

# TECBAR

The Technology  
and Construction  
Bar Association



## The role of TECBAR

TECBAR is an Association for barristers in England and Wales who specialise in the Technology and Construction Court ('the TCC') which is a division of the High Court in England and Wales.

The TCC (and the members of TECBAR) specialise in disputes involving construction, engineering, infrastructure, energy and IT projects as well as construction and technology related professional negligence claims.

TECBAR currently has over 350 members who specialise in construction and technology disputes.

They are all barristers who are specialist legal advisers and court room advocates. They are independent, objective and trained to advise clients on the strengths and weaknesses of their case. They have specialist knowledge and experience in and out of court, which can make a substantial difference to the outcome of a case.

Members of TECBAR members do not only appear in the TCC. They are also instructed to advise in relation to and to appear in arbitrations, adjudications and other tribunals both within England and Wales and also internationally.

The expertise offered by TECBAR members is relevant to anyone involved in technology and construction disputes internationally as well as domestically.

A list of TECBAR members (and further information about TECBAR) can be found at [www.tecbar.org](http://www.tecbar.org).

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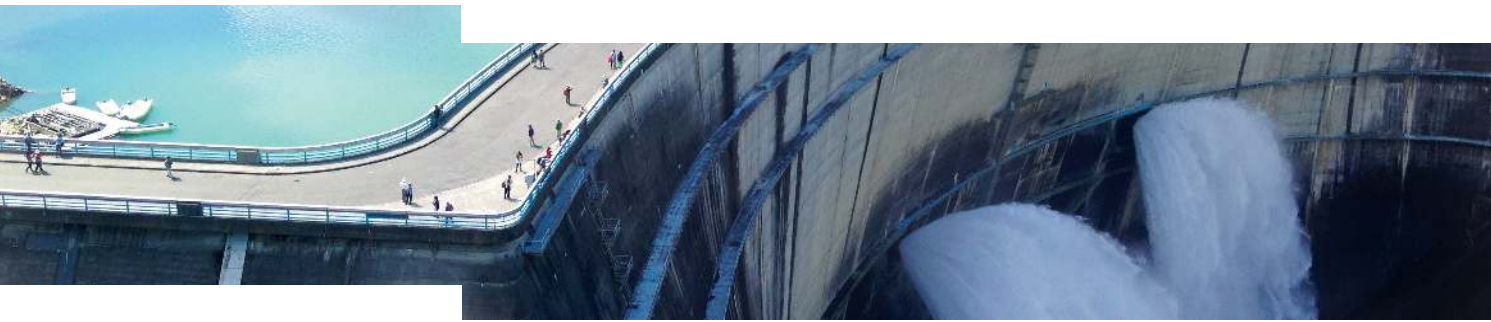
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## Arbitration and TECBAR

- More international and commercial arbitrations take place in London than in any other city in the world.
- Many construction, energy and technology disputes which are arbitrated in other parts of the world are subject to English law.
- Overseas lawyers can directly instruct TECBAR members to appear as advocates in international and commercial arbitrations both in England and also throughout the EC and in several other important commercial centres around the world (subject to the rules of the local profession).
- Members of TECBAR have vast collective experience of construction and technology arbitrations (both domestic and international). Few construction arbitrations occur in England and Wales without TECBAR members being instructed as advocates for one or more of the parties.
- A number of TECBAR members also accept appointments as arbitrators. A list of TECBAR arbitrators can be found at [www.tecbar.org](http://www.tecbar.org). Parties wishing to provide for the nomination of an arbitrator by the Chairman of TECBAR in their contracts are directed to a specimen clause at [www.tecbar.org](http://www.tecbar.org).

## Adjudication and TECBAR

- Statutory adjudication is a well-used dispute resolution process in England and Wales, and in other countries such as Australia, New Zealand and Singapore. It is intended to operate as a fast-track form of dispute resolution which gives the disputing parties a fast and provisionally binding decision as to their rights and obligations.
- TECBAR members can provide advocacy and advice in relation to the adjudication process.
- TECBAR also provides a showcase of experienced barristers who are able to act as adjudicators and can accept instructions on very short notice. A list of TECBAR Adjudicators and the TECBAR Adjudication Rules can be found at [www.tecbar.org](http://www.tecbar.org).

## Mediation and TECBAR

- Barristers are often instructed to represent their clients at mediations and TECBAR members have considerable experience of drafting mediation position papers and conducting the advocacy at mediation hearings.
- Some TECBAR members also have significant experience as mediators. A list of TECBAR mediators can be found at [www.tecbar.org](http://www.tecbar.org).



## Instructing a TECBAR barrister

An overseas lawyer or other professional adviser can either instruct a barrister through an English solicitor or can do so directly (i.e. without going through a solicitor).

Whether or not to use a solicitor will depend on the circumstances of the case. Barristers and solicitors frequently provide a complementary service and the client is well served by a team combining the expertise of both. However, there will many cases where the only services which are really needed are those of the barrister, such as either specialist advice or advocacy.

In such cases it is often faster, simpler and cheaper to instruct the barrister directly (which is known as 'direct access'). Faster and simpler because communication is directly with the person providing the service. Cheaper because barristers traditionally do not have the overheads and other costs borne by a firm of solicitors. However, if a barrister thinks you or your client's interests are best served by having a solicitor, he or she is bound to tell you.

Should you wish to enquire further about the work of a particular barrister or set of chambers, either generally or with a view to sending instructions, it is best to contact the Manager or Clerk of the individual chambers concerned. The Manager or Clerk will be able to explain how the barrister can assist you and the basis on which fees will be charged (which will usually vary according to experience).

## What is a barrister

The legal profession in England and Wales is divided into two branches: solicitors and barristers. The Bar of England and Wales is a unique legal profession of specialist advocates and advisers (i.e. barristers).

Barristers are specialist legal advisers and court room advocates. Solicitors tend to offer more general legal service and do not usually specialise in advocacy.

Unlike solicitors (who usually work in firms), barristers are individual, self-employed practitioners who may work as a sole practitioner or, more commonly, in offices known as 'chambers'.

Barristers are split into 'juniors' or 'Queen's Counsel' ('QC'). QC's are experienced and senior barristers formally appointed by the Queen in recognition of their status and excellence in advocacy work. It is typical in large and complex cases for a QC to 'lead' one or more junior barristers.

The modern Bar is committed to excellence in advocacy, advisory services and in the way in which it carries out and offers its service. Traditional wigs and gowns are very firmly a thing of the past.