

Monday 9 - Friday 13 September 2024

Downing College, Cambridge, UK

24th Annual Construction Law Summer School

**30 CPD
Hours**

DELVE INTO ALL ASPECTS OF INTERNATIONAL CONSTRUCTION LAW

This all-inclusive, 5-day residential conference enables professionals to gain an understanding of all the key aspects of construction and engineering law, as well as an update on the legal changes affecting the industry.

The ideal event for anyone who needs to be able to interpret and apply the law as part of their wider job role - including contracts, procurement and project professionals, general managers, engineers and of course, lawyers.

Topics covered include:

- Common v. civil law systems
- Choice of law and arbitration
- Contract technology
- Contract form options
- The role of the Engineer
- Technical issues and risk assessments
- Insurance law
- FIDIC, NEC4 and EPC forms, administration and comparisons
- Contract variations
- Time & delay
- Construction acts around the world
- US spotlight
- Asia spotlight
- Latin America spotlight
- Termination
- Contractual provisions for dispute resolution
- Contracts for international projects
- Dispute avoidance and resolution
- ADR
- Claims and disputes
- Expert evidence and hot-tubbing

35+

presentations on the most
important areas of
construction law

30+

top legal minds sharing
their insights and
expertise

24

years advancing
international
professionals through an
in-depth and immersive 5
day course

WHY ATTEND?

Get essential legal knowledge in just five days:

- Compare and contrast jurisdictions
- Understand the differences between contract forms and find out how to choose the most suitable one
- Gain a firm grasp on dispute avoidance, resolution and ADR
- Understand the procurement and payment options
- Gain practical knowledge through the hands-on workshops and interactive sessions

Who attends?

- Contracts, Procurement, Project & Claims Managers
- Construction & Infrastructure Managers
- In-house Counsel and Legal Officers
- Attorneys, Solicitors & Partners
- Barristers
- CEOs, Managing Directors & General Managers
- Chief Operating Officers
- Consultants
- Engineers

Grow your professional network

Make lasting professional connections with the speakers and fellow attendees during informal and dedicated networking events throughout the day and during the evenings

Use this time to connect with the expert speakers and your peers, to reinforce your learning, exchange ideas and let's not forget... to relax and enjoy your week

A uniquely immersive experience.

Dive into historic Cambridge.

Relax and unwind at activities including:

- Barbeque & quiz night
- Guided walking tour of Cambridge & dinner
- Punting on the River Cam & dinner
- Drinks reception & gala dinner



"Coming from an engineering background I was at first not too sure if a construction law conference would be suited to me... The conference however did not disappoint - the sessions were very informative and activities organised provided ample opportunities for networking"
ICT Engineer, Konza Technopolis Development Authority

"Excellent learning opportunity for construction professionals across all levels."
Associate, DWF Middle East

"Informative, insightful and highly rewarding. More than just a "crash course" in construction law"
Pupil Barrister, Keating Chambers

HOW TO GET THERE >>>>>

The closest airport to Cambridge is Stansted Airport which is only a 30-minute bus or train journey away.

From London, the best way to get to Cambridge is by rail. Trains run every 15 minutes from both Liverpool Street and King's Cross stations. The journey takes from 45 to 90 minutes dependent on the train. You can also take a bus directly from Heathrow Airport to Cambridge, this takes 2 hours and 15 minutes.



30+ SPEAKERS

THIS YEAR'S CONFERENCE CHAIRS:



Michael Sergeant
Partner
HFW



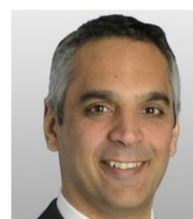
Adrian Hughes KC
Barrister
39 Essex Chambers



Jane Davies Evans
Barrister
3 Verulam Buildings



Marion Smith KC
Barrister
39 Essex Chambers



Philip Norman
Partner
CMS



Ellis Baker
Head of
Construction &
Engineering
Practice Group
White & Case

WHO ATTENDS?

