



Lucy Clarke

Partner



Areas of Law: Litigation & Dispute Resolution

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Background

Lucy is a partner who is dual qualified in Northern Ireland, England and Wales. She specialises in commercial litigation and dispute resolution and has particular experience with contractual disputes, procurement litigation, financial services / regulatory matters, energy sector litigation and intellectual property disputes. She has experience of a number of recent large complex procurement disputes and urgent injunctive matters.

Lucy attained her LLB degree in 2006 and completed the Legal Practice Course in 2008 in England. She later trained at Berg Legal, a specialist litigation firm in Manchester, and qualified as a solicitor in March 2011. Upon qualification, Lucy remained at Berg Legal for one year before joining DAC Beachcroft LLP for three years. She joined the Commercial Litigation team at Carson McDowell in March 2015 and now runs the firm's English Litigation team. Lucy is experienced in the Civil Procedure Rules in England and is well placed to provide advice to clients on both Northern Irish and English claims in either jurisdiction.

Lucy often attends events by the Chamber of Commerce and is a member of Women in Business. She also presents to and trains clients on various topics and is involved in the training of new talent within the firm.

Clients say, "*Lucy Clarke is a procurement specialist, I would rate her very highly as a market leader for procurement litigation*" and "*She is experienced and has a good, forensic knowledge of the areas of law where she practices*".

Experience

(i) Commercial Litigation and Dispute Resolution

- Advising on contractual disputes including breaches of contracts, failure to supply goods that were fit for purpose, unfair terms, early termination fees and unjust enrichment claims.
- Advising large companies on complex disputes regarding alleged breaches of shareholder agreements, SPAs and consultancy agreements.



- Advising on a number of IP related matters including trademark disputes, passing off claims, misuse of branding and design rights disputes.
- Dealing with various interlocutory applications including freezing injunctions (interim, freezing and worldwide), amendments to pleadings, extensions of time, and adducing hearsay evidence.
- Attending trial as a witness on a matter which went before the Court of Appeal.
- Preparing for and attending trial before the Supreme Court in London on a pension's dispute matter.
- Advising numerous NHS Trusts and large companies in relation to disputes surrounding agency and recruitment agreements.
- Acting for former directors / shareholders, plus a number of secondary warrantors in a large shareholder disputes regarding breach of warranties following the sale of a national leisure company, which resulted in a successful settlement of all claims.
- Preparing for and attending mediations – work includes mediation position statements, liaising with the mediator and counsel and substantial pre-action disclosure tasks.

(ii) Procurement Litigation

- Advising on a large number of recent complex high value procurement disputes in Northern Ireland.
- Experience of acting for Authorities seeking to avoid challenges and for Bidders challenging awards.
- Successfully challenged an application by an Authority to lift an automatic suspension under the Public Contract Regulations 2015 (as amended).

(iii) English Litigation

- Advising on and experienced in running commercial litigation and dispute resolution, including mediations in England and Wales.
- Advising on procedure in English Courts and differences to procedure in Northern Ireland.
- Acting for a number of Northern Irish / Irish clients who have become embroiled in English litigation – can efficiently explain differences in procedure, costs of litigation, and provide advice accordingly.
- Working closely with English solicitor firms on an advisory basis regarding litigation procedure and process in Northern Ireland.

(iv) Regulatory, Energy and Financial Services

- Advising clients in the energy sector regarding licence terms and investigations by the Utility Regulator including advice on the single energy market and liaising with SONI, Ofgem and other regulatory bodies.
- Working on a number of regulatory matters including a claim on behalf of a group of creditors to the SRA Compensation Scheme following the loss of millions of pounds caused by a dishonest solicitors and accountants / financial advisors.
- Advising three defendants (corporate and individual) in relation to a claim brought against them and 13 other Defendants by the Financial Conduct Authority for running an unregulated collective investment scheme in Sierra Leone, Africa.
- Advising clients in respect of claims and complaints to the Financial Ombudsman Service.
- Advising on Pension Regulation disputes.