



# Damian James

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## Practice Overview

- **Expert Witness (testifying)**
- **Chartered Quantity Surveyor and Commercial Leader**
- **Arbitrator, Adjudicator and Mediator**
- **Dispute board member (DAB and DAAB)**
- **More than 36 years experience**
- **British national with extensive experience in the UK, Europe, Africa and Middle East**
- **Specialist in delay and disruption assessment and cost evaluation**
- **Claims and disputes specialist**
- **Expert in matters of quantum and delay**

## Summary

Damian James is widely experienced in engineering and construction claims and dispute resolution with wide experiences of contractors, employers and subcontractors, Damian crosses the divide between legal protocol and construction experience.

As a dispute resolver, Damian is commended on his ability to understand disputes early in the process and is regularly lauded on his clear and erudite discussions and written directions to the parties.

He has also undertaken expert determinations having been appointed in arbitrations and in adjudications. Damian has, on numerous occasions, given expert opinion evidence in the area of delay and disruption assessment and quantum / cost evaluation.

[www.damian-james.co.uk](http://www.damian-james.co.uk)

# Damian James

## Delay and Quantum Experts

### Nationality

- British

### Qualification

- BSc (Hons) Quantity Surveying
- LLB
- LLM
- Dip Arb
- Dip Adj

### Professional Membership

- FRICS
- FICCP
- FCIArb
- FCInstCES
- FMIArb
- FAArb
- FAMINZ
- C.Build.Eng
- FCABE
- MAE
- FAP-KFCRI

### Sector Experience

- Power Plants
- Oil & Gas
- Renewable Energy
- Rail Infrastructure
- Roads & Bridges
- Process Plants
- Mining
- Nuclear
- Buildings

### Geographic Experience

- United Kingdom
- Mainland Europe
- UAE
- South Africa
- Botswana
- Zimbabwe
- Zambia
- Kenya
- Namibia
- Malawi
- Nigeria
- Ghana
- Rwanda
- Uganda

### Core Skills and Services

- Expert Witness – Quantum & Delay
- Dispute Avoidance
- Dispute Resolution
- Claims Prosecution
- Claims Defence
- Contract Management
- Arbitration/Adjudication

He has prepared and presented expert reports under JCT/FIDIC and NEC forms of contract and has drafted narratives examining causative potency, dynamic and static situations, condition precedent, foreseeability, purposive approach, penalties and damages. In specific matters of the FIDIC contract he has prepared reports in accordance with clause 3.5 determinations and clause 20.1 claim notifications along with clause 2.5 employer claims. In providing expedited relief he has proceeded to Arbitration and Dispute Adjudication Boards and submitted narratives of delay claims entitlement and monetary relief in sectors such as building, energy and rail.

Damian is strong working with forensic planners and quantity surveyors, using techniques such as measured mile and time impact analysis.

He is strong team leader and has been responsible for the provision of dispute related services to employers, contractors and subcontractors, dealing with mechanical and electrical work, piling and diaphragm wall work and earthworks, power stations and wind turbines as well as the more general areas of building and civil engineering projects. Damian has a particularly high level of expertise in commercial fit out contracts and has represented the industry at trade level in a number of disputes and in its liaison with the NSCC and JCT contracts tribunals. Damian is a delay and planning expert and has particular experience in delay analysis and complex disruption valuation, disentangling global claims to establish the relationship of particular cause and effect, particularly in matters of dominance and concurrency. He has been involved in a number of high-profile cases that have been featured in the construction press and law reports.

Damian is client facing and an exceptional quantity surveyor and can present claim situations in an expert manner by using detailed quantum and delay analysis.

Damian was recognised by Who's Who legal in 2018, 2019, 2020, 2021, 2022, 2023 and 2024 as a leading expert in his field.

Damian also received Delay and Quantum Expert of the year for 2019 and 2020 from the Federation of Forensic and Expert Witnesses.

Damian was the recipient of the Client Choice Global Award for Expert Witnesses in 2023.

