IBC Legal’s 4th Annual

Construction Law: Contracts & Dispute Management

Minimising Risks, Costs & Disruption to Your Business

22-23 May 2012 • Pre-Conference Workshops 21 May 2012
Hilton London Tower Bridge Hotel, London, UK

Includes Key Contributions From:

- Daniel Garton, Senior Associate, Construction and Engineering Group, WHITE & CASE
- Jane Davies Evans, Counsel, FRESHFIELDS BRUCKHAUS DERINGER
- Kim Rosenberg, Senior Associate, FRESHFIELDS BRUCKHAUS DERINGER
- Graeme Bradley, Partner, Head of the Engineering & Construction Group in the EMEA, DLA PIPER INTERNATIONAL
- Robert Stevenson, Partner, BERRYMANS LACE MAWER
- Paul Darling, Head of Chambers, HEATING CHAMBERS
- Mark Roe, Partner and Head of International Arbitration, PINSENT MASONS
- Colin Fraser, Partner, Head Construction & Engineering Team, MCGRIGORS
- Raid Abu-Manneh, Partner, Construction and Engineering Team, MAYER BROWN INTERNATIONAL
- Tom Stocker, Partner, Construction & Engineering, MCGRIGORS
- Jeremy Glover, Partner, FENWICK ELLIOTT
- Kwadwo Sarkodie, Partner, Construction and Engineering Team, MAYER BROWN INTERNATIONAL
- Stuart V. Kennedy, Technology & Construction, Practice Group Head, 9PB BARRISTERS
- Peter Fogh, Attorney-at-Law, Partner, PLESNER

Attend Construction Law: Contracts & Dispute Management and hear about:

- Construction Contractual Dispute Management: Key Challenges & Opportunities Emerging from the Downturn
- International Construction Law Developments and Impact on Contracts and Dispute Resolution
- Construction Act Changes: Where are the New Battlegrounds?
- Investigating Bribery and Fraud Allegations in the Construction Context
- Middle East and Africa: Risk Management and Dispute Resolution
- Effective International Construction Arbitration
- Construction Arbitration: The Scandinavian/Continental Perspective
- International Dispute Resolution - ADR, Dispute Boards, Final Substantive Resolution
- Effective Use of Expert Evidence in International Arbitration
- Achieving Mutually Beneficial Settlements Through Early Neutral Evaluation (ENE)
- Construction Contract Models & Delivery Methods: Understanding What Works Best for You
- Successfully Negotiating & Drafting Construction Contracts
- Reducing The Risk of Disputes Through Effective Contract Management
- Time and Money Claims: Successful Management & Settlement Methods
- Case Study: Change Processes in a Live Construction Project
- Managing Supply Chain Under-Performance
- Ethical Challenges and Mitigation Strategies for International Construction Projects
- Insuring Your Project to Protect Against Risk & Loss Arising from Claims

PRACTICAL IN-DEPTH WORKSHOPS • 21st May 2012

A: Perfecting Your Contract Negotiation & Drafting Skills
B: Effective Contract Management Strategies to Avoid or Resolve Disputes

Media partners:

Bookings hotline: +44 (0)20 7017 5503
For the latest programme and to register:
www.ibclegal.com/construction

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08:15 Registration, Coffee and Networking

09:00 Chairman’s Welcome & Opening Remarks
Prof. Phillip Capper, Partner & Head of International Arbitration, London, WHITE & CASE LLP; Nash Professor of Engineering Law, KING’S COLLEGE LONDON

09:15 Construction Contractual Dispute Management: Key Challenges & Opportunities Emerging from the Downturn
The Hon. Mr Justice Akenhead
Judge in Charge
TECHNOLOGY AND CONSTRUCTION COURT

09:45 International Construction Law Developments and its Impact on Contracts and Dispute Resolution
- Impact of sanctions on international construction projects
- Using new ICC emergency arbitrator mechanism to obtain interim relief
- Rise of investment treaty arbitration as a tool to resolve construction disputes
- Recent challenges with enforcement of decisions
Kim Rosenberg, Senior Associate
FRESHFIELDS BRUCKHAUS DERINGER

10:30 Speed Networking
Networking Break & Refreshments

11:00 Construction Act Changes: Where are the New Battlegrounds?
- Summary of Construction Act changes
- Problems with timing and content of notices
- Defining the scope of the new suspension rights
- Issues arising from outlawing of conditional payment provisions
- Implications for dispute resolution
Prof. Rudi Klein, Chief Executive, SEC GROUP; President, NEC USERS’ GROUP

11:45 Investigating Bribery and Fraud Allegations in a Construction Context
- Common allegations of fraud and corruption in the construction sector
- How to avoid committing corporate offences which lead to debarment
- The conduct of investigations - when to conduct an investigation, who should lead it and how far to delve?
Tom Stocker, Partner, Construction & Engineering
MCGRIGORS

