



## Jonathan H. Sutcliffe

### Partner

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## OVERVIEW

Jonathan Sutcliffe is a partner in the firm's Dubai office where he is a member of the international arbitration practice group. Jonathan has significant experience in international arbitration and dispute resolution and has acted for numerous clients on a diverse range of international commercial arbitration, ADR, and litigation matters in the energy, construction, hospitality, real estate, defence, insurance, international joint venture, and film sectors, and on investor-state disputes.

Jonathan also sits regularly as an arbitrator, including under the rules of arbitration of the ICC, DIFC-LCIA, DIAC, and ADCCAC, and in ad hoc arbitrations.

Jonathan is qualified in England and Wales, and New York and is registered as an advocate in the DIFC Courts. He is recommended for international arbitration and projects and energy disputes by various leading legal guides, including Chambers, The Legal 500, and The International Who's Who of Commercial Arbitration.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Jonathan served as a partner at an international law firm in Dubai. Previously, he served as a partner and associate at international law firms in London, New York, and Houston.

## ACHIEVEMENTS

- *Chambers Global*, in the category of Dispute Resolution: United Arab Emirates, recognized as a “key disputes name” (2011 edition), a “good technical operator and a bright man” (2012), a “tenacious litigator” and “particularly distinguished” (2013), “user-friendly, accessible and commercially astute” (2014), “garnering praise for his advocacy” and demonstrating “an impressive track record” (2015), “a highly respected disputes lawyer” (2016), “a brilliant lawyer who is very knowledgeable and approachable and very articulate and practical” (2017), “respected throughout the U.A.E. for his disputes work” and “a pleasure to work with” (2018), “has always been very impressive” (2019), “highly regarded” and “very good at calming everybody and bringing them to a settlement discussion” (2020), “an articulate and persuasive lawyer and a good strategic thinker” and “gives advice that is easy to understand, even when it’s a complex issue” (2021) and “a

very good practitioner ... a very practical and pragmatic lawyer" with "a lot of knowledge on domestic and international laws" (2022)

- *Chambers Global*, in the category of Middle East-wide: Dispute Resolution, recognized as having "considerable experience in international arbitration" (2013 edition), as an "excellent arbitration practitioner" (2014), working "extensively across the Middle East" (2015), "highly regarded in the U.A.E." and as doing "a very good job" (2016), "an excellent practitioner" (2017), "a pleasure to work with" (2018), "recognised in the market as "top notch"" (2019), "a very bright lawyer with great attention to detail and persuasive advocacy skills" and "user-friendly and approachable" (2020), able to "give practical and usable advice with a good strategic vision" (2021) and "one of the most impressive arbitration partners in the region" (2022)
- *The Legal 500 Europe, Middle East & Africa*, noted as having "built an impressive track record in arbitration" (2011) and as "one of the best international arbitration energy lawyers in the market" (2012) (United Arab Emirates, Dispute Resolution); noted for United Arab Emirates, Dispute Resolution (2016) and for United Arab Emirates, Construction (2016); recognized as being "extremely thorough" for United Arab Emirates Dispute Resolution (2017); recognized as a "key name" for United Arab Emirates, Dispute Resolution (2018) and as a "name to note" for United Arab Emirates, Construction (2018); noted for United Arab Emirates, Dispute Resolution (2020); noted as "excellent" for United Arab Emirates, Dispute Resolution: Arbitration and International Litigation (2021)
- *The Legal 500 Europe, Middle East & Africa Guide* (2009, 2010), noted for international arbitration
- *The International Who's Who of Commercial Arbitration/Who's Who Legal: Arbitration 2010 - 2022*; listed as one of the world's leading practitioners in the field of commercial arbitration; rated as "among the leading experts in the U.A.E." (2017); "draws effusive praise from commentators for his "excellent work in the field of construction arbitration"" (2018); ""Excellent practitioner" Jonathan Sutcliffe is recognised for his work in international arbitration across a wide range of sectors including energy and construction" (2019); "Jonathan Sutcliffe is "a great lawyer" that peers "would definitely put on the list" thanks to his leading work as counsel in construction-related disputes" (2020); "an excellent strategic thinker with strong analytical skills", with "unparalleled legal knowledge and diligence" (2021); a "star", with "a keen mind and good strategic sense", "I was very impressed with his handling of a case as an international arbitrator" (2022)
- *Who's Who Legal: Construction: recommended* (2020); recommended as "an outstanding arbitrator" (2021)
- *Who's Who Legal Thought Leaders – Construction* (2021)
- *Who's Who Legal Arbitration: Future Leaders* (2017), "In Dubai, Jonathan Sutcliffe ... is "among the leading experts in the U.A.E.""
- *Who's Who Legal Thought Leaders - Arbitration* (2017)
- *Chambers UK* (2010), recommended for international arbitration and projects and energy disputes and described as "extremely articulate, well prepared and capable of handling complex issues"
- *Chambers UK* (2009), ranked as a leading individual for international arbitration and described as "a well-rounded strategic and technical practitioner" and "definitely one to watch"