### **ACADEMIC QUALIFICATIONS**

Bsc (Hons) Surveying, LLM

Post Graduate Certificate In Law (LLB)

Diploma in International Arbitration (CIArb)

Diploma in Adjudication (RICS)

### **PROFESSIONAL MEMBERSHIPS**

FRICS, FCIArb, FMIArb, FAMINZ, FAArb, FPD, FCABE, FICCP, FAP-KFCRI C. Build.Eng, MCInstCES, MAE, MADR, Chartered Institute of Arbitrators Accredited Mediator

41AonMediation Accredited Mediator

ICC Accredited Expert Witness

Academy of Experts (Greys Inn) Accredited Expert Witness

Hunt ADR Panel Mediator, Adjudicator and Arbitrator  
London Court of International Arbitration Member and Arbitrator (LCIA)  
Dubai International Arbitration Centre Arbitrator (DIAC) Panel Arbitrator  
CIArb Zambia Panel Arbitrator  
Mauritius Arbitration and Mediation Centre Arbitrator (MARC) Panel Arbitrator  
Malaysia Institute of Arbitrators (MIArb)  
Arbitrations and Mediation Institute of New Zealand (AMINZ)  
Kigali International Arbitration Centre (KIAC) Panel Member  
Prime Dispute Arbitrator  
Fellow (FAArb) of the Association of Arbitrators (Southern Africa) NPC and panel Arbitrator, Adjudicator, Mediator  
Fellow of Kovise Foundation Conflict Resolution International (KFCRI)  
Society of Construction Law Member (SCL) and Board member for SCL Africa  
Member of Dispute Resolution Board Foundation (DRBF)  
Member and Panel Adjudicator of the Construction Adjudication Association of South Africa (CAASA)  
UK Adjudicators Panel Member  
UK Adjudication Society  
CInstCES Examiner

### RELEVANT EXPERIENCE

**Over 35 years of varied experience in the construction industry and over 15 years of specialised experience in construction dispute resolution.**

1989 – 1992 Balfour Beatty Trainee Quantity Surveyor to Assistant Quantity Surveyor  
1992 – 1993 Tyson Construction Site Quantity Surveyor  
1993 – 1997 Birse Construction Senior Quantity Surveyor to Senior Projects Quantity Surveyor  
1997 – 2014 JVA working as Consultant to Subcontractors, Employers, Contractors in construction dispute related services.  
Expert witness in construction related disputes in arbitrations, adjudications and the high court.  
2014 – 2015 HPR working as Lead Consultant in disputes in South Africa  
2015 – 2016 Director of Driver Trett Africa and Expert Witness for Diales in Africa  
2016 – present Practicing Expert and Director of Damian James Delay and Quantum in the UK, Africa and the Middle East

### CORE SKILLS AND COMPETENCIES:

#### Adjudications:

Wide experience in several construction adjudications as party nominated adjudicator, including: -.

- Repudiatory breach of contract (NEC)
- Impossibility (NEC)
- PAVA cabling routing
- Failure to provide notice (NEC)
- Loss and expense valuation
- Failure to issue notice of withholding

- Remedial costs levied
- Consequential delays (NEC)

Acting in several construction adjudications nominated adjudicator by UKA and Association of African Arbitrators, including:-

- Repudiatory breach of contract (JCT)
- Litigation proceedings brought prior to adjudication
- Re-measurement methods
- Fraudulent submission of QA documents
- None payment of pipeline contract
- Repudiatory breach of contract (JCT)
- Failure to provide early warning notices (NEC)
- Compensation events (NEC)
- Possibility of works information

### **Arbitrations:**

Wide experience of managing arbitrations as party and panel nominated arbitrator and providing advice to parties to and assisting the arbitrator for Claimant and Defendant in cases of commercial projects and similar issues, disputes including: -

- Prolongation
- Extension of time
- Disruption
- Quantification of damages
- Commercial matters (NEC)

Sitting as Arbitrator in Dubai, Africa and South Africa, with nominations from DIAC, LCIA, KIIAC and [FAArb](#).

### **DAB and DAAB member:**

Damian acts as DAB/DAAB as party nominated member and providing interim decisions to parties to and assisting the parties in cases of commercial projects and similar issues, disputes including: -

- Prolongation
- Extension of time

- Technical issues
- Disruption
- Quantification of damages
- Commercial matters

Damian is currently a DAB and DAAB member in South Africa, Zimbabwe, Kenya, Rwanda and chair of a DAAB in Uganda.

### **Litigations:**

Wide experience of acting as a CPR 35 Expert Witness to the parties in litigation, for Claimant and Defendant in cases of contract disputes, commercial proceedings and similar issues. Experience in acting as single and joint expert for construction related disputes.

