

# Justin Mort KC

Call: 1994 Silk: 2014

*"A persuasive advocate who tears through detail to get to the points that really matter. First port of call for injunctions."*

Chambers UK Bar 2024



## Practice Areas

- Adjudication
- Advisory
- Arbitration
- Dispute Boards
- International Arbitration
- Litigation
- Mediation
- Professional Negligence
- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering
- PFI & PPP
- Technology & IT

## Clerk details

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## Practice Overview

Justin Mort KC specialises in high value construction disputes with particular interest in and expertise in (1) energy, (2) infrastructure and (3) process engineering projects.

Justin is recommended for Construction in both Chambers Global and Legal 500. He is also recommended in the Legal 500 for Middle East (construction) and for international arbitration. Comments in the current editions of these directories include:

- *“Dedicated 100% to the matter before him. He drills down the facts like no other QC. His work ethic and focus is commendable. He made himself available so can prepare on short notice and put in a stellar show at the hearing.”* (Legal 500: Middle East, construction)
- *“Justin is a persuasive advocate who tears through detail to get to the points that really matter. His advocacy is exceptional – clear, cogent and compelling.”* (Legal 500: London Bar, construction)
- *“Simplifies the complicated. Knows his stuff. Great to work with.”* (Legal 500: international arbitration)
- *“He is regularly called upon in international disputes regarding energy projects.”* (Chambers Global: construction)
- *“His attention to detail is phenomenal and his cross-examination style formidable.”* (Chambers Global: construction)

These comments, and similar ones appearing in the directories over the last 20+ years, are both accurate and apposite: Justin has an unparalleled reputation as a successful trial advocate, cross-examiner, strategist and lawyer.

Justin is a huge team player. He is immediately responsive to client demands and questions at any time of day. He ensures that the wider client team are fully engaged in his proposed trial strategy. Uniquely he provides detailed notes of his proposed oral submissions and cross examination to the client well in advance of any hearing for comment, and in order to ensure that the client team can better follow and appreciate his method during any hearing. His working habits (typically starting at 4am or 5am London time) correspond well with clients based in time zones located to the east of London such as in the Middle East or in China.

Justin’s innumerable reported cases arising from court proceedings, particularly in the TCC, and the original and ingenious legal arguments that he has deployed in fighting them, together constitute a formidable contribution to the law governing construction claims and arbitration.

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## Practice Areas

### Infrastructure & Utilities

Justin has extensive experience of disputes, determined in arbitration, litigation or by other means, arising out of major infrastructure projects, including those with a significant IT element. Some recent examples, from both the UK and international

arbitration, include:

- Acting for a contractor in a series of disputes (in arbitration) subject to UAE law, including claims for variations and extension of time.
- Acting for an Austrian contractor pursuing a claim for extension of time and loss and expense arising out of the installation and upgrading of a sophisticated traffic control and management system.
- Acting for a consortium of contractors in relation to claims for payment arising out of the construction and upgrading of extensive waste treatment facilities.
- Acting in a great number of cases for either the contractor or the statutory authority or other employer in connection with disputes arising out of the construction, upgrading, and/or maintenance and repair of roads / highways or road networks.
- Acting for either the employer, contractor or specialist subcontractor in relation to disputes arising out of the construction, extension or upgrading of rail networks (above or below ground), and/or the design, manufacture and maintenance of rolling stock.
- Acting for various contractors in relation to disputes arising out of infrastructure works required for the London 2012 Olympics and other associated construction projects.
- Acting for various contractors engaged in the Crossrail project.

## Energy & Natural Resources

Justin has experience of disputes arising under bespoke and standard forms of contract. Below are some examples; all of the disputes referred to below were for multi-million euros or the local currency equivalent:

- Acting for a (French) EPC / main contractor in relation to disputes concerning termination, calculation of the final account, and claims for extension of time and further payment arising out of the construction of a gas power station (amended FIDIC red book).
- Acting for the employer defending claims for extension of time and additional payment in relation to the design and construction of a biomass energy project (FIDIC yellow book).
- Acting for a Spanish EPC contractor bringing claims for extension of time and associated loss and expense in relation to the construction of a gas turbine power plant (amended FIDIC form).
- Acting for the (Danish) main contractor bringing a claim for extension of time and associated loss and expense arising out of the construction of an onshore wind farm.
- Acting for the (US) main contractor bringing a claim in respect of unforeseen ground conditions arising out of the construction of a hydro-electric dam in the Far East (FIDIC red book).
- Final account dispute arising out of the installation of an uninterruptible power supplies in a data centre by an Austrian contractor.
- Acting for a (US) EPC contractor pursuing claims in respect of unforeseen ground conditions arising out of the construction of a gas power station in the Far East.

- ICC arbitration arising out of the construction of a gas pipeline: resisting allegations of defective work and pursuing claims for variations and delay.
- UNCITRAL rules arbitration arising out of the procurement and construction of a sunflower oil facility in Ukraine.
- LCIA arbitration concerning the refurbishment of an oil platform in the Middle East: defending the contractor's delay claim on behalf of the employer.
- Acting for the EPC / main contractor bringing a claim for extension of time in relation to the construction of a CHP waste to energy plant.
- Acting for the employer defending a delay claim arising out of a copper mining project in Zambia (adjudication and LCIA arbitration, as well as in the Commercial Court).