- *Chambers UK* (2008), recommended for international arbitration and described as drawing “plaudits from interviewees as “an extremely able practitioner who is highly rated by everyone he works with” ... he has significant experience in investor-state arbitration.”
- *Chambers Europe* (2008), recommended for international arbitration
- *The Legal 500 UK* (2007-2010), noted for international arbitration and described in the 2010 edition as “a go-to and get-it-done arbitration lawyer”
- *Guide to the World's Leading Experts in Commercial Arbitration* (2009, 2011, 2013, 2014, 2015, 2020), listed for commercial arbitration
- *Global Arbitration Review* (2009, 2010, 2016, 2017, 2018, 2020), listed as a name to know
- *Global Arbitration Review* (2008), noted for international arbitration
- *Good Lawyer Guide* (2010) highly recommended for “outstanding” legal practice
- *Guide to the World's Leading Emerging Market Practitioners* (2010), listed for commercial arbitration
- *Legal Experts* (2009, 2010), listed for arbitration
- *Best Lawyers Annual Guide to Litigation & ADR* (2009), listed as one of the leading disputes lawyers in the UK (Arbitration and Mediation)

## PROFESSIONAL / CIVIC ACTIVITIES

- AIPN (Association of International Petroleum Negotiators) MENA Organisation Committee, member

### Arbitration Institutions

- International Centre for Dispute Resolution (ICDR), Panel of International Arbitrators
- Dubai International Arbitration Centre, listed as an arbitrator
- Hong Kong International Arbitration Centre, List of Arbitrators
- Singapore International Arbitration Centre, Panel of Arbitrators
- CPR Panel of Distinguished Neutrals
- Houston Maritime Arbitrators Association, listed in Roster of Arbitrators
- LCIA (London Court of International Arbitration)
- ADGM Arbitration Centre, Panel of Arbitrators
- Saudi Center for Commercial Arbitration, Roster of Arbitrators

## SPEAKING ENGAGEMENTS

Representative recent speaking engagements include:

- "Virtual Hearings - Lessons Learnt," Society of Construction Law (Gulf), 10 March 2021
- Trends in Upstream Oil & Gas Disputes, panelist, September 2020
- Litigation Funding - An introduction, Qatar Business Law Forum, Doha, November 2019
- Drafting Enforceable Awards, ICC Institute Advanced Training, Presenter, Abu Dhabi, October 2019
- Not Paying the Piper: Third-Party Funding - the Solution to Liquidity Constraints?, Moderator, The Legal 500 Middle East Disputes Summit 2019, Dubai, May 2019
- Different Approaches to Cross-Examination and Advocacy, Panelist and advocate, 6th Annual GAR Live Istanbul, June 2018
- Dispute Resolution in Saudi Arabia, Panelist, Association of Corporate Counsel Middle East, Dubai, January 2018.
- Efficient Case Management Procedure with Experts, Speaker, ICC Conference on Construction Arbitration, Dubai, November 2017.
- Bilateral Investment Treaties and Claims in Construction, Speaker, Hill International and CIOB Construction Masterclass, October 2016.

## EDUCATION

- Legal Practice Course, College of Law, Guildford, 1994 (*Distinction*)
- B.A., University of Oxford, 1993 (*with Honours*) *Jurisprudence*, Worcester College (*First Class*)

## ADMISSIONS

- Bar of New York
- Solicitor of the Senior Courts of England and Wales

## THOUGHT LEADERSHIP POWERED BY HUB

- 17 June 2021, Change to Interest Rates Applied by the Courts in Dubai (*Alerts/Updates*)
- 14 June 2021, Agreements to Resolve Disputes in the "Courts of Dubai" or "Dubai Courts" may be an opt-in to DIFC Court Jurisdiction (*Alerts/Updates*)
- 1 June 2021, Service of DIFC Court Documents Becomes Easier in the Arab World (*Alerts/Updates*)
- 26 January 2021, Time to Rethink Strategy: The New Foreign Investment Rules in the UAE (*Alerts/Updates*)
- 15 September 2020, Trends in Upstream Oil and Gas Disputes (*Webinar*)
- 14 April 2020, Arbitration World (*Alerts/Updates*)

