



Lucinda Robinson

Senior Associate

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Lucinda has a broad range of experience of the various issues that can arise throughout the life-cycle of construction and engineering contracts, including contract formation, delay, defects, variations and termination, and the methods that can be employed to avoid or resolve them (the latter through ADR including mediation, or more adversarial proceedings such as litigation, adjudication or expert determination).

Lucinda is very familiar with typical standard form contracts, particularly from the JCT, NEC, FIDIC and IChemE suites and has an MSc in Construction Law & Practice. Having worked as in-house construction and litigation counsel for a manufacturing and engineering business, Lucinda is particularly alive to the commercial context within which her clients operate.

Specialist expertise

Lucinda specialises in dispute avoidance and resolution, acting for employers, main contractors, specialist subcontractors and suppliers on projects ranging from commercial and residential buildings, to roads and process plants.

Examples of Lucinda's expertise include:

- 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;
- acting for a housing association in its claim for £2.5m against a contractor for defective work on over two hundred properties;
- advising a client on the merits of a contractor's claim for unpaid retention and the appropriate dispute resolution forum;
- acting for an investment company in a claim against another solicitor for negligent advice in relation to an adjudication;
- advising on and managing cases through a range of dispute resolution forums including litigation adjudication and adjudication enforcement, mediation, arbitration, expert determination and negotiation;
- 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 in relation to delay, loss & expense, variations, design responsibility and defects;
- representing contractors and subcontractors in adjudications (and

related enforcement proceedings) over various issues including variations, delay, disruption, prolongation and loss and expense, 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 various defects claims arising out of workmanship relating to a range of buildings including swimming pool houses (M&E), educational establishments (brickwork), residential developments (windows and cladding), health centres (general construction), docks and bridges (steelwork), groundworks, concrete slabs and structures, road surfacing works and glazing;
- advising on the merits of the claims, the contractor's defences and the ability to pass on the claim to its subcontractor or deflect the claims to third parties such as architects. Resolving the claims through ADR and litigation;
- 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;
- 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;
- advising on procurement strategy, interface risk and project specific risks on numerous development projects, ranging in value up to £24m, 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) based on forms including NEC, JCT and bespoke forms;
- advising commercial managers, MD and CEO of risks identified in proposed construction contracts and how they can be negotiated or managed in practice through back-to back contracts, insurance, robust onsite procedures;
- settling a £5m 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.