### **Expert Witness UK and International:**

Wide experience of providing advice to expert witnesses and of investigating defects and reporting to the courts as Expert Witness, for Claimant and Defendant in cases of housing disrepair, commercial proceedings and similar issues, including: -

- Roads
- Highways
- Bridges
- Groundworks
- Civil
- Power station
- Stadia
- Multi-purpose retail and shopping centres
- University
- Critical path networks
- Mechanical and electrical
- Public address systems
- Concrete frame
- Tailings dams
- Structural steel frame

- Timber Frame
- Specialist Flooring
- Strikes and commotion
- Rail
- Mining
- Oil

### **Mediations:**

Acting in Regents Park, London, Birmingham and Manchester Civil Justice Centres as a Civil Courts Mediator and Internationally in privately conducted commercial mediations for cross border disputes, including: -

- Share dividends
- Death
- Staff issues
- Freehold issues
- Construction payment disputes
- Prolongation
- Extension of time
- Disruption
- Quantification of damages
- Commercial matters
- Technical Issues

### **EXPERT COMMISSIONS**

#### **BY SECTOR EXPERIENCE (SAMPLES)**

Infrastructure – Roads and Bridges:

The Hazels Business Park, Knowsley, United Kingdom – Civil Engineering works in preparation for business park **Delay and Disruption quantification** to respondent local authority on £10m claim for disruption to highway earthworks and structures.

Integrated rapid public transport network (IRPTN), eThekweni municipal area, South Africa, Delay & Quantum Expert – providing **expert opinion in matters of delay and quantum**

Redesign of existing infrastructure, Pretoria, South Africa, Commercial support – Providing contract support in the drafting of contract and joint venture agreements

Mt Edgecombe Interchange, Durban, South Africa, Delay Expert – providing **expert opinion in matters of delay** for major bridge and road scheme - Piling

Mt Edgecombe Interchange, Durban, South Africa, Delay Expert – providing **expert opinion in matters of delay and quantum** for major bridge and road scheme - Incremental Launch Bridge

Mt Edgecombe Interchange, Durban, South Africa, Delay Expert – providing **expert opinion in matters of delay and quantum** for major bridge and road scheme - Earthworks

Cornubia Bridge & Road Project, Kwa Zulu Natal, South Africa – **Independent expert reports on entitlement** arising from Adjudicator's decisions.

Pedestrian Bridge over National Route N1, Johannesburg, South Africa, Delay Expert – providing **expert opinion in matters of delay and quantum** for pedestrian incremental launch bridge.

Motorway and Interchange, Ndlac region, Romania, Delay and Quantum Expert - providing **expert opinion in matters of delay and quantum** in an ICC arbitration for new motorway, connection roads, interchanges and border control.

### Infrastructure – Rail:

Gautrain Rail Development, Johannesburg, South Africa, Delay & Quantum Expert – providing **expert reports for arbitral proceedings in matters of delay and quantum**

Dubai Metro - providing **expert claim reports for arbitral proceedings in matters of quantum**

Nacalhau Rail Corridor, Malawi, Quantum Expert – **expert witness in escalation** matters

National Rail Development and maintenance, South Africa, Quantum Expert – providing **expert reports in arbitral proceedings in matters of quantum**

### Buildings: (Selected Samples)

New University, Botswana, Delay and Quantum Expert – Appointed by Chinese Contractor to provide **expert testimony on critical path analysis and quantification of delays**.

New Schools, Sligo, Ireland, Delay and Quantum Expert – Contractor on assessment and **valuation of delay and disruption** on new schools (FIDIC Contract). E18 mn.

Balfour Beatty Building Limited, Ocean Boulevard Blackpool, Assistant Quantity Surveyor – New build scheme undertaking full range of surveying duties including external valuations, internal valuations (cost/value reconciliation/cost control), daywork, subcontract accounts, material take-offs, cost feasibility exercise and full responsibility for preparation, submission and negotiation of £0.5m storm damage claim with client representative and loss adjustor.

Grand National Blackpool – Refurbishment of existing roller coaster undertaking full range of surveying duties including external valuations, internal valuations (cost/value reconciliation/cost control), daywork, subcontract accounts, material take-offs, cost feasibility exercise.

National Westminster Bank, Preston – undertaking full range of surveying duties including external valuations, internal valuations (cost/value reconciliation/cost control), daywork, subcontract accounts, material take-offs, cost feasibility exercise.

BICC Prescott – Preparation of cost-plus accounts and external valuations, internal valuations (Cost/value reconciliation/cost control).

Skelmersdale Shopping Concourse – Full responsibility for preparation, submission and negotiation of £3m fire claim with client representative and loss adjuster.