Past attendees have come from:

- Australia
- Austria
- Bahrain
- Belgium
- Benin
- Botswana
- Brazil
- Bulgaria
- Cayman Islands
- China
- Colombia
- Croatia
- Cyprus
- Denmark
- Egypt
- Fiji
- Finland
- France
- Gabon
- Germany
- Ghana
- Greece
- Hong Kong
- Iceland
- India
- Ireland
- Italy
- Japan
- Jordan
- Kazakhstan
- Kenya
- Lebanon
- Luxembourg
- Macedonia
- Malaysia
- Malta
- Mexico
- Myanmar
- Netherlands
- Nigeria
- Norway
- Oman
- Pakistan
- Panama
- Papua New Guinea
- Peru
- Poland
- Portugal
- Qatar
- Romania
- Saint Lucia
- Saudi Arabia
- South Africa
- Spain
- Sudan
- Sweden
- Switzerland
- Tanzania
- Thailand
- Trinidad And Tobago
- Turkey
- United Arab Emirates
- United Kingdom
- United States
- Uruguay
- Zambia

And have worked in companies that include:

- A&L Goodbody
- Aarsleff Rail
- Addleshaw Goddard
- Advokatfirman Lindahl
- Al Shareef Holding
- Aldar Properties
- AlSaad General Contracting
- Andritz Hydro
- Arabtec Consolidated Contractors
- Argos Construction
- Atkins
- Baker & McKenzie
- Betafence South Africa
- Boskalis
- Castren & Snellman Attorneys
- CH2M HILL
- Channel Energy
- Chiyoda Corp
- CMS
- COMAD
- Dar Ar Riyaza Engineering Consultancy
- Dolphin Energy
- DWF Middle East
- EFLA Consulting Engineers
- Electricite de France EDF
- Emaar Pakistan Group
- Emergya Wind Technologies
- Emirates Nuclear Energy
- EPCO Builders
- European Investment Bank
- GE Water & Process Technologies
- Geoclean
- Grain Bulk Handlers
- Hong Kong Housing Authority
- Iberdrola Ingenieria y Construcción
- Infrastructure Development Authority Punjab
- Jacobsson Construction and Management
- Ministre des Mines, Gabon
- Ministry of Infrastructure, Botswana
- Mott Macdonald
- Msheireb Properties
- Navigant Consulting
- Nordex Energy
- Norsk Hydro
- Ocean Infinity
- Oman Tourism & Development
- Pinsent Masons
- Salalah Port Services
- Sarawak Energy
- Saudi Arabian Mining
- Sewerage Board of
- Siemens
- Sir Robert McAlpine
- SK Telecom Europe
- Skanska Sweden
- Statkraft
- Thales South Africa
- Voith Hydro
- WTE Wassertechnik
- Zamil Air Conditioners



Day 1 - Monday 9 September 2024

Fundamentals

Registration, Morning Networking & Introduction to Event

10:00 - 11:00

Chair's Opening Remarks

10:00 - 10:15

- Philip Norman - Partner, CMS

An Overview and Comparison of Common Law and Civil Law Systems

10:15 - 11:00

- Historical background
- Key differentiating features
- Approaches to contracting / standard forms
- Principle of good faith
- Comparison of key elements
- Disclosure in different jurisdictions
- Expert independence
- Witness examination and hearings

- Philip Norman - Partner, CMS
- Michael Conrad - Counsel, Clyde & Co

Choice of Law and Introduction to Arbitration

11:00 - 11:45

How the governing law can impact your agreements and what is arbitration and how is it viewed internationally

- Sarah Vasani - Partner, CMS

Networking Break

11:45 - 12:00

An Introduction to Contract Technology

12:00 - 12:45

- The changing nature of construction and the use of technology and artificial intelligence
- How do data analytics support the development of construction projects and how can artificial intelligence help resolve claims and disputes?

Introduction to Contract Form Options

12:45 - 13:30

This session will introduce contract form options, provide an overview of what is available and when and where particular contract forms are used

- Common procurement routes
- Contracting forms for construction and engineering projects



- Matching the form with the route

- Simon Worley - Team Leader and Principal Drafter, FIDIC Updates Task Group
- Anthony Albertini - Partner, Clyde & CO

Lunch

13:30 - 14:30

The Role of the Engineer

14:30 - 15:15

- The key role of the engineer in the FIDIC system
 - Current trends towards the engineer's role
 - How employers and contractors view the engineer
 - The engineer's role in minimizing conflicts and disputes
 - The outlook for the role of the engineer
- Simon Worley - Team Leader and Principal Drafter, FIDIC Updates Task Group

Introduction to Technical Issues & Risk Assessments in Construction Law

15:15 - 15:55

- Introduction to typical technical issues in construction projects
 - Typical risks in construction contracts
 - Risk assessment and management
 - Allocating risk in a construction contract
 - Other considerations related to risk
- Rupert Sydenham - Partner, Hogan Lovells

Afternoon Refreshments

15:55 - 16:10

The View from General Counsel on Choice of Law and ADR Methods

16:10 - 16:40

- Introduction to the various dispute resolution mechanisms
 - Litigation
 - Arbitration
 - Adjudication
 - Others
 - Proceedings based on Investment Treaties
- Lorenzo Cristanelli - Head of Legal International Operations, Itinera SpA

