



Andrea Utasy Clark
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Location
Singapore

Biography

Andrea specialises in the Energy and Infrastructure sectors, with a focus on international arbitration concerning construction and engineering disputes. She has advised on a wide range of cross-border disputes, including international arbitrations, adjudications and complex commercial disputes involving the construction, oil and gas, mining, shipping, aviation, agriculture and various other industries. Andrea has represented clients in international arbitrations under institutional rules including the SIAC, ICC, ICDR, AOA and SCMA rules as well as in ad hoc arbitration proceedings. She has also represented clients in connection with litigation in Bangladesh, India, Indonesia, New York, Pakistan, Singapore and South Africa.

In addition, Andrea has advised on cross-border regulatory matters and investigations relating to anti-bribery, anti-corruption and competition issues.

Client Quotations

"Associate Andrea Utasy Clark is a 'rising star', 'very hardworking, clever and easy to work with'."

Legal 500, Asia Pacific, 2018

"Andrea did a great job for our company in our commercial arbitration. She is professional and knowledgeable, cares about the client and kept our company's ultimate interests in mind throughout the course of the arbitration. We had full trust in her. It was an impressive and pleasant experience to work with her..."

Simon To and Mo-man Yu, CEO and COO, World Wide Stationery Mfg Co Ltd

Key Experience

Advised/acted as counsel for:

- a multi-national consortium of contractors in connection with multiple adjudications, litigation in South Africa, and an arbitration under the AOA Rules against a South African HVAC subcontractor concerning various claims in excess of USD 2 billion arising under two contracts and related guarantees for the engineering, procurement and construction of two coal-fired power stations in Africa
- a multi-national corporation in connection with litigation in Indonesia concerning claims in excess of EUR 13m by an Indonesian supplier for the breach of a supply contract and Indonesian law
- a consortium of contractors in connection with multiple arbitrations Singapore under the SIAC Rules, including the emergency arbitrator procedure, against a Vietnamese developer concerning claims in excess of USD 500 million arising from the construction of a multi-billion-dollar oil refinery and petrochemical complex in Asia
- a Philippine construction company in two arbitrations in Singapore and Hong Kong under the ICC Rules against a Philippine subcontractor concerning disputes arising under subcontracts for mechanical work for the construction of a naphtha cracker plant and the upgrade of an oil refinery
- a Pakistani real estate developer against a Pakistani government-affiliated entity in concurrent ICC and *ad hoc* arbitration proceedings, seated in Singapore and Pakistan, arising under an urban project development contract and a 30-year land concession contract, including a related joint venture agreement, governed by Pakistani law, for the construction and management of two adjoining mixed-usage tower block properties in Pakistan
- a Vietnamese shipyard in an ad-hoc arbitration in London regarding the engineering and construction of an offshore vessel
- the subsidiaries of a PRC state-owned oil company in an arbitration under the ICDR Rules against an operator arising under a production sharing contract and a joint operating agreement for the development of an oil block in Indonesia
- a Singapore affiliate of a U.S. based manufacturer of agricultural equipment in an arbitration in Singapore under the SIAC Rules against an Indonesian dealer concerning the breach of distributor and dealer agreements
- an Indian manufacturer in an arbitration in Singapore under the SIAC Rules against a PRC oil supplier concerning claims arising under a supply agreement, a financing agreement and a storage agreement under PRC law
- a PRC manufacturing company and a BVI holding company in an arbitration in Hong Kong under the ICC Rules against a German bank concerning the breach of loan agreements under German and BVI law
- a Singapore affiliate of a U.S. based manufacturer of agricultural equipment in an arbitration in Geneva under the ICC Rules, litigation in Illinois and litigation in Pakistan against a Pakistani equipment dealer concerning the breach of dealer and licensing agreements

- a Hong Kong manufacturing company in an arbitration in Singapore under the ICC Rules against a German licensor and a Swiss inventor concerning the breach of a patent license agreement
- a Hong Kong manufacturing company in an arbitration in Singapore under the SIAC Rules, including the emergency arbitrator procedure, against sales representatives based in the Netherlands, Singapore and the U.S. concerning claims in excess of USD 100 million in relation to the breach of a supply agreement
- a Vietnamese shipyard in eight concurrent arbitrations in Singapore under the SIAC Rules, expedited procedure, involving contracts for the purchase of deck cranes
- a Singapore commodities trader in two arbitrations in London under the FOSFA Rules, litigation in Singapore and litigation Bangladesh as well as in enforcement proceedings in Bangladesh against Bangladesh buyers and their parent company arising out of the supply of palm oil
- an Indonesian seller of bulk commodities in an arbitration under the SIAC Rules, emergency arbitrator procedure, against a PRC buyer for the breach of sale and purchase contracts
- an Indonesian mining company in two arbitrations in Singapore under the SIAC Rules, emergency arbitrator procedure, concerning disputes arising under mining supply contracts and a performance bond
- a Thai airline in an arbitration in Singapore under the SIAC Rules, emergency arbitrator procedure, against a German aircraft maintenance service provider concerning claims in relation to the breach of a technical support agreement and sub-agreements under German law
- a Thai hotel operator and manager in an arbitration in Singapore under the SIAC Rules, expedited procedure, against a Thai property owner and developer concerning the breach of a hotel management agreement
- an Italian agent in an arbitration in Singapore under the SIAC Rules against a Singapore principal in relation to claims concerning the breach and termination of an agency agreement and an indemnity under Italian law