- 20 February 2019, A Step Forward for Expedited Enforcement of Foreign Arbitral Awards in the United Arab Emirates (*Alerts/Updates*)

## OTHER PUBLICATIONS

Recent publications include:

- Chapter on International Arbitration - Liquefied Natural Gas (LNG): Outside Counsel Perspective, Co-author, International Commercial Arbitration Practice: 21st Century Perspectives (updated, 2020)

## NEWS & EVENTS

- 17 February 2022, K&L Gates Recognized in 2022 Chambers Global Guide (*Rankings & Recognitions*)
- 24 February 2021, K&L Gates Recognized in 2021 Chambers Global Guide (*Rankings & Recognitions*)
- 19 November 2019, K&L Gates Honored with Multiple Qatar Business Law Forum Awards (*Press Release*)
- 29 May 2019, K&L Gates Secures First Public Company Capital Reduction Court Approval Under New Dubai Law (*Noteworthy Work*)
- 22 May 2018, K&L Gates Hires Leading International Arbitration and Dispute Resolution Partner in Dubai Office (*Press Release*)

## AREAS OF FOCUS

- International Arbitration
- Complex Commercial Litigation and Disputes
- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution
- Investor-State Arbitration
- Oil and Gas
- Power

## INDUSTRIES

- Energy
- Energy Disputes
- Power Generation and Transmission

## REPRESENTATIVE EXPERIENCE

- Representing a global entertainment company in a SIAC rules, London seat arbitration in a dispute under a distribution and licensing agreement for television channels in the United Arab Emirates, governed by English law
- Representing a German cement company in an ICSID arbitration relating to a dispute concerning the privatisation of a cement plant in Iraq
- Successful application for reduction of share capital of a real estate investment trust in the DIFC Court
- Representing a U.A.E. MEP contractor in a DIAC rules, Dubai seat arbitration against the main contractor relating to the construction of a data centre
- Advising a third party litigation funder on issues relating to the potential funding of a major infrastructure arbitration in the U.A.E.
- Successful application for recognition and enforcement of an arbitral award in the DIFC Court
- Representing a Gulf country government organ in an ad hoc arbitration regarding the construction of a major social infrastructure project regarding claims for acceleration and prolongation costs
- Representing a contractor in a DIFC seat arbitration under the DIFC-LCIA rules relating to a dispute with a joint venture partner concerning MEP works for an airport
- Representing a Gulf country individual and sports club against their former adviser in a London seat LCIA arbitration regarding a sports-related development project and in English court proceedings
- Advising a U.S. oil company regarding a dispute with the government of Kurdistan under a Production Sharing Contract
- Representing the Employer in a Dubai seat ICC arbitration involving a mixed-use tower in Dubai regarding claims for extensions of time, prolongation costs and counterclaims for liquidated damages and other losses
- Advising a U.S. oilfield services and engineering company with respect to a dispute with its Middle East customer regarding compliance of gas metering equipment with specification and issues relating to a site accident
- Representing the Employer in a Dubai seat DIAC arbitration against the Contractor regarding the construction of a large scale residential housing project in Dubai concerning issues of delay, prolongation costs, and variations
- Representing a hotel owner in a Cairo seat UNCITRAL arbitration against an international hotel management company regarding the termination of a hotel management agreement concerning a hotel in Cairo
- Advising a major U.S. oilfield services company with respect to court proceedings in the U.A.E. regarding the termination of an oilfield services contract with respect to an offshore oilfield

- Representing an international organization in an UNCITRAL arbitration regarding the supply of goods and services by a Saudi Arabian company
- Advising a purchaser of two plots of land for development in Dubai Marina regarding the transfer of title to the plots and damages resulting from the delay in transfer
- Advising a contractor with respect to the settlement of its claims against a Dubai World company through the restructuring and settlement process set up to deal with creditor claims
- Advising a Canadian oilfield services company with respect to court proceedings in Erbil, Kurdistan relating to the seizure and recovery of drilling equipment
- Advising various clients with respect to the termination of agency, distributorship, and sales representation agreements in Kuwait
- Representing a major U.S. engineering firm in relation to a dispute about the design and construction of a highway in the Middle East
- Representing a major U.S. oilfield services company in a Houston-seat ICC arbitration against its joint venture partner concerning an oilfield services joint venture in the Middle East
- Advising a golf course landscaping company in a dispute with a golf course developer in Dubai
- Advising a group of partners in a major accounting firm regarding their move to another major accounting firm in the Middle East
- Representing a facilities management company in a dispute with a government property developer in the Dubai World Special Tribunal regarding a facilities management contract
- Representing a purchaser of units in the Burj Khalifa in a Dubai-seat DIAC arbitration regarding cancelation of the purchase and payment issues
- Advising a U.S. and Asian sub-contractor regarding a dispute with a main contractor in respect of the construction of certain parts of a light rail system in the Middle East
- Advising a construction company on a dispute between consortium members in respect of a marine dredging project in the Middle East
- Representing the seller of a Russian mobile telephone retail business in linked London-seat LCIA arbitrations concerning payment and breach of warranty issues
- Advising an international tobacco company regarding litigation in Saudi Arabia involving various tobacco distributors
- Representing a major U.S. chemicals manufacturer in a London-seat ICC arbitration against its joint venture partner concerning a chemicals manufacturing joint venture in the Middle East
- Advising a North American energy company regarding structuring its investment in an offshore oil field to obtain bilateral investment treaty protection