Insurance Law for the Construction Industry

16:40 - 17:10

- Practical treatment of insurance issues
- Most common type of policies you'll encounter
- Related international case law



- Paul Reed KC - Barrister, Gatehouse Chambers Chair's Closing Remarks 17:10 - 17:20 Participants
- Philip Norman - Partner, CMS

College Bar Opens

18:30 - 19:30

BBQ

19:30 - 20:35

Quiz Night

20:35 - 22:05

Day 2 – Tuesday 10 September 2024

Contract Forms, Contract Administration

Breakfast

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

- Michael Sergeant - Partner, HFW

FIDIC

09:10 - 09:40

This session introduces the FIDIC suite and identifies some key characteristics.

- The FIDIC suite of contracts
- Key characteristics
- The role of the engineer
- Red, yellow and silver book risk allocation models – practical challenges
- Limitation of liability
- Pre-agreed damages for delay & non performance
- Substantive law / procedural law / local law
- Some recent developments and practical examples
- Main principles of employers' requirements

- Nicholas Gould - Partner, Fenwick Elliott

NEC4

09:40 - 10:30

- Overview and Global Use
- NEC4 Background and Key Changes
- Key Roles
- Structure/Content
- Collaboration
- Recent Case Law
- Common issues



- Nicola Ellis - Special Counsel, K&L Gates

Coffee Break 10:30 - 11:00

FIDIC, NEC and Beyond – Comparison

11:00 - 11:50

- Claire King - Partner, Fenwick Elliott

EPC Contracts

11:50 - 12:50

- What is an EPC contract and why are they used?
- The key features and risk allocation
- Negotiating EPC contracts – getting it right
- EPC v EPCM – Is there a difference?

- Ben Mellors - Partner, Holman Fenwick Willan

A Panel Discussion About Forms of Contract for International EPC Contracts

12:50 - 13:30

- Nicola Ellis - Special Counsel, K&L Gates
- Claire King - Partner, Fenwick Elliott
- Ben Mellors - Partner, Holman Fenwick Willan
- Nicholas Brown - Partner, Pinsent Masons

Lunch

13:30 - 14:30

Workshop: Variations Under The FIDIC Contracts

14:30 - 15:20

- Problems with lack of instructions
- Disputes about whether work inside/ outside contract scope
- Overlap between claims and variations

- Michael Sergeant - Partner, HFW

Coffee Break

15:20 - 15:40

Workshop: Time & Delay

15:40 - 16:40



Through presentation, debate and examples, this interactive session explores time-related issues from pre-contract programming to what the contract should say to help address and analyse delay.

- What is a construction programme?
- Achieving certainty as to timing in a contract
- Understanding delay and disruption
- Principles of practicality and causation
- Delay analysis in the context of disputes
- Concurrent delay issues

- David Aldridge - Director, ADR Experts

Chair's Closing Remarks

16:40 - 16:50

- Michael Sergeant - Partner, HFW

Meet up at the Porter's Lodge for Guided Walking Tour of Cambridge

16:50 - 18:50

Dinner in the Dining Hall

18:50 - 20:50

Day 3 – Wednesday 11 September 2024

International Construction Law

Breakfast

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

Adrian Hughes KC - Barrister, 39 Essex Chambers

International Construction Law and Practice

09:10 - 10:20

- Cultural issues affecting advocacy in international construction arbitration
 - The wide scope of the Advocate's role
 - Relationship with Client
 - Relationship with the Tribunal
 - Know the case
 - The ethical ground rules
 - Procedural advocacy
 - Preparation and Presentation of Evidence
 - Written Advocacy
 - Oral Advocacy
 - Conclusions



- Adrian Hughes KC - Barrister, 39 Essex Chambers

Construction Acts Around the World and Their Relation to Payments

10:20 - 11:10

- Key differences in Construction Acts around the world
- Defining a scheme
- Payment regimes and notices

- David Savage - Partner, Construction & Infrastructure Sector Lead, Charles Russell Speechlys LLP

Coffee Break

11:10 - 12:00

Construction Law in the US

12:00 - 12:50

- Joseph Moore - Partner, Hanson Bridgett

TBC

12:50 - 13:50

- Edward Shaw - Partner, DLA Piper
- Anna Mills - Partner, DLA Piper

Lunch

13:50 - 14:50

International Construction in Asia

14:50 - 15:30

- William Godwin - Barrister; Member, FIDIC Updates Task Group

Negotiating Contracts for International Construction Projects

15:30 - 16:20

- Key terms and conditions in international construction contracts
 - Local practice vs. international norms
 - Recent developments by industry sector
- Kirk Durrant - Managing Partner (Qatar), DWF