Tyson Construction, Forte Crest Hotel, Runcorn, Site Quantity Surveyor – 140 bed hotel refurbishments. Responsible for full range of surveying duties including external valuations, internal valuations (cost/value reconciliation/cost control), daywork, subcontract accounts, material take-offs, cost feasibility exercise and claims.

Kloof Street, Cape Town – **Delay Expert in matter of penalties and extension of time** claims at a heritage building in the cbd. Provision of an expert determination on the date for practical completion using a collapsed as built methodology.

Large Commercial development, Qatar – Providing **Delay and Quantum opinion** in the matter of a \$100m dispute including quantification of damages relative to time impact of termination.

### **Stadia:**

Reebok Stadium, Bolton - £30 million guaranteed lump sum contract - Duties included preparation of Bid Documents, Evaluation of Bid and Negotiation of Contract, contractual and commercial administration (including claims) of new contract, crossing agreements and tie-in agreements. Preparation and negotiation of major insurance claims. Refutation of contractor claims, preparation and negotiation of counter claims and management of 6-man team undertaking full range of surveying duties including external valuations, internal valuations (cost/value reconciliation/cost control), day work, subcontract accounts, material take-offs, cost feasibility exercise.

Anfield Stadium, Liverpool – Management of commercial team in tender and contract stages.

Kingpower Stadium, Leicester - Management of commercial team in procurement and contract stages.

Madjeski Stadium, Reading - Management of commercial team for various subcontract packages.

FIFA World Cup Stadia, South Africa – Acting as **quantum expert in the quantification of damages** and the provision of services in the calculations of building and infrastructure costs and the performance of a reasonable tender programme.

### **Housing:**

Wide experience in social and private housing sectors including maintenance, essential repair, extensions, new construction and **Expert Witness** inspections under section 11 of the Landlord & Tenant Act 1985. Wide experience of providing valuations of residential properties for private individuals.

### **Large Residential:**



Namibia Residential (large scale) - Providing **expert reports on quantum** of variations, damages and penalties

Large Residence, Pietermaritzburg, South Africa- Providing **expert reports on delay and quantum** of variations, damages and penalties

Large Residence, Johannesburg, South Africa- Providing **expert reports on delay and quantum** of variations, damages and penalties

Large Residence, Pretoria, South Africa- Providing **expert reports on quantum** of variations, damages and penalties

Majorca, Spain Residential (large scale) - Providing **expert reports on quantum** of variations, damages and penalties

### **Commercial:**

Wide experience in commercial sectors including schedule of dilapidations, maintenance planning and budgeting, essential repair, extensions, new construction and valuation in hotels, media and retail.

### **Religious/ecclesiastical:**

Experience of working on religious and ecclesiastical buildings.

### **Education:**

Experience of working on new construction and essential repairs for educational buildings.

### **Health & public sector:**

BUIST University, Gaborone, Botswana, **Delay & Quantum expert** - to the arbitration providing opinion on dominant and concurrent delays

University of Johannesburg, Johannesburg, South Africa, **Delay expert** - to the arbitration providing opinion on dominant and concurrent delays

Experience of working on new construction and essential repairs for hospitals, police stations, local authority, government and other public-sector buildings.

### **Commercial Building:**

Wide experience of working on new construction, refurbishment, defect repair and essential repair works to office accommodation, sports halls, hotels, public houses, retail outlets, shopping malls, theme parks, business parks, football stadia and other industrial and commercial buildings.

Nestle Factory, Estcourt, Kwa Zulu Natal, South Africa, **Delay & Quantum Expert** – providing **expert opinion in matters of delay and quantum** in respect of final account dispute

Commercial Premises, Umhlanga, Durban, South Africa, **Quantum Expert** – providing expert opinion on quantum matters and entitlement arising from commercial lease dispute to the High Court

Convention Centre, Kigali, Rwanda – providing pre-arbitration services in respect of multiple disputes

[Weaponry Machinery, Pretoria, South Africa](#) – Providing quantification of damages to the **High Court of South Africa**

[Components Dispute, Northern Cape, South Africa](#) – Providing quantification of damages arising following defective works as **Quantum Expert**.

[Office Park, Cape Town, South Africa](#) – Providing delay and disruption analysis and review for the Contractor.

[Simon's Town Harbour, South Africa](#) - Providing **expert analysis of quantum** for the Employer

[Doha, Qatar](#) - Providing **expert analysis of quantum** for the Employer in commercial scheme for residences and apartments

[New Apartments, Manchester, United Kingdom](#) - Providing **expert analysis of quantum** for large subcontractor on new build housing

[Hotel and apartments in Cape Town, South Africa](#) - Providing **expert analysis of delay** for the Employer

[Doha, Qatar](#) – acting for the Contractor in a **delay and quantum** in a commercial building dispute

[Battersea Power Station](#) - acting for the Contractor in a **delay and quantum** in a commercial building dispute

### **Civil Engineering:**

Wide experience on infrastructure schemes, motorways and highways to major commercial developments.

