



Alison Fagan

Partner

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Alison Fagan provides contractual, practical, operational and risk management advice on distressed, high value or strategically critical infrastructure projects.

Alison regularly acts for procuring authorities, private sector partners, secondary market investors, project funders and delivery contractors. She has a wide perspective in the sector which can be utilised when advising parties within complex contractual chains.

Alison is known to provide clear, commercial and direct advice to clients to allow them to achieve their objectives on complex, long term concession projects. She has a particular focus on distressed projects requiring innovative and strategic solutions to return limit or mitigate investor risk.

Alison is the international head of our Infrastructure Funds Sector Group.

- Litigation, Arbitration and Investigations
- Projects, Energy and Infrastructure

- Energy and Natural Resources
- Life Sciences
- Real Estate

- Advising a series of disputes arising during the construction phase of a large, acute hospital Project for a multi-investor SPV client. Disputes related to significant construction failings and defects. (including fire and pipework systems), issues of contractual interpretation (including deductions and the operation of the payment mechanism), service issues and termination strategy. The matter was resolved through a complex mediation and returned to steady operational state.
- Advising a consortium of global investors in respect of multiple disputes arising from a bond-financed acute hospital project with a contract sum in excess of GBP400 million. Issues in dispute included construction defects, service performance failures and liability for remedial works.
- Advising a North West NHS Trust in disputes resolved through adjudication and ad-hoc arbitration arising from the construction/engineering phase of a major hospital refurbishment/rebuilding PFI project.
- Advising a consortium of global investors on a variety of disputes through the construction of a specialist healthcare facility and into operational phase – disputes included cladding and ground source heat pump issues.
- Advising a Funding Consortium in an advisory capacity on a distressed Project which was subject to termination risk. Throughout various interlocutory proceedings and dispute resolution processes, assistance was provided to the consortium on risk and dispute management strategies, in assessing portfolio risk levels, in developing abatement strategies and long term viability studies until the

end of the proceedings.

- Advising an SPV on a series of FM related disputes giving rise to Warning Notices and potential Termination Risk. The disputes were resolved and the Warning Notices withdrawn following a series of facilitated pay-mech workshops resulting in an agreed understanding and application of the Service Requirements, the Performance Monitoring Regime and application of the Payment Mechanism.
- Advising a UK Local Government Authority in respect of a multiple disputes arising on a large Building Schools for the Future Project. Disputes included Compensation Event claims, delay and defect claims, payment mechanism claims and political funding strategy.
- Advising a multi-party SPV client on a large High Court Trial (Technology and Construction Division) arising as a result of construction failings and maintenance issues which gave rise to substantive deductions consequences.
- Advising a Public Sector client defending a claim by a construction consortium for various Compensation and Relief Event Claims arising through the construction of a large transport hub project. This matter was successfully addressed through mediation.
- Advising a cross invested fund group in an advisory capacity on a distressed Project which was subject to termination risk. Throughout various interlocutory proceedings and dispute resolution processes, assistance was provided to the consortium on risk and dispute management strategies, in assessing portfolio risk levels, in developing abatement strategies and long term viability studies. The fund's substantial investment was ultimately secured.

CREDENTIALS

Professional Qualifications

- Solicitor of the Senior Courts of England and Wales

Recognitions

- Alison was previously shortlisted for the Associate of the Year Award at the Building and Engineering Women in Construction Awards and the Manchester Legal Awards. Alison was also invited to sit as an independent member of the High Court (Technology and Construction Division) Users Committee by the Judge In Charge.
- Alison is described as "‘exceptional' on PPP and PFI projects and disputes". *Legal 500 2020*
- Alison is regularly mentioned in the directories as a "strong litigator", is known to be 'exceptional' on PPP and PFI projects and disputes and "market sources particularly highlight her for the expertise she offers noting that she has a real depth of knowledge". *Chambers and Partners UK*
- She is also known as being "strategic, direct, personable and knowledgeable" and "extremely reliable and dependable". *Legal 500 UK*

Education

- Lancaster University, Law LLB (Hons)

Additional Information

Alison Fagan led on the development of *The DLA Piper Project Simulator* - a market leading experiential learning tool which utilises gaming technology to assist with the delivery of sustainable and successful global infrastructure project. She also sits on the DLA Piper Radical Change Council.

INSIGHTS

Publications

Infrastructure, Construction and Transport: COVID-19 Year 2

21 September 2021

As we move through a second autumn with COVID-19 playing an active part in our experience of day-to-day life, we are delighted to share with you three short articles which ask some critical questions about the ICT Sector's response to COVID-19 and the medium and long-term impact of such an unprecedented global event.

The DLA Piper Project Simulator – one year on

2 July 2021

Over the past year, we have delivered The DLA Piper Project Simulator to many of our construction, engineering and infrastructure clients, over a virtual platform, and client feedback has been overwhelmingly positive.

- APPs en América Latina: resolución de disputas a través de arbitraje inversor-estado, 18 Dec 2018
- PPP projects in Latin America: resolving disputes through investor-state arbitration, 18 Dec 2018

Events

- Infrastructure Finance for a Global Britain, 5 Jun 2019

NEWS

DLA Piper wins big at the Partnerships Awards 2022

24 May 2022

DLA Piper won four awards at the Partnership Awards 2022, held in London on Thursday, 19 May.
