



Hardwicke

Fixed Fee Adjudication and Enforcement Service



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For further information, please contact the Construction Practice Team on +44 (0)20 7242 2523.



About Hardwicke

Hardwicke, the 2017 Legal 500 '**Construction & Energy**' set of the year, is "*an amazing chambers with gifted barristers*" (Legal 500). Recommended as a leading construction chambers by both Chambers UK and Legal 500, Hardwicke has built a reputation as "*a very commercial and forward-thinking*" (Legal 500) set whose Construction Team "*understands modern commercial realities and treat solicitors like valued clients*" (Legal 500). We have been involved across the spectrum of domestic and international construction and construction-related disputes. We act and advise in relation to commercial buildings, government buildings, residential properties, stadia, dockyards, pipelines, tunnels, railways, roads and industrial plants. Our clients include insurers and re-insurers, employers, contractors, subcontractors, developers, property owners, local authorities, construction professionals and utility companies.

From our work with a diverse range of clients, we understand that cost efficiency and cost certainty are important to those involved in building projects and that parties want any disputes dealt with as quickly and efficiently as possible. The adjudication process provides a short timescale within which disputes can be resolved and, to complement this, we offer a Fixed Fee Adjudication and Enforcement Service for adjudications worth up to £250,000 which provides a competitive and clear cost regime for resolving disputes through adjudication.

Our Fixed Fee Service

In response to demands from our clients, we are pleased to offer a **Fixed Fee Adjudication Service for adjudications worth up to £250,000**, providing a welcome degree of certainty in relation to the cost of resolving disputes by adjudication.

Our **Fixed Fee Adjudication Service** provides a complete package, from drafting the initial notice of referral to attending a hearing before the adjudicator, if necessary, for the fixed cost of **£5,000** (for claims up to £100,000) and **£7,500** (for claims from £100,000 to £250,000). Alternatively for defending an Adjudication commenced against you, the fixed cost is also **£5,000** (for claims up to £100,000) and **£7,500** (for claims from £100,000 to £250,000).

In the event that steps need to be taken to enforce the adjudicator's award, we also provide a **Fixed Fee Enforcement Service** for the sum of **£1,500** (for claims up to £100,000) and **£2,500** (for claims from £100,000 to £250,000).

Pricing Summary

Adjudications:

- For adjudications up to £100,000 we will charge a fixed fee of **£5000 plus VAT**
- For adjudications between £100,001 and £250,000 we will charge a fixed fee of **£7500 plus VAT**

Enforcement:

- For claims up to £100,000 we will charge a fixed fee of **£1500 plus VAT**
- For claims between £100,001 and £250,000 we will charge a fixed fee of **£2500 plus VAT**

All fees are exclusive of VAT.

Adjudication Service

Unlike most other forms of dispute resolution, in an adjudication, the notices and evidence each party submits to the adjudicator often determine which party will be successful, as the dispute is often determined “on paper”. As specialists in drafting clear and persuasive documents, our service starts with us providing all the necessary notices required in the adjudication process. We will then work with you, the client and the experts to ensure that the evidence obtained in support of the client’s case is presented in the most effective manner possible. In addition, as part of our fixed fee, we will draft the response to any questions raised by the adjudicator following the submission of the notices and evidence.

Although the majority of adjudications are decided without a hearing, in the event that the adjudicator seeks oral representations, we are experienced in delivering such submissions and examining witnesses. Our fixed fee includes the preparation for and attendance at any hearing (whether in person or by telephone).

The scheme applies to adjudications completed within the standard period of 28 days from the date of referral and we will work closely with you and the client to manage the adjudication in as timely a manner as possible. In the event that the adjudication takes longer than this, additional fees may become payable, but this will be agreed with you as soon as it becomes apparent that the adjudicator’s decision will not be given within the 28 day period.

