

## Roberta Downey

Partner

London

### Biography

Delay, cost and defects are perennial issues that haunt all engineering and construction projects, but Roberta Downey's focus is on helping clients develop practical and commercial strategies to manage (or at least mitigate) these traditional risks in an evolving market against a background of challenges from new technology and procurement approaches.

Roberta has considerable experience of fighting disputes in the Technology and Construction Court and by way of International Arbitration but has also conducted mediations, adjudications and other forms of ADR. The projects cover a broad range of industries (e.g. renewable and conventional energy projects, major infrastructure and process plants) and projects that span the globe (Europe, Africa, the Middle East, Asia, Central America and the Caribbean).

Roberta has more than 20 years' experience in commercial dispute resolution, including large trials and highly technical disputes arising out of power plants, LNG facilities, engineering support services, rail infrastructure, telecommunications, waste water treatment, recycling facilities, automated equipment and control systems. She has become a market leader in offshore wind farms, on which she published a prize winning paper for the Society of Construction Law. She has extensive experience of managing heavy weight



### Phone

+44 20 7296 2000

### Fax

+44 20 7296 2001

### Email

[roberta.downey@hoganlovells.com](mailto:roberta.downey@hoganlovells.com)

---

### Languages

English  
French  
Russian

---

### Practices

International Arbitration  
Litigation  
Infrastructure, Energy, Resources,  
and Projects

---

### Industries

Diversified Industrials

---

trials in formal proceedings but also actively looks for new or alternative ways in which to resolve disputes at an early stage, including advising clients during the life of projects to avoid issues developing into disputes and, if that fails, to ensure the clients are well prepared in the event of litigation or arbitration. Described as 'absolutely first rate' and 'excellent' by Chambers 2014/2015, a 'fine lawyer' in Chambers 2017 and as having 'superb expertise' in Who's Who Legal 2017, the true measure of client satisfaction is that 90% of her work comes from repeat clients.

Roberta also leads the firms' pro bono advocacy work for the Muscular Dystrophy Campaign.

## Representative experience

Advising owner of a UK solar farm regarding its rights in respect of ongoing defects in the transformers.

Advising European supplier in respect of design and fabrication issues in a superheater for a fertiliser plant in Canada.

Acting for U.S. project management company in respect of the recovery of unpaid invoices for consultancy services on two process plants in U.A.E.

Advising U.S. contractor in a proposed adjudication regarding delays to LNG facility in Africa.

Advising multi-national contractor on various issues arising out of the onshore and offshore work on the control and instrumentation packages for two power plants in Africa.

Advising the main contractor in respect of costs and delay issues arising out of the design, construction, operation and maintenance of an offshore wind farm.

Advising main contractor in respect of a defective meteorological mast for an offshore windfarm.

London Underground Limited v CityLink

## Areas of focus

Alternative Dispute Resolution

Construction and Engineering

Engineering, Procurement,  
Construction, and Supply Chain

Mining and Resources: Mining

Oil and Gas: Exploration and  
Production

Oil and Gas: Refinery and  
Petrochemical Projects

Operation and Maintenance,  
Facilities Management, Services and  
Commercial

Power: Nuclear Power

Power: Thermal Power

Power: Transmission, Storage, Sales,  
and Trading

PPPs (including P3 and PFI) and  
Government Contracts

---

## Education and admissions

### Education

The University of Law, London, (CPE  
and LSF)

M.A., University of Oxford

M.Sc., King's College London,  
Construction Law & Arbitration

---

## Memberships

Society of Construction Law

Law Society

Telecommunications Ltd. Acting for the EPC contractor under a PFI contract in respect of a series of disputes, arbitrations and Appeal to the High Court.

Advising an international contractor in respect of its rights under contracts for the supply and installation of equipment and associated services in respect of the conventional island of a nuclear plant project in Mexico.

Alstom Power Limited v Ineos Chlor. Acting for contractor in High Court Proceedings relating to completion of a boiler plant project.

Henry Boot Construction Limited v ALSTOM Combined Cycles. This case concerned a series of arbitrations and two Appeals to the Court of Appeal.

ALSTOM Automation Limited v British Airways plc. This case concerned BA's multimillion pound air cargo handling headquarters at Heathrow and involved disputes about automated equipment and control systems.

Advising an international contractor in respect of valuation of a subcontractor's work, termination of the subcontract and financial claims arising out of a Middle Eastern power plant.

Advising on disputes relating to delay in commissioning a 1200 MW gas fired power plant with CHP facilities in South Africa.

Barking Power Ltd v Balfour Beatty Projects and Engineering Limited (1) and GEC ALSTHOM Power Plants Limited (2). Acting for the consortium in High Court proceedings in respect of alleged defects/damage to generators.

Advising an EPC contractor how it might protect its position mid-project, regarding delay claims against the Chinese Government.

Advising the main contractor on a Malaysian power

The Chartered Institute of Arbitrators.

---

## Accolades

"Roberta Downey is a "fine lawyer" with a respected supplier-side contentious practice. She has acted for prominent contractors and funders on disputes around the world, with extensive experience of renewables projects."

*Chambers UK 2017 Directory*

---

"Roberta Downey is known in the industry for her "superb expertise" in large international construction disputes as well as her excellent capability at advising clients on non-contentious matters."

*Who's Who Legal Construction  
2017*

---

Described as "a stand out individual, whose gravitas and experience are far beyond her years".

*Legal 500 2017*

---

station project, including potential claims under Bilateral Investment Treaties.

Advising the EPC contractor on delay claims regarding a sewerage and waste water treatment scheme.

Advising English clients in respect of joint venture disputes giving rise to litigation and arbitration in a number of jurisdictions, including the Russian Federation, Kazakhstan, British Virgin Islands and Stockholm.

Mostcash Plc & Ors v Fluor Limited & Anor. This involved acting for an EPC contractor defending High Court proceedings regarding alleged defective design, ingress of water and corrosion of a paper recycling facility.

## Awards and rankings

- Named in the International Arbitration Power List, *Legal 500*, 2019
- Band 3, *Chambers UK*
- Acritas Star, *Acritas Stars Independently Rated Lawyers*, 2018-2019

## Latest thinking and events

- Events
  - Annual Middle East Construction Forum 2019
- Press Releases
  - Hogan Lovells announces leadership changes to its global disputes practice
- Events
  - Middle East Construction Forum
- Hogan Lovells Publications
  - How to draft for concurrent delay wherever your projects are
- Events
  - Hogan Lovells Annual Middle East Construction

## Seminar

### ■ Published Works

- Highly commended entry in Hudson Prize Competition 2002 (published on Society of Construction Law Website 2003)