#### Other engineering or geotechnical disputes

- Claims by contractor for (a) unforeseen physical conditions and (b) force majeure, arising out of the construction of a landfill site in St Lucia under a FIDIC form.
- Acting for the main contractor bringing claims for payment, and resisting allegations of defective work, in relation to the construction of a high tech paint manufacturing facility.
- Acting for the US and German partners in a joint venture dispute arising out of the construction of a facility for the processing of hydro-carbon by-products.
- Acting for a developer in relation to the defective construction of a factory outlet shopping centre due to physical conditions.
- Acting for a Japanese contractor in relation to claims for additional payment and delay arising out of the construction of an EVOH process plant.

#### PFI/PPP

- Final account dispute arising out of M&E works undertaken at a psychiatric hospital built for North Tyneside and Northumberland Mental Health NHS Trust: trial in the TCC.
- Acting for PFI concessionaire as defendant in TCC claim for additional payment brought by building contractor and as claimant in corresponding pass-through claim against South Tees Acute Hospitals NHS trust.
- Acting for a main contractor in a delay claim against Central Manchester and Manchester Children's University Hospitals NHS Trust.
- Acting for a groundwork subcontractor in claim arising out of the construction of a community college.
- Acting for the operator of a local authority leisure facility and teaching pool against the maintenance contractor in a series of adjudications.

#### Injunctions

Recent experience of injunctive work includes the following:

- Acting for a contractor, resisting an application for a final injunction to prevent it from bringing a second adjudication, in circumstances where it had abandoned an earlier adjudication in relation to the same or overlapping subject matter (Jacobs UK Ltd v Skanska Construction Ltd).
- Acting for a designer, resisting an application for an interim mandatory injunction requiring the designer to restore its client's access to the building information model (BIM) maintained by the designer.
- Obtaining a freezing order on behalf of a design and build contractor against an employer registered in the BVI, following a determination in adjudication that the employer had repudiated the building contract (Primus v Cannon).
- Acting for a contractor, resisting (1) an application by the employer in the TCC for a mandatory injunction for delivery up of project documents following, the determination of the employer's entitlement to the documents in adjudication (2015), and (2) subsequent court proceedings (2017) in relation to the same or similar subject matter (Imperial Chemical Industries Ltd v Merit Merrell Technology Ltd).
- Acting for an employer, resisting an application for an injunction to prevent the employer from making a call on an on demand bond, in the context of an amended FIDIC contract (J Murphy & Sons Ltd v Becton Energy Ltd).
- Resisting an ant-suit injunction in the commercial court to prevent enforcement of interim injunctive relief obtained in support of arbitration (U&M Mining Zambia Ltd v Konkola Coper Mines plc).
- Obtaining an interim injunction on behalf of a contractor to prevent the employer from making a call on an on-demand bond (RG Spiller Ltd v Derhalli).
- Acting for a contractor seeking an injunction in the TCC to prevent the contractor's solicitors from acting against it in adjudication proceedings.
- Acting for the claimant in a claim in the TCC for interlocutory and final mandatory injunctions (alternatively: order for delivery up), requiring the return of takeover packages unlawfully removed to Italy (Alstom Power Ltd v SOMI Impianti SRL).
- Application for injunction and strike out of a winding-up petition in the companies' court; subsequent application for indemnity costs.
- Resisting an application in the TCC for an injunction requiring the main contractor on a sensitive building project to permit the employer's remedial works contractor to attend site.

#### Applications arising under the Arbitration Act 1996

- Dispute as to a party's entitlement to seek interim injunctive relief in the court local to the project in circumstances where the seat of the arbitration was London under the LCIA rules (commercial court): sections 2(3) and 44 of the Arbitration Act 1996 and article 23.5 of the LCIA rules considered.
- Application to set aside an arbitral award under section 68 of the Arbitration Act (serious irregularity) together with application for permission and appeal under section 69 on a question of law: construction of sections 57 and 70.
- Resisting a section 9 application to stay TCC proceedings for arbitration in Denmark arising out of a BVI company's building project in the UK.

