A dispute board is a panel of impartial members, appointed at the outset of the construction contract, whose purpose is to monitor progress, resolve disputes as they arise and provide a forum for discussing difficult matters. This book provides an in-depth analysis of dispute board law and detailed, practical explanations of how dispute boards work in construction contracts for those actively involved, as well as for those who need to learn the process. Important features of the book include: Explanation of how a dispute board works: Insider knowledge of board operations: Key documents to run a dispute board: Detailed discussion of dispute board law (covering key jurisdictions worldwide): Forms of practice and procedure, and sample documents Reviews of the previous edition "Chern's book provides an extremely practical guide, covering not only an introduction to the process but also providing check lists and sample documentation. This book will be welcome by practitioners in the area and newcomers to the dispute board process." —The International Journal of Arbitration, Mediation and Dispute Management, November 2009 "This book will provide a very useful, perhaps essential, guide to parties commissioning large capital construction projects, those advising them and those bidding to carry out such works, and importantly, the project funders." —The Expert & Dispute Resolver "This is a must-have book for grown up contractors" —Tony Bingham, Building "His timely work concentrating on what may prove to be the primary means of dispute resolution for major international construction projects is to be welcomed." —HHJ Humphrey Lloyd, QC, The International Construction Law Review "This excellent book on Dispute Boards is a must for every construction lawyer, engineer, architect and contractor who is either involved in Dispute Boards or wants to be" —Herbert Wilson, The Journal of the Dispute Board
This valuable guide is a tool to teach lawyers, litigants, and judges what early neutral evaluation (ENE) consists of, why and under what circumstances it can be used most productively, the difference between it and mediation (in the forms most commonly encountered by litigants and lawyers), and how clients, litigators, and neutrals have been assessed the value of ENE. The application of construction dispute procedures has changed dramatically in the last decade. This has resulted in an increased use of Alternative Dispute Resolution in many countries, and mediation in particular. Construction is one of the major industries using mediation, in the UK and in many other countries such as the US, China, Australia and New Zealand. This expansion in mediation has been helped by encouragement from governments, although it takes diverse forms in different legal jurisdictions, for example: court rules to encourage this use (as in the US and UK); the courts’ own mediation schemes or programmes, or legislation-backed programmes; or the use of industry driven mediation clauses in standard form contracts. These developments have taken place extremely rapidly. They represent significant changes to the legal environment within which the international construction industry conducts its business but, to date, there has been little research on their impact. All these initiatives have inevitably led to a developing legal jurisprudence concerned with the validity of contract clauses or with providing statutory interpretation of the rules requiring or governing practice. This has important consequences for the construction industry because legal uncertainty increases the likelihood of dispute, which is not only costly for the disputants but can be damaging to national and global economies. This book identifies the emerging international practices within construction mediation, and seeks solutions to the many legal and commercial challenges which they pose. It presents an international collection of reviews by experts, and allows a comparative commentary on the practice of construction mediation and the legal challenges facing its development. Many construction conflicts and disputes are not limited to particular jurisdictions or cultures, but are increasingly becoming common across the industry worldwide. This book is an invaluable guide to international construction law, written by a team of experts and focusing on the following national systems: Australia, Canada, China, England and Wales, Estonia, Hong Kong, Iraq, Ireland, Italy, Japan, Malaysia, the Netherlands, Oman, Portugal, Quebec, Romania, Scotland, Sweden, Switzerland, and the USA. The book provides a consistent and rigorous analysis of each national system as well as the necessary tools for managing conflict and resolving disputes on construction projects. The challenges facing all members of the construction industry are enormous, but not unachievable I am confident that the ACE Client Guide 2000 will help all members of the construction industry, whether consulting engineers, architects, surveyors, contractors and their clients, better understanding the challenges facing us and encourage appropriate action to be taken. Jim Dawson, ACE Chairman 1999-2000. Providing an overview of the market, its structures and external influences, this invaluable guide will help members of the construction supply chain to understand their clients' business needs and equip them to invest appropriately for current and future market developments and take advantage of emerging opportunities. The ACE Client Guide 2000 has been prepared in the light of feedback on the first edition, which was published in November 1998, and developments both within the construction industry and in the wider economy over the past 12 months, the facts, perceptions, commentary and sources set out in the ACE Client Guide 2000 provide a basis for individual firms to examine: - What to do - Why they do it - How they do it - How well they do it - Where improvements could.
be made - How such improvements could be achieved

This book has been conceived to address a particularly pressing aspect of ‘disputes in constructions projects’. It provides a practical guide & follows a very systematic approach, to dispute resolution, through mediation, conciliation and arbitration, under the construction contracts. It covers all aspects of the causes of delay including coverage of delay analysis report, the various disputes, and the arbitration process for satisfactory & faster resolution.