Education

- 2010, Pepperdine University School of Law – Juris Doctor (cum laude)
- 2007, University of California at Los Angeles (UCLA) – Bachelor of Arts, Anthropology (magna cum laude)

Qualification year and jurisdiction

- 2010 – California

Career History

- 2017 to present – Pinsent Masons LLP, Senior Associate
- 2010 to 2017 – K&L Gates LLP, Associate

Languages

- English
- French

Professional Memberships

- ArbitralWomen
- Young SIAC
- State Bar of California, International Law Section

Publications

- Co-author, *Interpreting the Interaction between Arbitration and Jurisdiction Clauses*, Out-Law, 23 March 2021.
- Author, *International Arbitration in a Global Recession*, Out-Law, 2 September 2020.
- Co-author, *Frustration over delays in issuing arbitral awards*, Out-Law, December 2019.
- Co-author, *Submissions and hearings in arbitration*, Out-Law, December 2019.
- Co-author, *Making evidence processes more efficient in arbitration*, Out-Law, December 2019.
- Co-author, *Dealing with issues and claims in arbitration*, Out-Law, December 2019.
- Co-author, *International arbitration: selection of the arbitral tribunal*, Out-Law, December 2019.
- Author, *Singapore well placed for 'belt and road' dispute resolution*, Out-Law, August 2019
- Co-author, *The 2015 CIETAC Arbitration Rules: How Do the New Emergency Arbitration Procedures Compare?*, Arbitration World, 30th Edition, September 2015
- Co-author, *The Framework of Emergency Arbitrator Procedures: A Comparative Discussion of Institutional Provisions*, Asian Dispute Review, January 2013, April 2013
- Co-author, *A Comparative Analysis of the "Choice of Law" Approaches to Privilege in International Proceedings*, Arbitration World, 21st Edition, December 2012
- Co-author, *Chapter 14: Singapore*, The International Comparative Legal Guide to: International Arbitration 2012, 9th Edition, August 2012
- Co-author, *Harmonizing Arbitration in China with International Best Practice*, Arbitration World: Emerging Markets Special Edition, 18th Edition, March 2012
- Co-author, *Taking on the State – Enforcement of judgments and awards against sovereigns*, Asian-Mena Counsel, Volume 9, Issue 10, December 2011

Speaking Engagements

- Speaker, *The ICC Commission Report, Construction Industry Arbitrations Recommended Tools and Techniques for Effective Management, Part 4: Document control*, Pinsent Masons MPillay and the International Chamber of Commerce, 17 March 2021
- Speaker, *Singapore: Infrastructure law review of the year - Key legal developments in 2020*, Pinsent Masons MPillay, 25 February 2021
- Speaker, *Construction Law 101 - Introduction to Construction Contracts and Key Principles*, Singapore Society of Construction Law, 27 January 2021
- Speaker, *FIDIC Asia Pacific Contract Users' Conference - Workshop C - Successfully managing and pursuing claims and disputes*, FIDIC, 13 November 2020
- Speaker, *The ICC Commission Report, Construction Industry Arbitrations Recommended Tools and Techniques for Effective Management, Part 3: Managing the arbitral process*, Pinsent Masons MPillay and the International Chamber of Commerce, 28 October 2020
- Speaker, *The ICC Commission Report, Construction Industry Arbitrations Recommended Tools and Techniques for Effective Management, Part 2: Identifying and resolving issues in dispute*, Pinsent Masons MPillay and the International Chamber of Commerce, 1 July 2020
- Speaker, *Emerging from COVID-19: Effective Strategies for International Arbitration in a Global Economic Downturn*, Pinsent Masons and the Singapore International Arbitration Centre, 21 May 2020
- Speaker, *The ICC Commission Report, Part 1: Introduction to the 2019 Report, commencement and tribunal formation*, Pinsent Masons MPillay and the International Chamber of Commerce, 5 December 2019
- Speaker, *Global Infrastructure Webinar Series: Payment and performance security procurement and enforcement*, Pinsent Masons MPillay, 14 October 2020
- Speaker, *Breaking Bad Contracts*, Pinsent Masons MPillay, 6 March 2019
- Panel speaker, Annual Construction and Engineering Law Conference, Pinsent Masons MPillay LLP, 1 November 2018
- Speaker, *FIDIC Second Editions: Significant developments and key changes*, client training, 22 June 2018
- Speaker, *The FIDIC Second Editions*, Pinsent Masons MPillay, 28 March 2018
- Panel speaker, *A New Era for U.S.-Asia Cross-Border Dealings: Who Holds the Trump Card?*, K&L Gates LLP, May 2017
- Panel speaker, *What the New SIAC Rules Mean for Legal Practice in Singapore*, Singapore Management University, School of Law, October 2016
- Panel speaker, *International Arbitration in Asia Pacific – Pitfalls and Solutions*, Association of Corporate Counsel (Singapore Chapter) and K&L Gates LLP, January 2014

Miscellaneous achievements

2014, Singapore – Recipient, *Excellence in Advocacy Award*, Singapore International Arbitration Academy 2014, National University of Singapore, Centre for International Law