



## **Janey L Milligan LL.M, FRICS, FCI Arb** Quantity Surveyor, Adjudicator, Arbitrator

### **Qualifications and Professional Status:**

- Fellow of The Royal Institution of Chartered Surveyors
- LL.M in Construction Law in 1997, University of Strathclyde
- Fellow of The Chartered Institute of Arbitrators
- RICS Accredited Expert Witness
- Member of the Society of Construction Arbitrators since 2017

### **Professional Experience**

#### **May 1997 – Present: Managing Director, Construction Dispute Resolution**

Responsible for all activities, development, promotion and management of the company.

Appointed as Expert Witness on a variety of complex building, engineering and renewable energy sector disputes. The majority of the cases have been to give expert opinion on issues of quantum in relation to extension of time, loss and expense claims and valuation of works, although I have frequently been involved in professional negligence claims and dealing with the roles and responsibilities of the professional team.

In a variety of roles I have acted as an independent third party decision maker. I have been appointed to over 250 adjudications as Adjudicator and have frequently acted as a party representative in adjudications. I also act as an Independent Expert in determining issues between Parties and have acted as Arbitrator on a number of construction disputes. Arbitrations have been conducted pre and post Arbitration (Scotland) Act 2010 and under the Arbitration Act 1996. On recent occasions I have represented Parties under the 2010 Act.

Further areas of activity include evaluation and presentation of loss and expense claims and giving procurement and contract advice on standard and bespoke contracts (domestic and international).

In tandem with dispute consultancy services, I remain actively involved in QS commercial activities of construction contracts for Clients from Employer and Contractor Organisations.

**1998 – 2003: Part-time Lecturer in Quantity Surveying at Glasgow Caledonian University**

**March 1993 – April 1997: Lecturer in Quantity Surveying at Glasgow Caledonian University**

**January 1986 – February 1993: Director of Quantity Surveying at Unick Architects and Surveyors, Glasgow**

**October 1984 – January 1986: Quantity Surveyor at John M. Simpson & Co., Cumbernauld**

**October 1983 – October 1984: Trainee Quantity Surveyor at Wakeman Trower and Partners, Glasgow**

**July 1978 – October 1983: Apprentice Quantity Surveyor at John M. Simpson & Co., Cumbernauld**

## Specialisation:

Having worked in the construction industry for over 30 years I have gained expertise in the field of quantum and in particular; valuation claims, variation and final accounts including loss and/or expense claims. I have expertise in delay analysis in relation to the preparation and also appraisal of extension of time claims.

I have a sound technical and commercial awareness of the construction industry, gained in public and private sector projects covering all aspects of Quantity Surveying from inception to final account, with extensive experience in a variety of standard construction and engineering contracts alongside bespoke contracts.

Whilst working in the private sector I was employed at Howard and Unick Architects in January 1986 to advise on quantity surveying matters with the remit to develop a quantity surveying division, for which I subsequently became Director.

During my career I have also been involved in a variety of professional negligence claims and have developed a particular skill in this area. I am also an accredited Adjudicator, Arbitrator and Expert Witness.

## Examples of Expert Witness Appointments

### Quantum:

- Costs of Rebuild/ Repair of renewable energy project; England;
- Costs in connection with completion of major leisure centre, England;
- Works carried out on the new Forth Crossing, Scotland;
- Additional works arising from a professional negligence claim in connection with residential works;
- Remedial costs, and other costs, related to the construction of a runway extension at airport together with sea defences, Scotland;
- Loss of profit claim on a new build social housing project;
- Loss and expense claim for delayed works on a new build residential project;
- Loss of profit claim on a large infrastructure project;
- Quantum in relation to negligence/design failure/poor workmanship on a new build school project;
- Valuation of rectification works and negligence of parties in connection with infrastructure works;
- Reinstatement costs of a hotel property following fire damage;
- Quantum in relation to poor workmanship and reinstatement costs;
- Quantum in relation to defective works/works not in accordance with the Contract and the valuation of the rectification required; and
- Loss and damage for works carried out at HMS Naval Base.

