



Claire King

Partner

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Claire is a recommended lawyer in *Legal 500* for International Arbitration and listed as a Thought Leader in *Lexology Index* on Construction Law (previously *Who's Who Legal*). Described as "excellent on strategy and clear in her advice. User friendly and excellent to work with", Claire has experience of all major forms of dispute resolution and regularly advises clients on the best strategies to adopt in order to resolve their disputes in accordance with their commercial objectives.

She specialises in the resolution of both domestic and international construction and engineering disputes that may arise during the life-cycle of a project including those relating to delays, variations, defects, interim payment notices and final account disputes.

She has experience of all major forms of dispute resolution including litigation, adjudication, arbitration, and mediation and regularly advises clients on the best strategies to adopt in order to resolve their disputes in accordance with their commercial objectives.

She regularly advises in relation to the key standard form construction contracts including the NEC, JCT, FIDIC and IChemE forms and has worked across a wide range of sectors within the industry including in relation to a nuclear implicated facility.

Specialist expertise

Examples of Claire's expertise include:

- acting for an employer in relation to ICC arbitral proceedings brought in relation to extension of time claims and claims for additional works by a contractor in respect of a 190MW dual-fuel combined-cycle plant and associated facilities in the Caribbean;
- acting for an employer in relation to claims for availability liquidated damages arising against a contractor during the defects liability period arising as a result of turbine defects at an energy-to-waste facility. Matter involved complex expert evidence on the cause of the turbine defects as well as advising in relation to calling on the retention bond for the amounts due. The matter involved two high-value adjudications, both of which were won by our client;
- acting in relation to a dispute arising out of the installation of high-voltage undersea cables for an offshore wind farm;
- acting for the National Infrastructure Development Company Limited (a company based in Trinidad) in respect of proceedings brought

against various international banks in the English Commercial Court and the Court of Appeal for amounts claimed under various standby letters of credit (on-demand bonds). The standby letters of credit were issued pursuant to a FIDIC Yellow Book contract for highway construction works carried out by a Brazilian company in Trinidad. Payments were ordered to be made pursuant to all of the standby letters of credit;

- acting for an M&E subcontractor in relation to a multimillion-pound dispute under an NEC-based subcontract at a hospital facility;
- acting for a main contractor in relation to various claims arising out of NEC-based contracts for the construction of highways including disputes arising in relation to early contractor involvement;
- acting for a joint venture in relation to an arbitration arising out of a nuclear installation for mobile nuclear reactors. The dispute involved delays and variations to works arising out of a nuclear safety case and was successfully settled by mediation;
- acting for a main contractor on an adjudication for compensation events relating to a waste-to-energy plant;
- acting for a German contractor in relation to ICC arbitration proceedings against a Romanian government entity arising out of a FIDIC-based contract for the construction of numerous landfill and dumping sites across a widespread area;
- acting for a joint venture in relation to various claims arising out of a high-value contract pertaining to a sewage plant including in relation to complex claims arising of a technical nature in relation to the operation of that plant;
- advising a German contractor in relation to various claims under a FIDIC Yellow Book (1999 edition) contract arising as a result of COVID-19 and Brexit;
- acting for an M&E subcontractor in relation to TCC proceedings brought by a main contractor for alleged delays to the completion of a hotel in Birmingham;
- acting for a pipework subcontractor through various adjudications in recovering additional monies due to variations and delays to its works pursuant to an IChemE contract at a pharmaceutical facility in the South of England;
- acting for an engineering company in successfully defending claims made against it for “over-engineering” the concrete foundations and lower ground floors of an office development;
- acting for the administrators of an energy-from-waste subcontractor including in relation to the recovery of monies in a project bank account;
- acting for an M&E subcontractor in relation to various adjudications relating to a multimillion-pound claim arising in respect of works at a food production facility in the South of England pursuant to an NEC contract;
- acting for a contractor in relation to various claims for ground conditions arising pursuant to a FIDIC contract (based on the Red Book with bespoke amendments) for the construction of a power station;

- acting for an M&E subcontractor in defending various fire-stopping claims;
- acting for a concrete subcontractor in relation to claims for an extension of time and additional monies at a major development in the South of London;
- advising an employer on the termination of a contractor's employment for failure to proceed regularly and diligently with their works pursuant to a JCT Design and Build 2011 contract;
- acting for an employer in relation to TCC proceedings against an architect and contractor in respect of a complex, multimillion-pound defects claim arising out of the construction of a hotel;
- acting for an EPC contractor in relation to a dispute with their consortium partner as to liability for liquidated damages in respect of a power and desalination plant in Qatar, involving an in-depth understanding of the interaction between the power and desalination plants;
- acting for an EPC contractor in relation to an extension of time claim arising out of unforeseeable ground conditions encountered during the construction of a power station in the United Kingdom;
- acting for an EPC contractor in respect of an international adjudication for allegedly defective potable water tanks at a power and desalination plant in Qatar; and
- acting for an Abu Dhabi contractor in an arbitration under the DIAC Rules arising out of a dispute relating to the Jumeirah Village in Dubai.

Academics

Claire graduated from Somerville College, Oxford in 1999 with a degree in Modern History before converting to law. She qualified in Ashurst's litigation department in 2003 where she acted on a range of high-value disputes (including the *Sumitomo* litigation) before specialising in construction and PFI disputes.

Claire achieved a distinction in her MSc in Construction Law and Dispute Resolution at King's College London for which she was awarded the Bickerdike Allen Prize for the best examination performance by a first-year student, the KCCLA Prize for the best performance in the second-year examinations, the Arbitration Philip Ranner Prize for the best Module D (arbitration) result and the Society of Construction Law Prize for the best dissertation. She is a Solicitor Advocate.

Other activities

Claire is the author of Fenwick Elliott's *Insight* publication and her articles have been widely published across numerous industry journals. She was a co-author of the NEC and CLC's joint guidance on the use of retentions for construction contracts.

Claire was heavily involved in setting up the Adjudication Society's Pledge for Equal Representation in Adjudication and a founder of Women in Adjudication. She sits on the Steering Committee for King's College's research into Adjudication practice.

Claire is also a co-author of *Mediating Construction Disputes: An Evaluation of Existing Practice* which was shortlisted for the prize for best communication or publication by CEDR in its 2010 awards and which received a CEDR award for excellence.

Claire is a regular speaker on construction law issues.

Claire's memberships/positions include:

- fellow of the Chartered Institute of Arbitrators;
- Honorary Secretary for the Adjudication Society and founder member of Women in Adjudication;
- committee member for the DRC at the ICE;
- member of the Society of Construction Law;
- member of the King's College Construction Law Association; and
- member of TECSA.