



JAMES CLARKE

Partner
London

E: james.clarke@bclplaw.com

T: [+44 \(0\) 20 3400 3507](tel:+442034003507)

BIOGRAPHY

James Clarke is a partner within the firm's Contentious Construction practice with formidable expertise in helping clients resolve disputes arising from major international projects across the infrastructure and energy sectors, as well as high-value commercial and residential real estate projects. James has over 15 years' experience of successfully representing clients across the full spectrum of formal and alternative dispute resolution procedures, including through International Arbitration (under ICC, SIAC, UNCITRAL and ad-hoc rules), the London Technology & Construction Court, Adjudication, Expert Determination and Mediation.

Having previously led BCLP's Construction practice in Singapore, James continues to frequently represent some of Asia's largest construction and engineering firms in high-stakes disputes

stemming from major international projects. His matters include disputes arising from multi-billion dollar energy, infrastructure and real estate projects in areas as diverse as oil & gas, coal, biomass, hydroelectricity, transport, manufacturing, healthcare and luxury real estate developments across Europe, the CIS, the Middle East, and Southeast Asia. His breadth of experience has grown to include significant expertise in domestic building safety related claims across a diverse real estate portfolio, including education, residential property, hotels, office space and mixed-use developments involving some of the UK's leading investors, portfolio managers, contractors and engineers.

James' practice incorporates a wealth of technical and sector-specific expertise advising on issues such as defects, delay, design liability, professional negligence, payment, insolvency and termination. He gets to grips with the granular detail of a dispute quickly, including complex matters relating to quantum and evaluating expert evidence to provide comprehensive and strategic advice. James provides his clients early practical and strategic support to identify the warning signs of potential disputes and to facilitate early commercial resolution, thus limiting the impact of any adversarial situations on delivery of their projects.

THE LEGAL 500: CONSTRUCTION COMPARATIVE GUIDE

What are the biggest challenges and opportunities facing the UK construction sector?

From general legal and regulatory compliance obligations, licensing and financial aspects to industry trends and developments, we share insights in this dedicated chapter.

ADMISSIONS

- England and Wales

RELATED CAPABILITIES

- Construction Disputes
- Infrastructure
- Litigation & Dispute Resolution
- Business & Commercial Disputes
- International Arbitration
- Commercial Construction & Engineering

- Energy Transition
- Renewables & Storage
- Financial Institutions
- Oil, Gas & Sustainable Fuels
- Real Estate

EXPERIENCE

- Representing an oil and gas major and prime contractor in UNCITRAL International Arbitration of an EPC subcontractor's claims for USD 100m in respect of alleged misleading and deceptive conduct and delays to construction of the Product Loading Facility and Tug Berths on a USD 20bn+ development of an LNG Plant in Australia.
- Representing an oil refinery owner in ICC International Arbitration proceedings against an EPCm Contractor relating to claims of €150m. The claims concerned delay and additional costs arising from the alleged negligent performance of Engineering, Procurement and Construction Management services on a €1 billion+ oil refinery upgrade project.
- Representing a Japanese trading company in ICC arbitration seated in Tokyo in respect of claims totaling USD 80m arising from the alleged wrongful termination and fraudulent breach of a fabrication and supply contract for copper base bars produced from recycled electronic scrap.
- Advising a subcontractor in respect of multiple claims arising from temporary works, groundworks and structural works on a USD 31bn development of an LNG plant in North America.
- Advising and representing a Korean main contractor in respect of prospective claims in SIAC arbitration against a subcontractor for defective manufacture and installation of Building-Integrated Photovoltaic roof panels on a landmark mixed-use commercial property development in Singapore.
- Advising a Korean main contractor in respect of its claims against a state-owned developer for USD 40m arising from the early termination of its EPC contract for the construction of a landmark commercial property development in Baku, Azerbaijan.
- Advising a Korean main contractor in respect of its claims for USD 75m arising from delays, suspension and then early termination of an EPC contract for the engineering and construction of a degasification plant in Iraq.