### **Water Pipelines ad Waste Treatment:**

[Wastewater, Port Elizabeth, South Africa](#) – Providing **delay and quantum analysis** to the Engineer in a **litigation** as to fiduciary duty.

[Western Cape, South Africa](#) - Providing **quantum analysis** to the Employer in a 2000+km pipeline dispute

[Gauteng, South Africa](#) - Providing **delay and quantum analysis** to the Contractor in a 1400+km pipeline dispute

### **Farming and food production:**

[Mpongwe, Zambia](#) – Providing **expert quantum analysis of damages** to the high court in a litigation.

### **Specialist contracting:**

A recognized Quantity Surveyor and commercial manager for national mechanical and electrical contractor providing final accounts and claims. Including overhead cabling and high and low voltage works. Managing Contractor accounts under an amended NEC Option A form of contract in terms of monthly applications, variations and final account settlements. The works are undertaken on the National Grid and vary from the replacement of 132kV HV Towers to new Switchgear substations and the replacement of 132kV/33kV underground oil-filled cables to the replacement of Grid Transformers. Wide experience in fit out contracting drylining, plastering, screeded floors, suspended ceilings, joinery, decoration and HVAC on new construction and refurbishment of office accommodation, sports halls, hotels, public houses, shopping malls, theme parks, racecourses, residential apartment blocks and domestic housing. Wide experience in prefabricated and site built steel framing systems incorporating in-situ concrete floors and timber roofing on new schools, training colleges, hotel accommodation, residential apartments.

Recent activity:

[Commercial fit out works, Watford, England](#) – Acting as party representative in two successive adjudications in multi million pound fit out dispute.

[Commercial fit out works, Watford, England](#) – Acting as delay expert in multi million pound mechanical and electrical dispute.

[Commercial fit out works](#) – Acting as delay and quantum report in student accommodation disputes in London and Nottingham.

### Energy:

[Medupi Power Station, Lephalale, South Africa, Delay & Quantum Expert](#) – Employer assessment and valuation of delay and disruption due to turbine and power requirements and variations to structures on scheme compromising 6 no turbines associated structures (FIDIC Contract). Evidence given in DAB processes R385mn. Lead Consultant on Employer cross claims arising under 2.5 (FIDIC Contract) R20 bn.

[Kusile Power Station, South Africa](#) – Subcontract representation and recovery of preliminaries and disruption costs from access delay arising

[Oil Plant and Refinery, Secunda, South Africa, Delay reports](#) – Providing assessment of Contractor's entitlement to delays arising from compensation events under the NEC, providing assistance on termination matters.

[Wind Turbines, Germany, Quantum Expert to Contractor](#) – assessment and valuation of delay and disruption on the scheme (FIDIC Contract). E18 mn.

[Wind Turbines, Kenya, Delay Expert to Contractor](#) – assessment and valuation of delay and disruption on the scheme (FIDIC Contract). \$250 mn

[Didcot Power Station, Oxford](#) – package manager for infrastructure works

[Botswana Power Corporation, Gaborone, Botswana, Expert reports for insurers](#) – Providing **expert** reports on insurable losses in a tri party matter of dispute

[Oil Plant and Refinery, Secunda, South Africa, Delay reports](#) – Providing assessment on behalf of the Employer of Contractor's entitlement to delays arising from compensation events under the NEC, providing assistance on termination matters.

[Illanga Solar Power Plant, Uppington, South Africa](#) – Providing **expert analysis of delay** and quantum for the Contractor

[Al Dur, Bahrain](#) - Providing **expert analysis of delay and quantum** for the Contractor

[Doha, Qatar](#) - Providing **expert analysis of delay and quantum** for the Contractor in an oil and gas arbitration.

[Doha, Qatar](#) – Acting as expert in delay and quantum matters in ICC arbitration for helium plant and production.

[Hendrina Power Station, South Africa](#) – Acting as Quantum Expert in an adjudication for termination of task orders.

[Matla Power Station, South Africa](#) – Acting as Quantum Expert in an adjudication for termination of task orders.

[Kendal Power Station, South Africa](#) – Acting as Quantum Expert in an adjudication for termination of task orders.