This book is based on issues relating to major EPC projects of process industries such as steel, petrochemical, power plants, etc. It also covers issues relating to the infrastructure sector in private and public sectors. This book will be useful for persons involved in construction arbitration, lawyers, project professionals, arbitrators, students and academicians. The Present Publications is the 1st Edition, incorporating analysis of problems of the construction sector and their impact along with analysis of 10 case studies while attempting to cull out the necessary principles involved in the execution of the projects. The key features of this book are as follows:

- In the introduction, the current scenario of construction sector has been discussed, along-with the problems faced by them and its impact on country's growth/GDP.
- [Delay Analysis Report] Project finalization & execution has also been briefly addressed, along with detailed description of possible reasons of conflicts and disputes in large projects. It also includes Delay Analysis Report (‘DAR’) detailing all the delays which take place in construction projects.
- [Preparation of Claims with Examples] Preparation of claims and counter claims has been elucidated (with examples) along-with organizing the evidence for construction arbitration.
- [Use of Alternate Dispute Resolution (‘ADR’) mechanism, for dispute resolution has been discussed.
- [Case Studies] are provided, that compare the project execution methodology, concerning private and public sectors and the outcomes of projects.
- [Simple & Lucid Presentation of Text] Technical, contractual & commercial reasons for delay in projects have been described in simple language, which can be understood by lawyers, arbitrators, and laymen working in the construction industry.

The contents of the book are as follows:

- Impact of disputes in construction sector
- Ideal needs of successful project execution
- Overview of projects and construction sector in India
- Types of construction contracts – Traditional
- Projects execution in India – Status
- General process of finalization of EPC contract for large projects
- Stakeholders in EPC project
- Analysis and comparison of salient features of different EPC contracts
- Critical examination, comparison and review of major clauses of EPC project contracts
- Brutal global impact of COVID-19
- Force majeure in Indian projects due to COVID-19
- Project monitoring & control
- Pre-requisites for successful completion of an EPC project
- Case studies of project execution detailing the methodology of execution, elements of delay and potentialities of disputes in projects
- Conclusions drawn from the case studies of project execution
- Common clauses of delays in EPC projects
- Preparation of project Delay Reports
- Delay analyzing techniques in construction projects
- Delay in construction contracts – A Legal View
- Construction dispute resolution as per Alternate Dispute Resolution mechanism
- Settlement of construction dispute through Negotiation
- Settlement of construction dispute through Mediation
- Settlement of construction dispute through Conciliation
- Settlement of construction dispute through Arbitration
- Indian Arbitration and Conciliation (Amendment) Act, 2019 a reflection
- Claim in a construction project
- Need for evidence in construction arbitration