- Representing the owner in the defence of a contractor's claim in adjudication for compensation events totalling £15m under the NEC3 form of contract in respect of tunnelling works on a £4bn Nationally Significant Infrastructure Project. The dispute turned on the correct interpretation of contract and complex allocation of risk in respect of third party asset protection.
- Advising a UK main contractor on the treatment of multiple claims relating to various historical construction contracts following the divestment of its construction and building services divisions to third parties. Successfully pursuing claims in the High Court for declarations of the buyer's obligations to account for information and to deliver-up documents in respect of arbitral proceedings conducted by them on the seller's behalf.
- Representing a developer in adjudication over its £4 million final account dispute with a contractor (involving variations, extensions of time and loss and expense) in connection with the refurbishment of commercial property in London.
- Defending adjudication proceedings by contractors in respect of two disputed final accounts for the development of a University's teaching and accommodation facilities. Pursuing Part 8 claim in the Technology and Construction Court on a new point of law relating to the effect of the Final Certificate under the JCT Standard Form of Contract.
- Representing a joint venture contractor in a multi-tiered mediation process in relation to claims and cross-claims in excess of £300m between it and the Employer arising from a rail infrastructure project let under the NEC3 target cost standard form contract.
- Advising and representing a contractor on a +£250 million hospital redevelopment under the Private Finance Initiative. James provided project advisory services and represented the contractor in adjudication proceedings relating to various main contract, subcontract and consultant designer issues, including liquidated damages, variations, extensions of time and loss and expense, insolvency, termination and designer professional negligence.

RELATED INSIGHTS

Insights

Jun 26, 2025

The role of policy and what it means for the conduct of claims for building safety disputes

In this Insight, first published in PLC, BCLP Partners Jennifer Varley and James Clarke consider the Supreme Court decision in *URS Corp Ltd v BDW Trading Ltd* [2025] UKSC 21, which has significant implications for building safety disputes. This article explores the four grounds of appeal brought by URS after the developer, BDW, sought to recover costs for remediating structural defects.

Insights

Feb 14, 2025

Adjudication and insolvency: interface of two statutory regimes affecting the construction industry

Adjudication has become a key tool in the construction industry, helping employers and contractors resolve disputes quickly and keep cash flowing on projects. But when insolvency enters the picture, things can get tricky – especially when it comes to enforcing adjudication decisions or allowing insolvent parties to take part in the process. In this insight, we take a closer look at the legal approach to the interaction between adjudication and insolvency in England & Wales and Singapore, and what to look forward to in Hong Kong SAR as the Construction Industry Security of Payment Ordinance was gazetted on 27 December 2024 and will come to effect fully on 28 August 2025.

Awards

Oct 17, 2024

Chambers 2025 UK guide ranks BCLP in 34 practice areas and recognises 74 individual lawyers

Insights

Aug 07, 2024

Abbey Healthcare – A prompt for considering contractual adjudication in collateral warranties?

An article considering the Supreme Court's decision in Abbey Healthcare, which decided that a typically worded collateral warranty is not a construction contract for the purposes of the Housing Grants, Construction and Regeneration Act 1996.

Insights

Jul 22, 2024

RTI Ltd v MUR Shipping BV: certainty v commerciality

In this Insight, first published in PLC, James Clarke, Richard Shaw and Anna Blest consider the Supreme Court's decision in RTI Ltd v MUR Shipping BV [2024] UKSC 18, which confirmed that a party's obligation to exercise reasonable endeavours to overcome force majeure does not extend to having to accept non-contractual performance.

Insights

Jun 10, 2024

JCT 2024 Editions: key changes in the JCT's new suite of contracts

An article, first published in PLC which analyses the key changes introduced by the JCT in its Design and Build Contract, 2024 Edition, the first of the JCT's 2024 contract families to be published.

Insights

Nov 15, 2023

Case flags risk of unclear ADR procedure

While main contract suites offer standard dispute resolution clauses, these are often amended in practice. A recent case gives a warning of what happens when such bespoke provisions are not clear.

News

Oct 19, 2023

Chambers UK Ranks BCLP in 41 practice areas and recognizes 74 lawyers

Insights

Sep 11, 2023

RAAC – What it is and what it means

As schools prepared to reopen this September after the summer break, hundreds were informed that, due to the use of Reinforced Autoclaved Aerated Concrete (RAAC) in their buildings (and its current state and condition), this would not be the case and they would need to remain closed or find alternative accommodation until remedial works could be undertaken. There are likely to be further closures in the future, as more schools are found to contain RAAC in need of urgent remedial works. It has recently become apparent that other buildings have been also affected by RAAC issues, for example court buildings and hospitals. This Insight takes a closer look at RAAC, why it has become an issue now and considers practical steps for those affected by RAAC.