- Advising a European oilfield services company in a dispute relating to the design, manufacture, delivery, and operation of process plant on board a floating process storage and offloading platform (FPSO) offshore Africa, involving multiple contracts with different governing laws and various fora in which the disputes were to be resolved
- Advising a U.S. oil company in a dispute relating to repairs and downtime in respect of a drilling rig for an oilfield offshore Africa
- Advising a global telecommunications company on enforcement of a foreign arbitral award and a foreign court judgment in the UK
- Representing a U.S. oil company in a London-seat LCIA arbitration concerning a Joint Operating Agreement drilling costs dispute in respect of an oilfield offshore West Africa
- Advising a Chinese State-owned company in relation to a London-seat LCIA arbitration involving 3D seismic survey services in connection with a proposed investment by the State-owned company in an oil field in Central Africa
- Representing a U.S. energy company in an ICSID arbitration in respect of its investment during privatization in an electricity-generating company in a Latin American State arising out of additional tax assessments imposed by the State
- Acting for a Russian energy company in a London seat LCIA arbitration arising from its merger with another Russian energy company
- Representing a Russian energy company in a London-seat UNCITRAL arbitration relating to crude oil supplies to a Central European oil refiner
- Acting for a Swiss oil trading company in a London-seat UNCITRAL arbitration relating to crude oil supplies to a Central European oil refiner
- Acting for a U.S. energy company in its ICSID arbitration relating to gas transportation assets against a Latin American State under a bilateral investment treaty
- Acting for an international consortium in a Geneva-seat ICC arbitration against a State relating to the transfer of power stations to private operation
- Representing a client in an ad hoc London-seat insurance arbitration involving a number of major insurance entities in relation to claims of £500 million
- Acting for a financial institution in its dispute with a borrower group (a German and Dutch cable TV and telephony business), encompassing a number of different proceedings in the English High Court and German courts and involving integrating advice on English, German, and Dutch law
- Advising a paper industry client on its potential claims against a Central Asian State under a bilateral investment treaty
- Defending an energy client in an UNCITRAL arbitration commenced by its drilling rig construction contractor

- Advising a UK defence industry client on its dispute relating to the termination of its commercial representation arrangements with a Middle Eastern adviser
- Representing a South Asian State in an ICSID arbitration commenced by a Swiss entity under a bilateral investment treaty
- Representing a Spanish film distributor in a number of Los Angeles-seat American Film Marketing Association arbitrations concerning the distribution of over 15 motion pictures and other programs
- Representing an African government authority in a Paris-seat ICC arbitration relating to the construction of roads in the African State by an European contractor
- Acting for a U.S. medical products company in a Japan Commercial Arbitration Association arbitration against its joint venture partner in Japan
- Representing a U.S. entity providing business outplacement and counselling services in an AAA arbitration against its Japanese licensee
- Acting for an oil company in a London-seat multi-party UNCITRAL arbitration against the operator of a Latin American offshore oilfield relating to cost-overruns under the Joint Operating Agreement
- Defending a UK defence industry client in English High Court litigation relating to an agency agreement with a Middle Eastern adviser
- Advising a UK entertainment industry client in an expert determination relating to the accountancy principles and practices to be applied to the calculation of amounts under a key executive's earn-out provisions
- Acting for a Middle Eastern energy company in a London-seat LCIA arbitration relating to a fuel oil pipeline project in Pakistan
- Acting for an English automotive parts manufacturer in English High Court litigation relating to warranties under a business sale and purchase
- Acting for a Western European State electricity body in a London-seat arbitration concerning the long-term supply of liquefied natural gas from Africa under a take or pay contract
- Acting for a U.S. energy company in North Sea gas take or pay (and related) litigation in the English High Court