Reviewed by Justice Dipak Mishra | Former Chief Justice of India

After reading the book, I am tempted to say that though it focuses on a very
prosaic subject, yet there is “something” in it that makes it interesting for the readers. And any reader can find that “something” only after studying the book. It is a must read for the students, practitioners and academicians involved in the field. I so recommend as the author is consistently guided by the motto, “quality speaks for itself”. The author’s intention is to assist and educate. I have deliberately used both the words because I am of the view that this book should be read by some with the vision of an Argus-eyed personality and some should study with humility. The author deals with many facets with admirable precision. One may consider his delineation with regard to the conception of delay. He has commandedly adverted to “Common Causes of delay in EPC Projects”. I am certain that anyone arguing a matter before a Tribunal or Court will be extremely benefitted. The author’s case study has its own impact and reaffirms the old saying “Example is better than Precept”. He believes in the concept “successful project execution is more than a written piece of contract”. This statement by Dr. Saraswat deserves to be a quotation. Reviewed by Justice B.B. Srikrishna | Former Judge | Supreme Court of India
Dr. S.B. Saraswat is a technocrat with extensive experience of four decades in public as well as private sector industries in India and abroad. He was actively involved in successful execution of many large projects in Steel, Power and Petroleum sectors. His long experience in their execution has exposed him to various kinds of disputes faced as client and as contractor. This book is the result of his rich experience of dispute resolution by arbitration in the construction industry and reflects his insights on aspects of delays, disputes & their resolution. Apart from general discussion of the arbitral mechanics in such disputes, the book focusses on the nature of construction contracts, the likely pitfalls therein, the force majeure clauses in such contracts, project control and monitoring, common causes of delay in EPC contracts, delay analysis techniques, techniques of ADR, nature of claims, their submission and the evidence required to substantiate the claims in light of the legal provisions of the Arbitration and Conciliation Act, 1996 and other applicable laws. Reviewed by Justice Deepak Verma | Former Judge | Supreme Court of India
This book by Dr. S.B. Saraswat encapsulates the following: • The problems of the construction sector and their impact has been analyzed in detail. • First it has been advised that disputes should be resolved mutually among stakeholders failing which mediation and conciliation should be adopted. Procedures for the same have been described in the book. • It is a fact that large construction projects in India are invariably delayed due to a variety of reasons. This book contains all the possible reasons for the delay in the project. Further, the book also spells out an action plan to avoid such delays. • The book has handled the delay analysis through various delay techniques normally adopted as a standard practice. Delay in the projects has been described in a comprehensible manner that can be easily understood by lawyers, arbitrators and laymen working in the construction industry. • The book also analyses 10(ten) case studies while attempting to cull out the necessary principles involved in the execution of the projects. • Preparation of claims has been dealt with in the book and explained with suitable examples. • Utility of evidences to substantiate the claims have been incorporated. • The book discusses ADR techniques like Negotiation, Mediation, Conciliation and Arbitration to resolve construction disputes. Reviewed by Justice A.K. Sikri | Former Judge | Supreme Court of India
Understanding the need to have some authentic book to guide and help all the stakeholders, Dr. S.B. Saraswat has laboured to produce the book at hand which specifically takes care of issues relating to construction arbitration. The three major elements in this field as
mentioned above, viz., delays in such projects, nature of disputes and the resolution thereof through arbitration are the themes which are very deftly articulated and presented in a manner which can easily be absorbed by the readers. A distinguished feature of the book is that the scope is not confined to use of ADR mechanisms for dispute resolution (which includes mediation as well as arbitration), but contains an in-depth analysis into the causes leading to such disputes. This becomes important to ensure ‘Dispute Avoidance’, wherever possible. In case of disputes, the book acts as a helpful guide for the disputants in the manner in which claims should be preferred or the defences be offered. It also guides the stakeholders the manner in which evidence needs to be organised or supporting the claims or defending the claims.

Summary: This book examines how disputes arise in the construction industry and suggests ways of avoiding them by identifying problem areas. It introduces the principal means of dispute resolution, litigation, arbitration, ADR and adjudication - it explains how each operates and considers the advantages and disadvantages of each method. The book is written in a straightforward approach and is clear, concise and practical. It has been prepared by a team of lawyers who work for one of the leading law firms engaged in this area. The book is aimed at all of the professions engaged in the construction industry.

Contents: Introduction Dispute avoidance Litigation Arbitration Alternative dispute resolution Adjudication

This book is written for users of mediation, whether they be a party, an advisor or an expert. It should also be of help to commercial mediators who have no specialism in construction. Its aim is to encourage confidence in the mediation process and to ensure that those who do use mediation to resolve their disputes do so effectively and so are able to maximise the opportunities that mediation offers.

The National Academy of Construction (NAC) has determined that disputes, and their accompanying inefficiencies and costs, constitute a significant problem for the industry. In 2002, the NAC assessed the industry's progress in attacking this problem and determined that although the tools, techniques, and processes for preventing and efficiently resolving disputes are already in place, they are not being widely used. In 2003, the NAC helped to persuade the Center for Construction Industry Studies (CCIS) at the University of Texas and the Alfred P. Sloan Foundation to finance and conduct empirical research to develop accurate information about the relative transaction costs of various forms of dispute resolution. In 2004 the NAC teamed with the Federal Facilities Council (FFC) of the National Research Council to sponsor the "Government/Industry Forum on Reducing Construction Costs: Uses of Best Dispute Resolution Practices by Project Owners." The forum was held on September 23, 2004, at the National Academy of Sciences in Washington, D.C. Speakers and panelists at the forum addressed several topics. Reducing Construction Costs addresses topics such as the root causes of disputes and the impact of disputes on project costs and the economics of the construction industry. A second topic addressed was dispute resolution tools and techniques for preventing, managing, and resolving construction-related disputes. This report documents examples of successful uses of dispute resolution tools and techniques on some high-profile projects, and also provides ways to encourage greater use of dispute resolution tools throughout the industry. This report addresses steps that owners of construction projects (who have the greatest ability to influence how their projects are conducted) should take in order to make their projects more successful.

