in arbitration concerning bored piled foundations;
- > **Residential Development at Tin Hau Temple Road (Main Contractor):** assisted in preparation of the pleadings on quantum in arbitration concerning delays and disruption to footing construction and foundation works;

Career Summary (Cont'd):

- > **International Airport (Building Services SubContractor):** independent report on quantum in High Court action for delays and disruption to fire services;
- > **Airport Railway and Rail Station (Developer):** advice and preparation of position papers for rail operator in two mediations concerning defective reclamations at Rail Depot and Rail Station;
- > **Airport Rail Station (Earthworks SubContractor):** advice on preparation of pleadings and further and better particulars on delays and quantum in arbitration concerning ground works, sub base, tunneling and hard landscaping subcontract;
- > **International Airport (Cladding SubContractor):** advice on preparation of pleadings and further and better particulars on delays and quantum in arbitration concerning internal wall cladding;
- > **Hong Kong International Airport (Liquidator):** advice to liquidators on quantum and liability in High Court action concerning external plumbing and drainage;
- > **Highway, Route 7 (Government):** advice and preparation of position paper for the Government of Hong Kong in mediation with contractor concerning the measurement and valuation of missing items; and
- > **Suspension Bridge (Government):** assisted expert on quantum in arbitration concerning physical impossibility of concrete specification.

Projects involving the preparation of contract documentation include:

- > **Luxury residential development (Developer):** drafted services agreement for dispute management;
- > **Grade A Office Development Tower (Developer):** drafted contractual provisions for developer;
- > **Technology Enterprise Development (Developer):** drafted main and subcontract documentation, license agreements for support facilities (ferry, waste disposal, quay management, canteen, security and fuel), equipment and material supply agreements, technical advisory agreements and supplementary agreements; and
- > **Swire Properties Limited (Developer):** updated 2000 edition of Standard Form of Building Contract and 1999 Management Contracting Standard Forms and Accompanying Schedules.

Projects involving corporate restructuring:

- > Appointed by directors of a substantial British civil engineering contractor to carry out due diligence exercises as part of their takeover of part of the interest in a leading Hong Kong contractor; and
- > Appointed by liquidators to provide technical support in recovering monies from debtors on various projects.

1996 – 1997 – Senior Quantity Surveyor with Wah Tung (E&M) Limited

Responsible to the operations manager for all commercial and contractual matters on the new Hong Kong International Airport including negotiation of number of substantial supplemental agreements for acceleration and the settlement of a number of contractual claims.

1987 – 1996 – Quantity Surveyor with Wimpey Construction (UK) Limited

Experience in all aspects of commercial management following sponsorship by Wimpey Construction (UK) limited through University. Projects include City of London commercial office, hospital unit refurbishment, new build quarters for the Ministry of Defense, refurbishment of leisure facilities; new build supermarket store and refurbishment of low rise local authority housing.

Academic Qualifications:

- > LLB(Hons), Upper Second Class Honours The University of Hong Kong, 2003
- > PgD(Law), Commendation The University of Hong Kong, 2002
- > BSc(Hons), Upper Second Class Honours Liverpool John Moores University, 1991 (awarded RG Paltridge Prize for Best Dissertation)

Professional Qualifications:

- > Fellow The Royal Institution of Chartered Surveyors, 2007
- > Fellow The Hong Kong Institute of Surveyors, 2006
- > Fellow The Chartered Institute of Arbitrators, 2004
- > Accredited Mediator The Hong Kong International Arbitration Centre, 2004
- > Registered Professional Surveyor The Surveyors Registration Board, 2000

Service on Technical / Professional Bodies:

Council member of HKIS Quantity Surveying Division 2002-05, member of the HKIS dispute resolution committee 2003-04, chairman of HKIS arbitration sub-committee 2003-04, member of HKIS mediation sub-committee 2003-04, QSD representative on HKIS Surveyors Times editorial board, member of the contracts committee for drafting the new Hong Kong Standard Form of Building Contract 2002-03, member of CPD committee for organizing a conference on dispute resolution 2002, member of the Society of Construction Law Hong Kong branch since 2000, member of the Hong Kong Mediation Council since 1999, member of the Lighthouse Club since 1997, member of the RICS Quantity Surveying Division Central London Branch, 1996.