In summary, for the fixed fee of £5,000 (for cases of up to £100,000) or £7,500 (in cases between £100,000 and £250,000) we will:

- draft the Notice of Adjudication, Referral Notice and a Reply if necessary;
- assist with compiling all supporting evidence;
- provide a written response to any questions asked by the adjudicator; and
- attend and provide representations at any oral hearing.

Alternatively, where an adjudication is commenced against you, for the fixed fee of £5,000 (for cases of up to £100,000) or £7,500 (in cases between £100,000 and £250,000), we will:

- draft the Notice of Response and any Rejoinder;
- assist with compiling all supporting evidence;
- provide a written response to any questions asked by the adjudicator; and
- attend and provide representations at any oral hearing.

Enforcement Service

The majority of adjudications lead to payment of the adjudicator's award without any prolonged delay or dispute. However, if this is not the case, we understand that clients are looking for an efficient and successful way of enforcing payment through the courts. Hardwicke has extensive experience in providing just that and the competitive fixed fee scheme ensures a cost effective manner in which to secure compliance with the adjudicator's decision.

Hardwicke's enforcement service (at a cost of £1,500 (for claims up to £100,000) and £2,500 (for claims from £100,000 to £250,000) is available regardless of whether any of our barristers have been involved in the adjudication previously. We will provide a complete service for hearings scheduled to last up to half a day, including:

- drafting the claim form and particulars of claim;
- assisting with and/or amending any necessary witness statement(s);
- preparing the skeleton argument; and
- attending at the adjudication enforcement hearing in the London TCC or local District Registries.

Additional Information

The fixed fee service applies to members of the Hardwicke Fixed Fee Adjudication and Enforcement Team. Most Adjudications covered by the Fixed Fee Scheme will be conducted by one of our specialist construction barristers under 10 years' call. Contact details of our Construction Practice Managers are at the bottom of this document, and they will be able to advise you on placing your case with suitable counsel.

If we feel that your case is not suitable for the fixed fee scheme, we will let you know at the earliest opportunity. Your case may not be deemed suitable for the fixed fee scheme if;

- the dispute is exceptionally complex,
- and/or if your matter involves an exceptionally large volume of documents.

If a particular case does not fall within the fixed fee scheme, our experienced practice management team is happy to discuss your requirements and provide a competitive quotation,

which reflects the nature and circumstances of the case and the needs of the client. Quotations can be provided on a fixed fee or an hourly rate basis.

We reserve the right to charge additional fees if;

- the 28 day timescale is extended,
- additional work will be required, over and above that mentioned within this document,
- there is a change of counsel,
- you require counsel to draft other supporting evidence not mentioned within this document, such as witness statements,
- travel outside of London if required.

We understand that a frustrating aspect of litigation can be that cases are occasionally adjourned, either because of a lack of court time or owing to the requirements of one of the parties. If this happens in a case subject to the fixed fee scheme, we will work with you to find a fair and reasonable way to take the case forward. We propose allocating half of the fixed fee for work carried out drafting documents. Payment of the hearing fee will be based on the following principles:

- If the hearing is adjourned more than 4 working days prior to the scheduled hearing, none of the hearing fee will be payable.
- If the hearing is adjourned between 2 and 3 working days prior to the scheduled hearing, half of the hearing fee is payable.
- If the hearing is adjourned between 0 and 1 working day prior to the scheduled hearing, three quarters of the hearing fee is payable.

We will seek to agree a separate fee with you in respect of attendance at the adjourned hearing, of course taking into account any fee already payable as a result of the adjournment.

In line with the fast and effective nature of the adjudication process itself, we would ask that our fees be paid within 30 days of the end of the case. All fees are exclusive of VAT.

The proposed fees and terms set out in this document will apply for 12 months from January 2018. The fee and terms will be reviewable after 31 December 2018.

Contact us

If you are interested in the fixed fee adjudication service, please contact one of the following members our Practice Management Team on +44 (0)20 7242 2523 or visit our website for more contact details: www.hardwicke.co.uk



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www.hardwicke.co.uk/about-us/adr/adjudication