A legal reference on construction law that offers guidance for professionals and addresses the important construction law issues. The Singapore Convention on Mediation presents a comprehensive and insightful
commentary on the Singapore Convention and the emerging field of the private international law of mediation. The Convention is just beginning its life as an international legal instrument. Recent years have witnessed the growing recourse to mediation as an alternative method of solving disputes in the sphere of international commercial and investment relations. How is it likely to fare? In this first comprehensive, article-by-article commentary, the authors provide a robust report on the features of the Convention and their implications, with analysis of potential controversies and authoritative clarifications of particular provisions. What’s in this book: The book’s meticulous examination considers the following issues and topics: - international mediated settlement agreements as a new type of legal instrument in international law; - types of settlement agreements that fall within the scope of the Convention; - how the Convention’s enforcement mechanism works; - the meaning of ‘international’ and the absence of a seat of mediation; - the Convention’s approach to recognition and enforcement of internationally mediated settlement agreements; - the grounds for refusal to grant relief under the Convention; - mediator misconduct as a ground for refusal to grant relief; - the impact of the Convention on private international law; - the relationship of the Singapore Convention with other international instruments such as the UN Model Law on International Commercial Mediation and the New York Convention on Arbitration; - possibilities for Contracting States to declare reservations. How this will help you: This book will be one of the first publications providing legal practitioners and other stakeholders with legal commentary on the Singapore Convention on Mediation. It informs readers of the legal implications and potential controversies associated with the Convention and offers much-needed clarifications on particular provisions. This book takes a giant step towards relieving the inherent uncertainty associated with how this newly constituted instrument may operate, and how States may become ‘Convention ready’. It is sure to become an essential reference for international lawyers, mediators and government officials as the Convention proves itself in the coming years. The value of mediation has been widely acknowledged worldwide, as shown by the number of jurisdictions in which the courts enforce obligations on parties to negotiate and adopt mediation to settle construction disputes. This book examines the expansion and development of court-connected construction mediation provisions across a number of jurisdictions, including the England and Wales, the USA, South Africa and Hong Kong. It includes contributions from academics and professionals in six different countries to produce a truly international comparative study, which is of high importance to construction managers as well as legal professionals. The National Academy of Construction (NAC) has determined that disputes, and their accompanying inefficiencies and costs, constitute a significant problem for the industry. In 2002, the NAC assessed the industry's progress in attacking this problem and determined that although the tools, techniques, and processes for preventing and efficiently resolving disputes are already in place, they are not being widely used. In 2003, the NAC helped to persuade the Center for Construction Industry Studies (CCIS) at the University of Texas and the Alfred P. Sloan Foundation to finance and conduct empirical research to develop accurate information about the relative transaction costs of various forms of dispute resolution. In 2004 the NAC teamed with the Federal Facilities Council (FFC) of the National Research Council to sponsor the "Government/Industry Forum on Reducing Construction Costs: Uses of Best Dispute Resolution Practices by Project Owners." The forum was held on September 23, 2004, at the National Academy of Sciences in Washington, D.C. Speakers and panelists at the forum
addressed several topics. Reducing Construction Costs addresses topics such as the root causes of disputes and the impact of disputes on project costs and the economics of the construction industry. A second topic addressed was dispute resolution tools and techniques for preventing, managing, and resolving construction-related disputes. This report documents examples of successful uses of dispute resolution tools and techniques on some high-profile projects, and also provides ways to encourage greater use of dispute resolution tools throughout the industry. This report addresses steps that owners of construction projects (who have the greatest ability to influence how their projects are conducted) should take in order to make their projects more successful. This book keeps professionals abreast of new and innovative ways to promote collaborative environments and resolve disputes—including multinational disputes—in construction. Part I of this book focuses on state-of-the-art DART around the world and its current applications. Part II emphasizes conflict index, the application of system dynamics to negotiations, game and negotiation theory, and the use of the Internet. For construction managers, design engineers, owners, lawyers, arbitrators, and other professionals who want to learn about the latest techniques in conflict resolution. The role of the expert witness has long been important in construction litigation and arbitration and most other types of dispute resolution. Today there is a heavier burden on experts because of the diversity of the appropriate dispute process and the added responsibility this brings. The Woolf reforms and the introduction of the Civil Procedure Rules are having a major impact on the role of the expert witnesses. No longer is the expert accountable just to the client but directly owes a duty to the court. In the smaller value claim a new opportunity of acting as single joint expert arises where the parties can save time and money. There is greater flexibility in arbitration under the Arbitration Act 1996 and a need for expert evidence in the statutory process of adjudication. This book takes account of all these changes, taking the expert stage by stage through his or her duties, from the investigation, preparation and exchange of expert reports, disclosure of documents, the importance of different types of evidence, to preparation for the hearing itself and the giving of oral evidence. The appendices feature appropriate references to the Civil Procedure Rules, guidelines for experts, protocols and other materials of practical interest. Throughout, reference is made to relevant case law. Annotation Not all disputes can be avoided. Indeed, an industry as large and complex as construction will undoubtedly generate disputes. New processes such as risk management and partnering are being developed in an attempt to tackle the causes of conflict, but the UK construction industry is still regarded as claims-orientated and a fertile ground for conflict and dispute. Construction disputes are caused by project uncertainties, problems in the process, or people issues. Uncertainties which are not dealt with by the project participants on a day-to-day basis can evolve into protracted disagreements, claims and disputes. This process of disputing is fuelled by entrenched positions, lack of communication and clashes of personality. Dissatisfaction with litigation and arbitration has led to the development of alternative dispute resolution (ADR) methods which embrace the use of a neutral third party in pursuit of a 'business solution'. There are, however, conflicting reports on the success of ADR in the construction industry. Few industry participants appear to have had actual experiences of ADR and there is little empirical data on UK experiences. Most published texts on dispute resolution deal with just one technique, however this essential new guide provides an overview of the array of dispute resolution techniques available. It provides definitions
and an explanation of the processes, and an insight into the views of the industry players. The report draws on DETR-funded research including the largest ever survey of UK construction disputing. This presents a review of the current status and future development of dispute resolution in the industry. Using case studies and quotes from the survey data, the report looks at the reasons behind the conflicts and compares the different dispute resolution techniques, including the new 'alternative' approaches of mediation and more specialised techniques such as expert determination, but, most importantly it explores the perceptions of those involved in the process. Consideration is given to how disputes can be managed more effectively through the selection of the most appropriate techniques. This report, which avoids technical jargon and lengthy explanations is aimed specifically at lawyers, contractors, consultants, architects and surveyors.

