

## Joshua Bernie

Senior Associate

 London

[josh.bernie@brownejacobson.com](mailto:josh.bernie@brownejacobson.com)

+44 (0)3300452425



Joshua is a Senior Associate in the construction team specialising in the resolution of contentious construction disputes.

Joshua advises main contractors, employers and local authorities across a variety of sectors including waste to energy, the NHS, education, highways, public housing and aged care. Specifically, representing clients engaged in adjudications, arbitrations and in TCC proceedings in relation to disputes arising under JCT, NEC and PFI contracts.

Recently, Joshua acted for two local authorities in a dispute concerning a defective waste to energy treatment facility in the midlands, procured under a PFI agreement. Directing the disclosure exercise, from start to finish and in compliance with Practice Direction 57AD which was introduced whilst the proceedings were on foot. The case was one of the highest value claims in the TCC list at the time which settled for approx. £94 million.

Prior to this Joshua practised law in Sydney Australia where he acted for a developer in Supreme Court litigation concerning Opal Tower. Defending against and prosecuting multiple cross claims extending up and down the entire length of the supply chain and across a series of separate proceedings. The high-profile case fundamentally changed the construction industry by mandating the existence of a new statutory 'duty of care' on all persons who perform construction work and leading to the creation of a new building commissioner with powers to investigate building defects and to issue building work rectification orders.

---

## Expertise

Real estate and construction

---

## Featured experience

### PFI Dispute

Acted for a local authority in relation to the failure to repair and maintain public street lighting under a PFI Contract.

## **‘Building Schools for the Future’ scheme**

Advising a high school in relation to latent defects arising from works performed under the ‘Building Schools for the Future’ scheme.

## **NHS**

Advising a NHS Trust in relation to the levying of liquidated damages under framework agreement.

## **Aged Care**

Successfully acted for a luxury aged care provider in multiple adjudications concerning delay and related claims arising under a JCT Design and Build Contract.

---

## **Testimonials**

*"The final thing I should say is it would be remiss of me not to acknowledge the efforts of counsel and legal representatives in resolving what are obviously very complex proceedings in a manner which should be for the benefit of all your respective clients and save significant legal costs."*

**The Honorable Justice A Black , Supreme Court of New South Wales**