Publications and Presentations:

- > Longbottom, J.B., (2010), *Prolongation Claims – Lessons from the TCC*, The ADR Digest, Spring 2010
- > Longbottom, J.B., (2009), *Sam Woo Bored Pile Foundations Limited & China Overseas Foundation Engineering Limited – More Questions than Answers?*, The ADR Digest, Summer 2009
- > Longbottom, J.B., (2009), *Re-rating for Substantial Changes in Quantity*, The ADR Digest, Winter 2008/9
- > Longbottom, J.B., (2008), *The End of Missing Items?*, The ADR Digest, Spring 2008
- > Longbottom, J.B., (2007), *Contractors Beware: The New Handbook and Prolongation Costs*, The ADR Digest, Winter 2007
- > Longbottom, J.B., (2007), *A Guide to Learning Curves*, The BERA Bulletin, Winter 2006/7
- > Longbottom, J.B., (2006), *Mission Impossible*, The BERA Bulletin, Spring 2006
- > Longbottom, J.B., (2006), *Catch-all Notices – Don't be Caught Out*, HKIS Surveyors Times, September 2006
- > Longbottom, J.B., (2005), *Contra Proferentum*, HKIS Surveyors Times, March 2005
- > Longbottom, J.B., (2004), *The Measured Mile*, HKIS Surveyors Times, December 2004
- > Longbottom, J.B., (2004), *Global Claims*, HKIS Surveyors Times, November 2004
- > Longbottom, J.B., (2004), *Quantity Discrepancies in Bills of Quantities*, HKIS Surveyors Times, September 2004
- > Longbottom, J.B., (2004), *The Burden and Standard of Proof*, HKIS Surveyors Times, May 2004
- > Longbottom, J.B., (2003), *Confidentiality in Arbitration*, HKIS Surveyors Times, November 2003
- > Longbottom, J.B., Rawling, B.E., (2003), *Contractor Owned Plant – the Cost of Owning, Owning Considerations and Operating Costs*, HKIS Surveyors Times, April, May and June 2003
- > Longbottom, J.B., Rawling, B.E., (2003), *Delays Caused by Inclement Weather*, HKIS Surveyors Times, February 2003
- > Longbottom, J.B., (2002), Speaker in Hong Kong Institute of Surveyors / China Engineering Cost Association conference on claims preparation, assessment and settlement, Shanghai, PRC, June 2002
- > Longbottom, J.B., (2002), *Delay and Disruption Protocol – A Brief Overview*, HKIS Newsletter, December 2002
- > Longbottom, J.B., (2002), *In the Shadow of WorldCom – Reporting Claims and Variations*, HKIS Newsletter, October 2002
- > Longbottom, J.B., (2002), *Claims Preparation, Assessment and Settlement*, HKIS Newsletter, August 2002
- > Longbottom, J.B., (2002), *What's in an Arbitration Clause?*, HKIS Newsletter, January 2002
- > Longbottom, J.B., (2001), *Defective Work – Minimising the Problems*, HKIS Newsletter, November 2001

Publications and Presentations (Cont'd):

- > Longbottom, J.B., (2001), *Ambiguities and Discrepancies*, HKIS Newsletter, October 2001
- > Longbottom, J.B., (2001), *Pay for Safety in the Private Sector*, HKIS Newsletter, May 2001
- > Longbottom, J.B., (2001), *Pay for Programming – the Cyber Approach*, HKIS Newsletter, April 2001
- > Longbottom, J.B., (2000), *Labour Disruption – A Practical Appreciation*, Lighthouse Club Newsletter, Summer and Winter Edition 2000