For some years there has been growing dissatisfaction with litigation and arbitration as a means of settling construction disputes, and increasingly parties have been turning to adjudication and alternative dispute resolution (ADR). This trend was given a major impetus by the introduction of the 1996 Housing Grants, Construction and Regeneration Act and the Scheme for Construction Contracts, which resulted in statutory adjudication being introduced in most of the main building and engineering standard forms. This book surveys the growth of ADR and looks in detail at the various methods: * adjudication and expert determination * mediation and conciliation * dispute review boards and disputes advisers * other forms, such as mini-trial and mediation-arbitration It discusses the Housing Grants, Construction and Regeneration Act and the Scheme for Construction Contracts, and their effect on adjudication and construction contracts considering both procedural and legal issues. It looks in detail at the adjudication clauses of all the main building and engineering contracts.

Transnational Construction Arbitration addresses topical issues in the field of dispute resolution in construction contracts from an international perspective. The book covers the role of arbitral institutions, arbitration and dispute resolution clauses, expert evidence, dispute adjudication boards and emergency arbitrator procedures, investment arbitration and the enforcement of arbitral awards. These topics are addressed by leading experts in the field, thus providing an insightful analysis that should be of interest for practitioners and academics alike.

Assembled from Dispute Resolution Journal – the flagship publication of the American Arbitration Association – the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook begins with chapters on specific strategies and tools to help manage risks and avoid disputes in the construction field. It discusses ADR as it relates to subcontracting and labor disputes, the use of a neutral architect, the importance of site visits, and the significance of understanding ADR procedures before agreeing to them. The option of using mediation to resolve disputes is explored, including guidelines and tools for successful mediation, the expert’s role in construction mediation, and what works and what doesn’t work in construction disputes. The use of arbitration is also looked at in depth and guidance is provided for both the arbitrator and for the advocate. There is an entire section devoted to partnering (the creation of a working relationship between a building owner and a contractor which further involves subcontractors, design professionals, and other agencies), discussing its benefits and providing useful tips. Lastly, advice is provided for both small and complex
construction claims, and the use of Dispute Review Boards (comprising panels of three technically qualified neutral individuals). The chapters were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field. Assembled from Dispute Resolution Journal — the flagship publication of the American Arbitration Association — the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook contains valuable guidance on international commercial arbitration, including the management of arbitration disputes, how to select an international arbitral institution, an explanation of the effect of international public policy, the duties of arbitrators, the presentation and evaluation of evidence in international arbitration, and how to arbitrate against a state sovereign. The enforcement of international arbitral awards is explored, including interim relief and problems with enforcement, the New York Convention, parallel proceedings, and pivotal decisions such as Chromalloy and TermoRio. International mediation is also examined, including guidelines for selecting the best mediator for an international dispute, the power of mediation to resolve international commercial disputes, and the differences in U.S. and European approaches. Lastly, the section on investment and trade arbitration and mediation explores bilateral investment treaties, examines WTO arbitration procedures, offers advice on saving time and money in cross-border commercial disputes, and provides guidance for U.S. investors to follow in dealing with sovereign states. The chapters in the Handbook were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field. This book brings together over 40 papers presented at the 1992 International Construction Conflict Management & Resolution Conference held in Manchester, UK. Six themes are covered, including alternative dispute resolution, conflict management, claims procedures, litigation and arbitration, international construction, and education and the future. With papers from arbitrators, architects, barristers, civil engineers, chartered surveyors and solicitors, this book represents the first multi-disciplinary body of knowledge on Construction Conflict and will act as a unique source of reference for both legal and construction professionals. Introduction / Renato Nazzini — The problem of the law governing the arbitration clause between national rules and transnational solutions / Renato Nazzini — The Singapore Convention on Mediation — its impact on international construction disputes / Shouyu Chong — The relevance of Artificial Intelligence for construction disputes / Erik Schäfer — Administering Artificial Intelligence in arbitration / Maud Piers and Christian Aschauer — The relevance of food faith in transnational construction contracts: a civil law perspective / Olivier Caprasse and Maxime Tecmenne — Searching for convergence between the common law and civil law traditions on good faith through international arbitration / David Arias and James Doe — Collaborative dispute resolution / Shy Jackson — Dispute boards: trends, observations, developments and procedures / Nicholas Gould and Robbie McCrea — Enforcement of DAB decisions under the FIDIC forms of contract / Taner