[Letabo Power Station, South Africa](#) – Acting as Quantum Expert in an adjudication for termination of task orders.

### **Mining:**

[Kumba Mine, Gauteng, South Africa](#) – **Delay and Quantum Expert** – Providing expert reports on delays and quantum of variations and penalties

[Unki Mine, Zimbabwe](#) – **Quantum Expert** - Providing expert reports on quantum of variations and penalties

[Western Cape, South Africa](#) - Providing **expert reports on delays and quantum** of variations and penalties

[Johannesburg, South Africa](#) – Acting as **delay and quantum Expert** in arbitration in a mining dispute.

### **Marine:**

[Sea Defences, East London, South Africa](#) – Providing assessment of Contractor's entitlement to delays arising from compensation events under the NEC with multiple referrals to adjudication

[Durban Harbour Defences, Durban, South Africa](#) – Providing delay analysis and commercial advice in respect of events arising under a NEC contract

### **Blasting Quantification:**

[Sea Defences, East London, South Africa](#) – Providing calculations of blasting yields in a matter of disputed quantification

## **CONTINUING DISPUTE RESOLUTION EDUCATION**

- CI Arb Arbitrators Surgery: 2009, 2010, 2011 and 2012
- CI Arb Adjudication Training Course: 1996
- Dispute Resolution Board Foundation Administration & Practice Workshop: 2006
- Dispute Resolution Board Foundation International Conference: 2006 and 2007
- HPR:2014 Pure Economic Loss in Delict: Caroline Jachs Attorney at Law
- HPR: NEC compensation Events Michael Nelson: Barrister
- HPR: Contract termination Michael Nelson: Barrister
- FIDIC CONTRACT TRAINING
- Claims Class 2-day Intensive course Dubai :2015
- RICS Online webinar: 2015

- EXPERT WITNESS REPORT WRITING
- RICS course :2014

### **TRAINING & LECTURING**

Damian James was a Senior online lecturer for the College of Contract Management in London, leading the forensic Quantum and Expert syllabus. The syllabus provided by Damian is the basis of the course.

Damian James offers a joint learning forum approach to training where the trainer and student engage in open discussion and debate on the merits of practical examples framed around the following issues:

- Drafting notices and follow up claims
- Dispute Avoidance, is it possible?
- Nec and how to avoid disallowed costs
- The problems with JBCC and how to cope (South Africa only)
- The FIDIC suite and how to manage your contract
- Developing a further understanding of dispute resolution mechanisms
- Applying the model law to South Africa (South Africa only)
- What's happened in the world of construction case law?
- Concurrent delay at the same time and all over again
- Delay analysis backwards or forwards over the sea of confusion
- EPC contracts and the risk share
- Your loss and expense entitlement, you are missing out?
- Damages following termination of contracts
- Nec or Fidic, which choice is best for your project?

### **ADDITIONAL INFORMATION**

Over 35 years' experience in the building and civil engineering industries, during which time he has represented Main Contractors, Construction contract consultants, expert witnesses, adjudicators, chartered quantity surveying practice, solicitors, domestic clients, subcontractors and international building and civil engineering contractors.

### **PUBLICATIONS**

The Reebok Stadium – published 1997

“A comprehensive journey through the construction process and best practice for stadia construction”

Specialist Building Finishes – 6 articles including

“The Construction Act and what it means for subcontractors”

“The London Olympics, our lasting legacy”

Diales/Driver Journal – 6 articles

“Quantum jump – the lone ranger”

CInstCES - 6 articles including

“Considerations when using international indices in disruption claims”

“Productivity – who’s to blame?”

“Productivity after a change”

“Good Faith in arbitration”

paper published in Volume 11 Issue Number 1 2023

<https://ciarbkenya.org/wp-content/uploads/2023/02/Vol-111.pdf>

“Extreme weather as the new normal issued in the Global Construction Review May 2023”

<https://www.globalconstructionreview.com/extreme-weather-is-the-new-normal-are-you-planning-for-it/>

### **PUBLIC SPEAKING**

Institute of Directors 2006

National Specialist Subcontractors Council 2006

“The Construction Act and best practice”

Federation of Plastering and Drywall Contractors Awards 2007

“The Adjudication process and when it works”

City of Durban 2016

“An understanding of the claim process and the notice provisions”

Mace Seminar 2016

“Fidic claims in the construction industry”

Society of Construction Law Africa 2018

“The symbiotic relationship between the Expert and the Arbitrator”