12:30 Networking Luncheon with Themed Roundtables
Roundtable 1: International Regulatory Developments
Roundtable 2: UK Regulatory Developments
Roundtable 3: Challenging Jurisdictions
Roundtable 4: Alternative Dispute Resolution Strategies

13:30 Middle East and Africa: Risk Management and Dispute Resolution
- Distinguishing features of local law particularly as it relates to construction contracts
- Comparative evaluation of local law specifically with English law
- Dispute resolution and the increasing acceptance of International Arbitration
- Enforcement of International Arbitration awards and the role of ICSID arbitrations
Middle East:
Raid Abu-Manneh, Partner, Construction and Engineering Team, MAYER BROWN INTERNATIONAL
Africa:
Kwadwo Sarkodie, Partner, Construction and Engineering Team, MAYER BROWN INTERNATIONAL

14:30 Effective International Construction Arbitration
- The impact of choices about - Seat - Substantive Law - Institution - Language - Rules
- On cost time and enforceability of construction arbitrations
Mark Roe, Partner, Head of International Arbitration
PINSENT MASONS

15:10 Construction Arbitration: The Scandinavian/Continental Perspective
- The Continental use of experts
- The Continental use of discovery/disclosure
- Challenges in the enforcement of awards
Peter Fogh, Attorney-at-Law, Partner
PLESNER

“Great event to better understand international dispute resolution methodologies, which was really useful for my work.”
R G Mohazeb, Contract & Claim Manager, Siemens Technologies
Effective Use of Expert Evidence in International Arbitration
- The procedural rules
- The Law governing the seat
- IBA and Institutional Guidelines
- Motivating the Tribunal
- Alternative Procedures

Robert Stevenson, Partner, BERRYMANS LACE MAWER

International Dispute Resolution - ADR, Dispute Boards, Final Substantive Resolution
- Mediation
  - International approach to mediation
  - Enforcing mediation in cross border disputes
- Expert determination
  - Why and when is it appropriate to use it
  - Who can be an expert it
  - Enforcement issues it
- Dispute boards
  - What are the common characteristics
  - Pros and cons?
  - Setting up a dispute resolution board
  - Defining the roles of the board members and respective expectations
- Final resolution issues:
  - Choosing the forum
  - Choosing the rules
  - Flexibility: current trends

Graeme Bradley, Partner, Head of the Engineering & Construction Group in the EMEA
DLA Piper International

Achieving Mutually Beneficial Settlements Through Early Neutral Evaluation (ENE)
- What is ENE and how does it work?
- The aims of ENE
- Which cases are suitable for ENE?
- How does it compare with other forms of ADR?
- When and how should I use ENE?
- The results and benefits of ENE

Stuart Kennedy, Head-Technology & Construction Practice Group, 3PB BARRISTERS

Successfully Negotiating and Drafting Construction Contracts
- Principles of risk mitigation and allocation
- Understanding the context – technical issues; choice of law & forum; limitation periods and specific local law liabilities
- Key clauses – design and performance; delays and extensions of time; entitlements to extra compensation; caps and other limitations on liability
- Common contractual problems – inadequate base document; insufficiently tailored contracts; inconsistencies and ambiguities
- Dispute avoidance and resolution – mediation, expert determination, adjudication and arbitration clauses

Mark Goodrich, Partner, Construction and Engineering Group, WHITE & CASE
Jane Davies Evans, Counsel
FRESHFIELDS BRUCKHAUS DERINGER

Reducing The Risk of Disputes Through Effective Contract Management
- Optimal strategies to best manage a construction contract
- Ensuring transparency and open channels of communication throughout the project lifecycle
- Best practices of on-site project management

Conference Impressions:

R G Mohazeb, Contract & Claim Manager, Siemens Technologies

“The conference touched upon practical issues which is very positive”

K Abu Alhawa, Project Implementation Manager, Aqaba Container Terminal
12:15 **Time and Money Claims: Successful Management & Settlement Methods**  
- Identifying the factors that are likely to result in disputes arising from time and money claims  
- Preparing claims: what evidence is required to succeed with time and money claims; how should such claims be presented; tactics  
- Defending claims: how to defend time and money claims  
- The role of experts

**Mike Kolloway,** Corporate Vice President and Assistant General Counsel, **AECOM TECHNOLOGY CORPORATION**

**Paul Darling,** Head of Chambers, **KEATING CHAMBERS**

**Jonathan Cope,** Director, **MCMS Limited**

**RICS DISPUTE RESOLUTION PROFESSIONAL GROUP**

15:00 **Managing Supply Chain Under-Performance**

- Extracting maximum performance from the contractors, professionals, suppliers and others in the supply chain  
- Ensuring you have the right resources to deliver to the right pace and quality to keep the project on-track  
- How to anticipate, legislate for, manage and mitigate the issues that arise  
- Essential practical, commercial and contractual best practices:  
  - Planning for success - amendments to standard form contracts; bonds and guarantees  
  - Contract administration  
  - Insolvency  
  - Termination  
  - Claims