Dedezade -- Emergency arbitration and the interplay with other pre-arbitral mechanisms / Patricia Shaughnessy -- Adjudication in the United Kingdom: recent developments / James Pickavance -- Statutory construction adjudication in Canada / Duncan W Glaholt -- Statutory adjudication in Singapore / Toh Chen Han -- Adjudication in Australia / Sean Kelly, Julian Bailey and Matthew Bel -- Achmea: from the judgment to the plurilateral agreement, towards the disappearance of ontra-EU bilateral investment protection treaties / Malik Laazouzi -- State immunity and its implications when resolving disputes with - and enforcing outcomes against - states / Michael Cottrell.Arbitation in Context Series Volume 1 There is probably no area of activity more in need of reliable dispute resolution procedures than construction projects, especially if more than one jurisdiction is involved. The third edition of this eminently practical guide greatly facilitates the process for all parties concerned. The text, updated to include the latest edition of arbitral rules and introducing the Prague Rules, considers the full range of available dispute resolution methods, including mediation, conciliation and determination by dispute review boards, before focusing specifically on arbitration. The book then looks in detail at all aspects of arbitration, from commencement of proceedings, selection of the tribunal, through preparation and collection of the evidence necessary in complex construction cases, to common procedural issues, the conduct of the hearing, the effect of the award, challenges to it and its enforcement. The third edition addresses fresh thinking on MedArb, guidance on preparation for and conduct of virtual hearings in the wake of COVID-19, technological advances to assist collection and presentation of evidence, litigation funding and includes a new chapter on the role of arbitration in tender disputes. Specific valuable features include the following: guidance on the drafting of dispute resolution provisions designed to minimise disputes and facilitate their swift resolution; flowcharts to illustrate the stages in dispute procedures and arbitration; a comparison between common law and civil law approaches to key concepts; details of the key features of a construction contract, common standard forms and procurement structures; expert guidance on effective contract administration; step-by-step advice on the conduct of a construction arbitration to maximise efficiency; and coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes, with guidelines on how to approach such issues in the presentation before a tribunal. As an easy-to-use resource for both general counsel and the lawyers in private practice, this book has no peers. It has proved to be of particular value to commercial contract negotiators and corporate counsel who may have many years of experience but have not had to live through a construction dispute or manage a construction contract during the life of a project. Lawyers in private practice embarking on a construction dispute for the first time will also find this book of value, as will students of dispute resolution. Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook begins with an exploration of drafting commercial arbitration clauses and provides advice on selecting the right arbitrator for any given commercial arbitration dispute. It supplies practitioners with guidelines for use in their arbitration practice and covers such topics as evidence and discovery, arbitral subpoena powers, procedural and interim orders. It also offers guidance on witness
preparation, expert testimony, and cross-examination. There are chapters that specifically address the arbitration of large complex cases, healthcare disputes, and entertainment industry disputes. Arbitrators are provided with recommendations regarding professional conduct and responsibility. Arbitral awards and remedies are covered extensively and arbitrators are provided with practical approaches and information on drafting awards, punitive damages, the finality of awards and, post-decision debriefing. Lastly, this book discusses commercial arbitration as it relates to the legal system. The chapters were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field."Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook begins with chapters on specific strategies and tools to help manage risks and avoid disputes in the construction field. It discusses ADR as it relates to subcontracting and labor disputes, the use of a neutral architect, the importance of site visits, and the significance of understanding ADR procedures before agreeing to them. The option of using mediation to resolve disputes is explored, including guidelines and tools for successful mediation, the expert's role in construction mediation, and what works and what doesn't work in construction disputes. The use of arbitration is also looked at in depth and guidance is provided for both the arbitrator and for the advocate. There is an entire section devoted to partnering (the creation of a working relationship between a building owner and a contractor which further involves subcontractors, design professionals, and other agencies), discussing its benefits and providing useful tips. Lastly, advice is provided for both small and complex construction claims, and the use of Dispute Review Boards (comprising panels of three technically qualified neutral individuals). The chapters were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field."--Publisher's website.