Clyde and Co insurance Day Panellist 2019

“Risk apportionment in EPC contracts”

Finishes Interior Sector 2020

Live webinar ‘What to do in Suspensions’ (following the covid 19 outbreak) 30 March 2020

<https://register.gotowebinar.com/recording/2033155735338971147>

Botswana Professional Bodies

Live webinar ‘What to do in Suspensions’ (following the covid 19 outbreak) 9 April 2020

Finishes Interior Sector 2020

‘Contract Management, Avoiding Conflict and Dispute Resolution’ 23 April 2020

<https://register.gotowebinar.com/recording/1653317349425787659>

Society of Construction Law Africa Panellist 29 April 2020

"SCLAFRICA WEBINAR: Life in the time of Covid-19: a Construction Law Perspective"

Bowmans International Law Practice 5 May 2020

Explaining causation and the recovery of time and money during Covid 19

Institute of Construction Claims Practitioners 13 May 2020

“What a claims practitioner should be doing during suspension and delay periods”

AB & David Attorneys 2 June 2020 (Zimbabwe)

“Suspension and delay periods in Covid19”

Chartered Institute of Arbitrators Kenya 24 July 2020

Particularisation of claims in the post Covid 19 era

Finishes Interior Sector August 2020

Panellist for discussion on “the use of indices in establishing losses/gains in productivity”

SCLAFRICA ADJUDICATION 3 PART WEBINAR – Discussion on statutory and contractual adjudication

CIArb East Asia November 2020

Moderator of panel discussion ‘how to navigate the international waters of ADR and grow a business.’

Kovise Foundation Conflict Resolution International (KFCRI) November 2020 3 day masterclass with David Brynmor-Thomas, Chantelle Humphries and Johan Beyers.

‘An experience and opinions on the very contemporary topic ‘Construction Arbitration & Delay Analysis in COVID-19 Scenario’

CIETAC CUP – Arbitrator in Moot Arbitration November 2020

Presiding Arbitrator in numerous rounds

Spotlight series – Delay analysis in the new norm post covid phase 1 December 2020

Spotlight series – Delay analysis in the new norm post covid phase 1 with David Brynmor-Thomas and Kate Corby February 2021 (repeated specifically for the CICES)

Spotlight series –Adjudication in Africa with Johan Beyers and Simon Kiriba February 2021

Kovise Foundation Conflict Resolution International (KFCRI) February 2021 International arbitration and dispute resolution

Panel Speaker on Tribunal Obligations to disclose at UK Adjudicators Edinburgh Conference 2021

LCIA Moot - Arbitrator in Moot Arbitration March 2021

Spotlight series –Energy Sector Disputes with Rob Wilson and Thomas Crangle March 2021

Africa Construction Law Week April 2021 – Project Management in Africa

Spotlight series –Energy Sector Disputes with Rob Wilson and Thomas Crangle April 2021 (repeated specifically for the CICES)

Spotlight series –Insurance sector review with Bryn Hodges and Athena Markides June 2021

Malaysia Institute of Arbitrators 7<sup>th</sup> Annual Law Review – Presentation on the challenges faced by Experts in the Virtual Hearing

Panel Speaker on the capping of Tribunal Fees at UK Adjudicators London Conference 2021

CIETAC CUP – Arbitrator in Moot Arbitration November 2021

Spotlight series –the new normal with James Banda and Kort Egan February 2022

Spotlight series –enforcement Alex Kelsall and Sahana Jayakumar July 2022

Finishes Interior Sector 2023 -Delivering a keynote speech on future risk and issues arriving for the Subcontract industry

Manchester Lecture 2025 – Key note speech on Experts and Professionalism

### **DAMIAN JAMES PAPERS ‘PERSPECTIVES OF ENTITLEMENT’ (available on the website)**

Constructive Acceleration

New Evidence in adjudications

Global Claims

Quantifying Disruption

Understanding concurrency

Delay analysis and where to start

Presentation of claims

Quantifying Damages

The apportionment of delay damages



### NOTABLE CASES

Honeywell and Quartzelec

Honeywell and Multiplex

Henry Boot and Malmaison

### RECOGNITION/AWARDS

Who's Who Legal 2018; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2019; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2020; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2021; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2022; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2023; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2024; Leading Delay and Quantum Expert in South Africa

Who's Who Legal 2025; Leading Delay and Quantum Expert in South Africa

Federation of Forensic and Expert Witness UK; Leading Delay and Quantum Expert in the UK 2019

Federation of Forensic and Expert Witness UK; Leading Delay and Quantum Expert in the UK 2020

