



Lucinda Robinson

Partner

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Lucinda is a dispute resolution specialist, focusing on the strategic and commercial avoidance, management and resolution of disputes arising throughout the life cycle of construction and engineering projects. Lucinda's experience encompasses litigation in the Technology & Construction Court, adjudication, mediation and other forms of ADR, as well as "behind the scenes" support, including contract administration, letters, claims preparation and negotiations leading to early resolution.

Working with employers, main contractors, specialist subcontractors and suppliers, Lucinda has helped resolve disputes arising from projects ranging from public sector buildings including prisons and schools, to commercial developments including shopping centres, hotels and office fits outs, to residential properties including housing developments and tall towers, infrastructure projects including roads and bridges, and process engineering facilities including brick factories, energy from waste facilities and concrete plants. The issues at stake have included contract formation, variations, payment, delay, defects and termination, and the contract forms have been standard form JCT, NEC, FIDIC and IChemE (amongst others) as well as bespoke forms and the consultancy appointments and security documents that sit alongside them.

Specialist expertise

Having worked in-house as construction and litigation counsel for a manufacturing and engineering business, Lucinda is particularly alive to the commercial context within which her clients operate. Lucinda now leads Fenwick Elliott's INsiders forum, designed to support in-house construction counsel through specialist seminars and networking opportunities.

Lucinda has an MSc in Construction Law & Practice and often delivers bespoke training and webinars on various construction law issues to clients, on topics including contract formation, design liability on cut & carve projects, provisional sums, mediation, termination and the Building Safety Act 2022 (in which she has particular expertise).

Examples of Lucinda's expertise include:

- advising commercial managers and board directors of specialist subcontractors of the risks identified in proposed construction contracts (including public sector framework contracts) and how they can be negotiated or managed in practice through back-to-back contracts, insurance, robust on-site procedures;

- advising on procurement strategy, interface risk and project specific risks on numerous development projects, ranging in value up to £24 million, at quarries and cement, concrete and asphalt plants, involving contracts for plant supply/installation, civils, building works, demolition and consultancy services;
- negotiating, drafting and reviewing contracts and subcontracts (and associated bonds, guarantees and warranties) for a road surfacing contractor based on forms including NEC, JCT and bespoke forms;
- advising a PFI Project Company in relation to the operation of the dispute resolution mechanism in a concession agreement for a schools project in Wales;
- negotiating back-to-back bespoke contracts for the supply of concrete to a major infrastructure project through a dedicated site concrete plant, and the supply and installation of the plant. Advising throughout the build on delay caused by planning and civils works, deductions of liquidated damages, when completion occurred, whether to give early take-over subject to defects and the final account. Providing ongoing advice relating to delays to concrete production, responsibility for alleged defects, contra-charges and application of liquidated damages;
- negotiating the supply and installation of process plant for a factory on FIDIC terms on behalf of the employer, then providing ongoing advice throughout the duration of the project on issues including valuation, under-sized steel components, instructing measures to avoid delay and recover the cost, deducting liquidated damages and drafting pay less notices and assisting with related negotiations;
- representing contractors and subcontractors in adjudications (and related enforcement proceedings) over various issues including variations, delay, disruption, prolongation and loss and expense, provisional sums, conditions precedent and the validity of notices, ranging in value and arising out of different forms of contract (predominantly JCT and NEC3);
- defending main and specialist contractors against defects claims arising out of workmanship relating to a range of buildings including tower blocks (glazing, creaky building syndrome, cladding and building safety), hotels (completion of various works), swimming pool houses (M&E), educational establishments (brickwork), residential developments (fire safety, windows and cladding), health centres (delay and defects), docks and bridges (steelwork and concrete), groundworks and road surfacing works;
- litigating a multi-party claim worth in excess of £130 million regarding termination, defects and costs to complete arising from a waste-to-energy plant;
- leading a team of solicitors, counsel and experts to advise and represent one of eight Defendants to one of the first Building Safety Act cases in the TCC and advising on numerous similar cases;

- advising a car distributor on the merits of a multi-million-pound professional negligence claim against the project manager and quantity surveyor it engaged to procure and manage the construction of a showroom;
- working with the MD of a specialist cladding subcontractor to close out 20 construction final account and defects claims that it was defending over a 9-month period, within provision. Resolving issues of delay, loss & expense, variations, design responsibility and defects; and
- settling a £5 million claim defect and delay claim arising out of delays to the supply of materials for a high-profile rail infrastructure project, on behalf of the supplier, for less than 10% of the original claim, before proceedings were issued.

Other activities and memberships

- member of the Technology and Construction Solicitors' Association
- member of the Society of Construction Law
- member of Women in Property