### Professional Negligence:

- Duty to administer a building contract for residential works;
- Breach of contract and negligence in respect of the building contract in connection with residential works;
- Alleged fault and negligence in respect of drawings prepared for a residential development;
- Whether works completed have been completed to an acceptable and workmanlike standard on a residential project;
- Allegations of breaches of duty and consideration in respect of quantity surveying services; and
- Whether cost and project valuation advice was unreasonably and negligently optimistic.

**I have always been actively involved with The Royal Institution of Chartered Surveyors including the following positions:**

2015 - 2019	Member of Dispute Resolution Professional Group Board (Chair since 2016)
2007-May 2008	Chairman of RICS Scotland

<b>DIRECTORSHIPS &amp; NON EXECUTIVE POSITIONS</b>	Non-executive Member of RICS UK & Ireland World Regional Board 2009-2014 Director of Scottish Arbitration Centre since March 2011
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2018 -	External Examiner at Robert Gordon University, Aberdeen (LLM, MSc Construction Law and Arbitration)
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## Research Information

My main areas of interest have always been Construction Disputes and Risk in differing Procurement Methods. I have presented at conferences and have published several papers and articles in the construction press on the topics of methods and practicalities of resolving construction disputes.

### Conference Papers:

- Adjudication in the UK since the introduction of the Housing Grants Construction and Regeneration ACT 1996 – The experience of the adjudicators with P. Kennedy at the International Council for Building Research Studies and Documentation (CIB) W103 conference, Manchester 2000.
- Statutory Adjudication – The Adjudicator’s Challenges with P. Kennedy at the International Council for Building Research Studies and Documentation (CIB) W103 conference, Manchester 2000.
- Mission Drift in Statutory Adjudication with P. Kennedy at COBRA Conference 2007 in Atlanta, Georgia, USA.
- The Development of Statutory Adjudication in the UK and its Relationship with Construction Workload with Kennedy, Cattanach & McCluskey at COBRA 2010, in Paris, France.
- The Development of UK Statutory Adjudications; its relationship with construction workload and the costs, with Kennedy, Cattanach & McCluskey at COBRA 2011, in Manchester, UK.
- Extent and Impact of Intimidation in UK Statutory Adjudication with Cattanach and Jackson at COBRA AUBEA 2015, in Sydney, Australia.
- UK Construction Payment Legislation – Clarity or Chaos? with Jackson and Cattanach at COBRA 2016, in Toronto, Canada.

### Research Reports:

- In April 2001, I completed a two-year research project, with the Building Research Establishment, entitled ‘Simplifying construction contracts through risk management’. This culminated in the development of a simple contract framework.
- I also co-managed the Adjudicating Reporting Centre at Glasgow Caledonian University (1998 – 2012) which researches trends in adjudication and provides regular reports to the industry. Research Analysis of the Progress of Adjudication based on Adjudicator Nominating Bodies (ANBs) and Practising Adjudicators Returned Questionnaires. Reports 1-15 inclusive.
- Continuing the Adjudication trends reporting as above with support from the Adjudication Society (2012 – ongoing)
- RICS Fellowship Award Completed in 1997 -'Evaluation of liability and risk to Chartered Surveyors as Employer's Agent in Design and Build Contracts'.

### Refereed Journals:

- Cost of the adjudication process in the UK since the introduction of the Housing Grants, Construction and Regeneration Act 1996 with P Kennedy, in The Journal of Financial Management of Property and Construction; Volume 5, Number 3, December 2000.
- Research Analysis of the Progress of Adjudication based on Questionnaires Returned from Adjudicator Nominating Bodies (ANBs) and Practising Adjudicators with Peter Kennedy in (2001) 17 Construction L.J. No. 3, Sweet and Maxwell.



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