FIDIC Consultants of the year 2020 (runner up)

Client Choice Award for Africa 2023

Client Choice Award for Africa 2024

### REFERENCES

*"I have worked with Damian in the UK on several occasions. I have found him to be professional and articulate, with an innate ability to explain difficult concepts in language that someone not versed in construction can understand. I value his expertise."*

**Gunner Cooke**

*"We engaged Mr Damian James to assist our company in disputes we had for one of our projects with client. Mr D James provided us with expert evidence which led to the settlement of a multimillion-dollar dispute in February 2016.*

*We found him to be very professional and articulate. We therefore strongly recommend him to those who may need his services"*

**China Civil Engineering Construction Limited**

*“During April/May 2016 I had the pleasure and benefit of working with Mr Damian James in a sternly contested dispute arising out of a building contract. The central issues included claims by the main contractor for revision of the contractual completion date, P&G’s and consequent imposition of penalties.*

*Mr James prepared a comprehensive report setting forth his opinions as an expert in the field and his brief included the preparation of as built programmes which were then debated with opposing expert witnesses prior to the arbitration.*

*Mr James displayed a quick grasp of the core issues. Throughout his involvement in the case, Mr James’ impartiality and knowledge of his field of expertise were manifest.*

*I would have no hesitation in recommending Mr James to any Employer or Contractor as a consultant or expert advisor in engineering and construction disputes of this nature. “*

**Knowles Hussain Lindsay**

*“Damian James, Claims Consultant, great guy, expensive, but will do the work in half the time”*

**Murray and Roberts**

*“I confirm that Damian James was involved as the primary expert in respect of delay, disruption and quantum for a matter involving Khumba Iron Ore as the Employer and ELB Engineering Services as the Contractor.*

*The Employer and Contractor entered into two written agreements in terms of which the Claimant would undertake inter alia the manufacture, design, supply and commissioning of three and two modular plants. During the course of the execution of the contracts, various claims were made by the Contractor arising from the Contracts, which were disputed by the Employer. The disputed claims were subsequently referred to arbitration.*

*During the course of the matter, I found Damian to be very knowledgeable resourceful, solution-orientated and accessible in preparing his expert report, as well as in assisting and guiding with the matter as a whole.”*

**Hogan Lovells (South Africa) Inc.**

*“He is always straightforward in his approach as well as courteous, clever and articulate regards the complex issues which he could approach with calculated simplicity. He was always well prepared, does not cut corners and has an excellent ability to explain issues to clients in simple and calm language. “*

**Robert Elder MRICS**

*Mr Damian James is an esteemed, well qualified expert on Delay and Quantum claims, well known in the construction claims industry. He frequently appears in court as an expert witness. He is a Registered Quantity Surveyor with RICS. He has delved into the site instructions and programme in depth and in much greater detail than I am able to do in the limited time I have available to me. I rely on his report dated 12 April 2019 with regards to quantum and time. I am ad idem with Mr James views and all his comments and observations as far as I am able to observe them.*

**Adjudicator’s comments**

*Mr James has pointed to other difficulties with the quantification and his objections have merit and I accept them, particularly what is said at paragraphs 63-67 of his report.*

*I accept that Mr James’ calculations are themselves capable of challenge, but it seems to me, on the what I have, that they represent a more cautious and reasonable approach and one which I will adopt, those calculations err as being overly conservative, then that is as a consequence of the contractor not having maintained proper records.*

**Senior Counsel comments in his Adjudication Decision**

*Damian James is a highly regarded delay and quantum expert who boasts vast experience advising on sophisticated projects in Africa.*

### **Who's Who 2018**

*Damian James is esteemed by sources for his market-leading quantum and delay expertise as well as his strong experience across a range of sectors from energy to infrastructure*

### **Who's Who 2019**

*Damian James is a seasoned delay and quantum expert, highly respected of his extensive testifying experience before arbitration tribunals.*

### **Who's Who 2021**

*Damian James is held in high regard thanks to his "clear and concise reports" and ability to "explain quantum and scheduling matters in an understandable way."*

### **Who's Who 2022**

*Damian is very knowledgeable and involved with us. He consistently provides clear communication.*

### **Client Choice 2024**

*Damian James reports were very clear and concise and contained all the required details and were delivered in a timely fashion. He is able to explain complex issues to the team in an understandable way.*

### **Client Choice 2024**

*Damian listens and obtains all information to form a logical opinion, capable of withstanding scrutiny.*

### **Client Choice 2024**