There is probably no area of activity more in need of reliable dispute resolution procedures than construction projects, especially if more than one jurisdiction is involved. The second edition of this eminently practical guide greatly facilitates the process for all parties concerned. The text, now updated to include the latest edition of arbitral rules, considers the full range of available dispute resolution methods, including mediation, conciliation, and (increasingly common in international construction disputes) determination by dispute review boards or expert panels, before focusing specifically on arbitration. The book then looks in detail at all aspects of arbitration, from commencement of proceedings, through preparation and collection of the evidence necessary in complex construction cases, to common procedural issues, the conduct of the hearing, the effect of the award, challenges to it and its enforcement. Specific valuable features include the following: guidance on drafting of dispute resolution provisions designed to minimise disputes and facilitate their
swift resolution; flowcharts to illustrate the stages in dispute procedures and arbitration; a comparison between common law and civil law approaches to key concepts; details of the key features of a construction contract and common standard forms; expert guidance on effective contract administration; step-by-step advice on the conduct of a construction arbitration; and coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes, with guidelines on how to approach such issues in the presentation before a tribunal. As an easy-to-use resource for both general counsel and the lawyers in private practice, this book has no peers. It has proved to be of particular value to commercial contract negotiators and corporate counsel who may have many years of experience but have not had to live through a construction dispute or manage a construction contract during the life of a project. Lawyers in private practice embarking on a construction dispute for the first time will also find this book of value, as will students of dispute resolution.

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