



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*, 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) and “highly regarded” and “very good at calming everybody and bringing them to a settlement discussion” (2020) and “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” in the category of Dispute Resolution: United Arab Emirates; 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) and "a very bright lawyer with great attention to detail and persuasive advocacy skills" and "user-friendly and approachable" (2020) and is able to "give practical and usable advice with a good strategic vision" (2021) in the category of Middle East-wide: Dispute Resolution

- *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 (2013); recognized as a "go-to international arbitration lawyer" for United Arab Emirates, Dispute Resolution and noted for United Arab Emirates, Construction (2014); recognized as "well-regarded" for United Arab Emirates, Dispute Resolution and recommended for United Arab Emirates, Construction (2015); 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)
- *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, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020; 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)
- *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), 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

Arbitration Institutions

- International Centre for Dispute Resolution (ICDR), Panel of International Arbitrators
- Dubai International Arbitration Centre, listed as an arbitrator
- Energy Arbitrators List, listed as 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)
- Saudi Center for Commercial Arbitration, Roster of Arbitrators
- Emirates Maritime Arbitration Centre, Panel of Arbitrators

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

SPEAKING ENGAGEMENTS

- 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.
- Perspectives in International Arbitration, Panelist, PwC seminar, Dubai, May 2014.
- Oil & Gas Disputes in the Middle East, Panelist, AIPN and BCDR International Oil and Gas Dispute Resolution Conference, Manama, Bahrain, November 2013.
- Oil & Gas Disputes in the Middle East, Panelist, LCIA India and AIPN Conference on Dispute Resolution in the International Oil & Gas Business, New Delhi, October 2012.
- The Final Curtain: Post-Hearing Submissions, Deliberations and Enforcement, Panelist, The 24th Annual Institute for Transnational Arbitration workshop, Dallas, TX, June 2012.
- The Conflict Between Bankruptcy and Arbitration, Panelist, CPR (International Institute for Conflict Prevention and Resolution) 2010 Annual Meeting on Global ADR: The New Reality, New York, January 2010.
- Witness Evidence: Written or Oral, Who asks the Questions?, Speaker, DIS Fall Conference on The Taking of Evidence in International Commercial Arbitration, Stuttgart, Germany, October 2009.
- Making the Most of Multi-Tier Dispute Resolution Provisions, Speaker, Hill International and CIOB Masterclass on Construction Delay & Disruption in a Changing Economic Climate, Abu Dhabi, United Arab Emirates, June 2009.
- Witness Examination Workshop for DIS 40, Presenter, German Institute of Arbitration, Young Arbitrators Group, Dusseldorf, Germany, May 2009.
- Public Policy and the Interpretation of Substantive Standards and Protections: Is there a Place for Margins of Appreciation and Standards of Review in Applying International Investment Standards?, Panelist, Juris Third Annual Investment Treaty Arbitration Conference, Washington D.C., April 2009.
- Nationalism and Re-nationalism, Panelist, Regional Perspectives - Economic Nationalism, Windsor Energy Group meeting on Global Energy - Policy Needs and Priorities, November 2007.
- Arbitrator Conflicts, Panelist, American Bar Association International 2007 Fall Meeting, London, England, October 2007.
- Summary Judgment, Panelist, Chaired by Lord Justice Rix, The American Inn of Court, London, England, February 2007.

- Mock Arbitration for PricewaterhouseCoopers International Arbitration University, Writer and Participant - London, England, March 2006.
- Drafting Arbitration Clauses, Panelist, PLI International Business Litigation and Arbitration conference, New York, March 2002.
- Mock ICSID Arbitration, Co-author & Participant in mock ICSID arbitration for the Institute for Transnational Arbitration's 2001 conference, Dallas, Texas, 2002.

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

- 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

- Saudi Arabia - The Dispute Resolution Review, Co-author, 2nd Edition, 2010, 3rd Edition, 2011, 4th Edition, 2012, and 5th Edition, February 2013
- Saudi Arabia - The Dispute Resolution Review, Co-author, 4th edition, 2012
- Saudi Arabia - The Dispute Resolution Review, Co-author, 3rd edition, 2011
- Effect of Party Insolvency on Arbitration Proceedings: Pause for Thought in Testing Times, Co-author, Transnational Dispute Management, Vol. 7, Issue 1, April 2010
- Witness Evidence: Written or Oral, Who asks the Questions?, Co-author, Schriftenreihe der Deutschen Institution Schiedsgerichtsbarkeit (German Institute of Arbitration), April 2010

- Chapter on International Arbitration - Liquefied Natural Gas (LNG): Outside Counsel Perspective Co-author, International Commercial Arbitration Practice: 21st Century Perspectives, 2010
- Saudi Arabia - The Dispute Resolution Review, Co-author, 2nd edition, 2010
- UK looks set to hang on to major arbitration role, Co-author, Insurance Day, February 13, 2009
- Dissenting Opinions in Arbitration Awards: More Trouble Than They are Worth?, Co-author, Mealey's International Arbitration Report, Vol. 24, No. 5, May 2009
- Enforcement of Foreign Arbitral Awards in Russia: Improving, But Still Uncertain, Co-author, Oil, Gas & Energy Law Intelligence, Vol. 7 - Issue 2 - (OGEL special issue on EU-Russia relations), May 2009
- Practice Note on Hybrid, multi-tiered, and carve out dispute resolution clauses, Co-author, PLC Arbitration, February 2009
- UNCITRAL Arbitration: New Rules on Transparency?, Co-author, Mealey's International Arbitration Report, Vol. 23, No. 5, May 2008
- Arbitration and New Technologies: Electronic Disclosure in International Arbitration, Co-author, The International Comparative Legal Guide to: International Arbitration 2008
- Dell - The Case of the Hyper-Linked Arbitration Clause, Co-author, Mealey's International Arbitration Report, Vol. 22, No. 11, November 2007
- Interviewing Prospective Arbitrators, Co-author, Mealey's International Arbitration Report, Vol. 22, No. 8, August 2007
- Protecting Foreign Investments - Contract or Treaty?, Co-author, ICC UK Handbook, 2005
- Law and Practice of International Commercial Arbitration, Contributor & Researcher, 4th edition of Redfern & Hunter, 2004
- Bilateral Investment Treaty Arbitration, Co-author, The Romanian Digest, Vol. VII, No. 4, April 2002
- The Award, Author, chapter in The Practitioner's Handbook on International Arbitration and Mediation, 2002
- The Operator's Limitation of Liability Under the 1995 AIPN Model Form International Operating Agreement - Have We Gone Too Far?, Co-author, AIPN Advisor No. 213, November 2001
- The Americanization of International Arbitration?, Co-author, Mealey's International Arbitration Report, Vol. 16, No. 4, April 2001
- Force Majeure Events Overseas Can Leave Investors Poorer, Co-author, Energy Law, July 1998

NEWS & EVENTS

- 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