**Colin Fraser,** Partner Construction & Engineering, **MCGRIGORS LLP**

15:45 Networking Break & Refreshments

16:00 **Ethical challenges and Mitigation Strategies for International Construction Projects**

- Impact on construction companies from greater regulatory oversight in the ethics arena  
- Managing global ethics challenges during a protracted economic downturn  
- What a construction company can do to stand up/upgrade its ethics program to make it a market place differentiator  
- Construction contract terms/conditions that support the implementation of a strong ethics program  
- Ethical issues in resolution of construction disputes

**Neil Holt,** Director, Ethics & Business Conduct, **International Operations, CH2M HILL**

**Andrew Hayward,** Head of Ethics & Compliance, **BALFOUR BEATTY**

16:45 **Insuring Your Project to Protect Against Risk & Loss Arising from Claims**

- Types of risk and loss that may be encountered on construction projects  
- Obtaining adequate insurance coverage to address potential losses  
- Carefully revising insurance cover conditions and ensuring these are thoroughly addressed in the project contract  
- Successfully balancing the contract liability cap

**Mike Kolloway,** Corporate Vice President and Assistant General Counsel, **AECOM TECHNOLOGY CORPORATION**

17:30 Chairman’s Closing Remarks

**J S Dielschneider LONG INTERNATIONAL**
PRE-CONFERENCE WORKSHOPS
Tuesday 22nd & Wednesday 23rd May 2012
Hilton London Tower Bridge Hotel, London, UK

PERFECTING YOUR CONTRACT NEGOTIATION & DRAFTING SKILLS

- Negotiating a contract with a clear focus on business development, procurement, negotiation skills, strategy, tactics, counter-tactics, and risk management
- Adopting an appropriate procurement strategy and project structure
- Choosing the right form of contract – standard form v. bespoke contracts
- Identifying and allocating risks effectively
- Common pitfalls and key clauses: design liability, liquidated damages, limitations of liability, force majeure, indemnities, adverse ground conditions
- Ensuring the terms and conditions are clearly defined and all parties fully understand them
- Case studies on successful projects – from inception to signature

EFFECTIVE CONTRACT MANAGEMENT STRATEGIES TO AVOID AND RESOLVE DISPUTES

- Focusing and keeping close attention to detail throughout the tendering process, evaluation, administration, management and delivery of contracts
- Ensuring issues are dealt quickly and efficiently throughout the different phases – from signature to final completion
- Promoting dispute avoidance at a project-level
- Practical considerations and contractual requirements for the preparation and presentation of claims and responses
- Understanding multi-tiered dispute resolution provisions and their role in dispute avoidance
- Successfully implementing ADR procedures: negotiation, conciliation, mediation, ENE, adjudication, expert determination and dispute boards
- Best practices towards dispute avoidance and management

Workshop A & Workshop B Leaders:

Ben Mellors, Senior Associate, Construction and Engineering Group, WHITE & CASE
Ben is a senior associate in the Construction and Engineering Group at White & Case. He advises on both non-contentious and contentious construction issues, specialising in particular in the management and resolution of domestic and international construction and engineering disputes. He has experience in the resolution of highly complex disputes through litigation in the Technology and Construction Court in London and institutional and ‘ad hoc’ arbitrations, as well as negotiation, mediation, adjudication and dispute boards.

Daniel Garton, Senior Associate, Construction and Engineering Group, WHITE & CASE
Daniel Garton is a senior associate in the Construction and Engineering Group at White & Case. He advises on both non-contentious and contentious construction issues. He has advised on a multitude of purpose-drafted and standard form construction contracts including EPC, EPCM, design/build and traditional lump sum construct-only contracts. Daniel has provided advice throughout the construction process, advising both employers and contractors during procurement and tendering, pre-contract negotiation, contract administration, and post contract dispute resolution through arbitration, litigation, adjudication and mediation.

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CPD Hours

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<th>Workshop Package</th>
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<tr>
<td>2-day Conference + Both Workshops</td>
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Upcoming Events for your Diary

FIDIC Asia Pacific Contract Users’ Conference
20-21st June 2012, Singapore
www.ibclegal.com/fidicasia

Construction Law Summer School
11-13th September 2012, Downing College, Cambridge
www.ibclegal.com/constructionschool

Bookings hotline: +44 (0)20 7017 5503 • www.ibclegal.com/construction
** Special offer: 10% off the prices given below**

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### HOW MUCH?

**Workshop Programme**

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<td>£1999</td>
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For further details and discount codes, please visit the IIR website at http://www.IIR.com/IBC

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**WHEN AND WHERE**

Venue: Hilton London Tower Bridge Hotel

22nd & 23rd May 2012

5 More London Place, Tooley Street, London, United Kingdom SE1 2BY

Tel: +44-203-002-4300
Fax: +44-203-002-4350

www.hilton.co.uk/towerbridge

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Job title Department

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2nd Delegate Mr/Mrs/Ms

Job title Department

Telephone Fax

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Job title Department

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Nature of Business

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Billing E-mail Address:

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