



Clementine Makower

Call 2020

Clementine Makower has experience in a broad range of commercial disputes in litigation and arbitration. She has recently been instructed in a variety of matters including insurance, banking, maritime and construction.

Before coming to the Bar, Clementine studied Geography at the University of Cambridge and graduated with the highest mark in her year. She then studied Chinese at Tianjin Foreign Studies University for four months and completed an internship at a Chinese law firm specialising in shipping and insurance law. While studying the BPTC she taught undergraduate law at City University as a visiting lecturer.

Clementine's recent experience includes:

- Shipping
- Construction
- Insurance
- Technology & Telecoms
- Banking
- Professional Negligence

Shipping

Clementine has a particular interest in shipping law. She assisted [Alex Wright](#) with a variety of shipping arbitration and litigation cases during her pupillage and has recently been instructed in a maritime dispute in her own right.

Featured Shipping cases

Assisted with *Argos Pereira Espana SL & anor v Athenian Marine Ltd (mv "Frio Dolphin")*, due to be heard in the Court of Appeal in early 2022, including on the novel issue of whether the doctrine of transferred loss applies to equitable compensation claims.

Instructed as sole counsel to advise on a dispute involving a fire on a yacht at a shipyard.

Assisted with an arbitration involving issues of illegality under Nigerian law.

Assisted with a five-day arbitration involving fraud, alleged wrongful termination for non-payment of hire, post-termination claims and a claim under a performance guarantee.

Worked on an advice for a potential Hong Kong seated arbitration.

Attended and worked on an arbitration preliminary issues hearing with [Nick Vineall QC](#) and Alex Wright, which concerned the correct measure of damage when a vessel contains a latent defect which does not materialise during the period of hire.

Assisted with several shipping pleadings – issues include whether Covid-19 is an act of God or force majeure event under a charterparty, validity of SIRE inspection reports, allegedly deliberate contamination of bunkers, damage to cargo during a voyage and the foreseeability and consequences of a Chinese law judgment against a cargo carrier.

Construction

Clementine has assisted with and been instructed on a range of construction disputes involving contractual issues and professional negligence.

Featured Construction cases

Instructed as a junior to draft Particulars of Claim in a multi-million pound construction dispute involving cladding, fire safety issues and compliance with the Building Regulations 2010.

Assisted with pleadings in two further cases involving replacement of non-compliant cladding systems.

Instructed as sole counsel in a dispute between a homeowner and a contractor involving professional negligence.

Assisted in an expert determination regarding a local authority recycling agreement, which concerned various contractual issues and the effect of a duty to act in good faith.

Worked on an advice on recoverability of indirect losses following delivery of defective cranes.

Assisted in advising a building contractor on whether it was entitled to an extension of time and/or prolongation costs in relation to delays to construction projects caused by Covid-19 and associated lockdowns.

Assisted in drafting position statements for two mediations involving claims against building contractors.

Assisted with trial preparation on a multi-million pound construction dispute involving alleged fraudulent misrepresentations about the methodology a contractor would employ throughout a building project.

Insurance

Featured Insurance cases

Instructed as sole counsel to defend a health insurance claim involving alleged fraudulent representations.

Worked on an advice about the correct interpretation of a liability cap in an insurance contract in relation to a professional negligence claim against a structural engineering company.

IT

Featured IT cases

Worked on a claim brought by a software development company against a large retailer for money due in relation to the building of a website. The dispute concerned the scope of the contractor's obligations to service and upgrade the website and the extent to which problems were caused by customisations demanded by the retailer.

Worked on a case involving intellectual property licenses for hydrogen fuel cell technology, including drafting an advice on whether the license was terminable on reasonable notice.

Commercial Litigation

Featured Commercial Litigation cases

Instructed as sole counsel to defend a claim for management time brought by an independent financial adviser against a pension provider.

Instructed as a junior in a multi-million pound lending dispute involving novel issues of mitigation of loss by a special purpose vehicle established for a specific transaction.

Instructed in several PPI cases.

Instructed by a gambling company in a claim brought by a consumer where the odds displayed on a betting website were incorrect.

Assisted with submissions to the Court of Appeal in a fraud case, in relation to whether an innocent party that receives cash from a fraudster should have to give credit for the "time value" of that cash as a "benefit received" from the transaction.

Assisted with and observed a summary judgment hearing in relation to a gambling case, on the issue of whether a gambling company should pay "winnings" won by a player due to a software glitch in an online game.

Awards

- BPTC: Barstow Scholarship (third highest mark in year), William Rose Drafting Prize (City Law School)
- Exhibition Award, Inner Temple
- McMahon Law Studentship (St John's College, University of Cambridge)
- Undergraduate prizes: George Aldridge Prize (highest mark in year), William Vaughan Lewis Prize (dissertation) (Department of Geography, University of Cambridge), McAuley Scholarship, Wright Prize and Hughes Year Prize (St John's College, University of Cambridge)

Publications

- Still Waiting – Refugee Rights Data Project (field researcher for a report on the Calais Jungle refugee camp, August 2016)
- Learning from the Nepal earthquake for preparedness through transboundary collaboration among experts of Himalayan countries, Current Science, July 2016 (article written during internship at an environment and development NGO in India)

Memberships

Inner Temple

Education

- Bar Practice Training Course (Outstanding), The City Law School
- Graduate Diploma in Law (Distinction), The City Law School
- BA in Geography (Double First Class), St John's College, University of Cambridge

Languages

- Chinese – intermediate (HSK 4)
- French – intermediate