



Jonathan Clarke

Senior Associate

jclarke@fenwickelliott.com

Jonathan specialises in dispute avoidance and resolution in the construction, energy and infrastructure sectors. He has been involved in a variety of matters ranging from complex, high-value international arbitrations and TCC litigation through to simple smash-and-grab adjudications.

Jonathan understands all sides to a dispute having clerked for a leading arbitrator and represented states, employers, developers, main contractors, subcontractors, consultants and manufacturers. In addition to his fledgling practice, he is also a keen academic with an LLM (Distinction) in Energy and Climate Change Law from Queen Mary University of London and an LLM (Distinction) in International Dispute Resolution from King's College London.

Specialist expertise

Examples of Jonathan's expertise include:

- acting for a manufacturer of certain external wall system products in multiple cases at the pre-action protocol stage and in the TCC in respect of claims in tort and under the Building Safety Act 2022;
- advising a contractor on a SAR 1 billion claim in relation to a historic road infrastructure project in Saudi Arabia based on an amended FIDIC contract;
- assisting a Panamanian employer in multiple DAB and multi-billion-dollar ICC arbitrations in connection with the design and construction of a major maritime project in Central America based on an amended FIDIC contract;
- defending an oil company in an LCIA arbitration in respect of various subcontractor payment disputes;
- advising the main contractor of a biomass power plant on various contractual issues following the administration of several subcontractors;
- assisting an international EPC contractor in a dispute with a manufacturer and supplier of solar panels under a framework agreement for the supply of solar panels for the construction of 13 solar projects worldwide;
- acting for one of Latin America's largest steel producers in arbitration and mediation proceedings relating to a disputed purchase agreement;
- defending a developer against a main contractor in several smash-and-grab adjudications under JCT D&B 2016 contracts and bespoke development agreements;

- representing an architect and design company following a serious health and safety incident at a research laboratory;
- assisting a groundworks subcontractor in multiple simultaneous adjudications based on oral agreements with all key terms implied from the Scheme for Construction Contracts and other relevant statutes;
- acting for Kuwaiti investors in an ICSID arbitration against the Kingdom of Jordan in connection with a telecommunications dispute; and
- undertaking non-contentious project advisory work, such as tender stage risk assessments of NEC3 and NEC4 contracts for a large civil engineering company for works on a 3,200 MWe nuclear power station and other infrastructure projects.

Jonathan's memberships/positions include:

- member of the Society of Construction Law;
- member of the Adjudication Society;
- member of the Young International Arbitration Group of the LCIA; and
- member of Young ICCA (International Council for Commercial Arbitration).

Jonathan's academic achievements include:

- The Energy and Climate Change Law Prize for the Best Overall Graduate, Queen Mary University of London (2024);
- Diploma in Comparative European and Civil Law (Distinction), University of Szeged (2014); and
- The Michelmores Land Law Prize for the Best Module Performance, University of Exeter (2013).