- Resisting an application to stay a counterclaim for arbitration made by the claimant at the same time as its own application for summary judgment under the same contract.
  - Application to stay a counterclaim for arbitration in circumstances where the claim arose from a contract that provided for the resolution of disputes in litigation whereas the counterclaim arose out of a contract containing an arbitration agreement.
  - Appeal in the TCC from an arbitrator's refusal to grant security for costs in a final account arbitration arising out of the construction of a residential development.
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## Reported Cases

- Panther Real Estate Development LLC v Modern Executive Systems Contracting LLC [2022] DIFC CA 016
  - Buckingham Group Contracting Limited v Peel L&P Investments and Property Limited [2022] EWHC 1842 (TCC)
  - Northumbrian Water Ltd v Doosan Enpure & Anor [2022] EWHC 2881 (TCC)
  - Langage Energy Park Ltd v EP Langage Ltd [2022] EWHC 432 (CH)
  - Buckinghamshire Council v FCC Buckinghamshire Ltd EWHC 2867 (TCC)
  - Downs Road Development LLP v Laxmanbhai Construction (UK) Ltd [2021] EWHC 2441 (TCC)
  - Premier Engineering v MW [2020] EWHC 2484 (TCC)
  - VVB v Optilan [2020] EWHC 4 (TCC)
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## Other information

### Education & Professional Career

- Keating Chambers, 2003
- King's College London
- MSc in Construction Law and Arbitration, 1999
- Tenant, 2 Temple Gardens, 1995
- Called to the bar (Middle Temple), 1994
- Middle Temple Jules Thorn Scholar, 1992
- BA, Durham University, 1992

### Additional Information

Justin Mort KC has an MSc from King's College London in Construction Law and Arbitration and occasionally lectures at King's. He has written articles and given seminars on subjects relevant to his practice, including partnering agreements and adjudication enforcement. He has acted as an adjudicator and is on the TECBAR panel of adjudicators

### Memberships

- Society of Construction Law
- Technology and Construction Bar Association (committee member 2008-2012)
- LCIA
- King's College Construction Law Association
- Commercial Bar Association

### Seminars & Publications

- Contributor to Keating on Construction Contracts 10th Edition (2016)
- Contributor to Keating on NEC3 (2012)

### Recommendations

"Justin has incredible attention to detail, and is phenomenally hard working."

Construction, Legal 500 UK Bar 2025

"Justin is an excellent addition to any team. He is extremely intelligent and incisive, able quickly to draw out the key factual and legal issues in any case, whilst also being very user-friendly, for both the solicitor and client teams. His advocacy is thoughtful, powerful and persuasive."

International Arbitration: Counsel, Legal 500 UK Bar 2025

'Justin is very smart and is able quickly to master large amounts of detail. He identifies the most persuasive and effective way of presenting a case.'

Construction, Legal 500 EMEA 2024

'A persuasive advocate who tears through detail to get to the points that really matter. First port of call for injunctions.'

Construction, Chambers UK Bar 2024

'He has detailed knowledge of the case law; he's a walking encyclopedia.'

Construction, Chambers UK Bar 2024

'Justin as an absolute warrior on his feet. Attention to detail. Always available and goes the extra mile for his clients.'

Construction, Legal 500 2024

'Justin is a pleasure to work with. He is very hard-working and immerses himself in the detail of matters. He is excellent at identifying the key elements of a dispute and those that are most likely to influence the court or tribunal. When conducting oral advocacy, he has a measured and persuasive style.'

International Arbitration Counsel, Legal 500 2024

'Justin is a very strong advocate who presents arguments in a clear, structured and persuasive manner. He is extremely hardworking and displays an impressive ability very quickly to grasp the details of a matter.'

Construction, Legal 500 EMEA 2023

'Simplifies the complicated. Knows his stuff. Great to work with.'

International Arbitration, Legal 500 2023

'Justin is a persuasive advocate who tears through detail to get to the points that really matter. His advocacy is exceptional - clear, cogent, and compelling.'

Construction, Legal 500 2023

"Able to absorb large amount of detail and identify immediately the key issues in a case. Justin's advocacy is measured and persuasive and he builds strong relationships with the solicitor team, as well as the client's in-house team."

International Arbitration, Legal 500 2022

"His attention to detail is phenomenal and his cross-examination style formidable."

Construction, Chambers UK Bar 2022

"Justin's grasp of the detail is excellent but, in addition to that, he understands the commercial context of the issue, which helps clients find a commercial solution."

Construction, Legal 500 2022

"Justin has a powerful intellect, works incredibly hard and is a forceful and persuasive in oral argument. He can get to grips with complex claims very quickly."

Construction, Legal 500 2021

"Justin's advice is absolutely first rate; he is precise, succinct and deals with all of the issues in a clear and comprehensible fashion even on very complex areas of the law."

Construction, Chambers UK Bar 2021

"Justin is forceful, tenacious and persuasive in his arguments - he is adept at unpicking complex cases and picking out the few key issues that really matter out of what is often a sea of materials and legal, technical and factual issues.."

Middle East: The English Bar, Legal 500 2021

"A razor-sharp barrister with an extraordinary ability to immediately identify the key points."

Construction, Chambers UK Bar 2020

"Justin turns the most complex matters around very quickly and with superb attention to detail."

Construction, Chambers UK Bar 2020

"An intellectually extremely sharp barrister who thinks around corners."

Construction, Chambers UK Bar 2020

"Astonishing ability to get to the heart of complex issues quickly."

Construction, Legal 500 2020

"A powerful intellect, works incredibly hard and is a forceful advocate in oral argument."

Construction, Legal 500 UK 2018

"Hugely knowledgeable about every type of construction dispute. Entirely thorough and analytical in his approach."

Construction, Chambers UK Bar 2018