Afternoon Refreshments

16:20 - 16:40

International Construction in Latin America

16:40 - 17:20

- Roberto Hernandez-Garcia - Partner, COMAD



Termination

17:20 - 17:30

- Why does it so often go wrong for the terminator?
- What to do with a non-performing counterparty?
 - Under the FIDIC contracts
 - Legal framework Participants
- Amy Armitage - Partner, Norton Rose Fullbright

Chair's Closing Remarks and End of Day Three

17:30 - 17:40

- Adrian Hughes KC - Barrister, 39 Essex Chambers

Meet-up at the Porter's Lodge for Punting on the Cambridge River

18:00 - 20:00

Dinner in the Dining Hall

20:00 - 21:00

Day 4 – Thursday 12 September 2024 Dispute Resolution

Breakfast

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

- Ellis Baker - Head of Construction & Engineering Practice Group, White & Case

Contractual Provisions for Dispute Resolution

09:10 - 09:55

- Range of possibilities and options
- Choosing the appropriate contractual mechanisms
- Using institutions for arbitration – or not
- Appointments in dispute resolution
- Ellis Baker - Head of Construction & Engineering Practice Group, White & Case

Coffee Break

09:55 - 10:15

Real-time Dispute Avoidance and Resolution: The Use of Dispute Boards

10:15 - 11:05

- Background and development of dispute boards



- Legal status and contract relationships
- Dispute boards during construction
- Procedures
 - Cyril Chern - Barrister, Crown Office Chambers

Alternative Dispute Resolution (ADR)

11:05 - 11:55

- What is ADR
- Why opt for ADR
- What to do to prepare for ADR
 - Jennifer Jones - Barrister, Atkin Chambers

Lunch

11:55 - 12:55

Turning Claims into Disputes

12:55 - 13:45

- How do you succeed with claims for:
 - Labour losses;
 - Site and head office overheads;
 - Interest / financing;
 - Delay damages;
 - Consequential losses

Restitution: Claims and Disputes Outside of Contract

13:45 - 14:30

- The basis for extra-contractual claims in common law and civil law jurisdictions
- Quantifying the restitutionary remedy: approaches and evidence
- Arbitration and other forms of ADR and the extracontractual claim
 - David Sawtell - Barrister, 39 Essex Chambers

Coffee Break

14:30 - 15:00

The Role of Expert Evidence and Hot-Tubbing

15:00 - 15:45

- Defining hot-tubbing
- Where is hot-tubbing used?
- When is hot-tubbing useful?
 - David Aldridge - Director, ADR Experts

Dispute Resolution - A Practical Guide

15:45 - 15:55



A practical guide to presenting or defending disputes efficiently under an international construction contract

- Dispute boards: a project-led processor miniarbitration?
- International arbitration: how to project manage our arbitration?
- Jane Davies Evans - Barrister, 3 Verulam Buildings

Chair's Closing Remarks

15:55 - 16:05

- Ellis Baker - Head of Construction & Engineering Practice Group, White & Case

Drinks Reception

18:15 - 19:15

Gala Dinner at the West Lodge and Maitland Room (formal dress encouraged)

19:15 - 21:15

Day 5 – Friday 13 September 2024

Dispute Resolution in Practice

Breakfast

08:00 - 09:00

Chair's Opening Remarks

09:00 - 09:10

- Jane Davies Evans - Barrister, 3 Verulam Buildings
- Marion Smith KC - Barrister, 39 Essex Chambers

Dispute Resolution Provisions: Drafting, Challenges, Admissibility and Jurisdiction

09:10 - 09:55

- Marion Smith KC - Barrister, 39 Essex Chambers

Introduction to Written and Oral Advocacy in International Commercial Arbitration

09:55 - 10:40

- Jane Davies Evans - Barrister, 3 Verulam Buildings

Coffee Break

10:40 - 11:00

Interim Relief Measures from the Tribunal and the Courts – Bonds, Advanced Payment Bonds and Guarantees

11:00 - 11:50

- Contracts of surety
- The distinction between bonds and guarantees



- Performance bonds – on demand or default
- Advance payment bonds – approach to construction
- Practical challenges – invalidity, fraud and bad faith
- Selecting and drafting bonds and guarantees for construction projects

- Nicholas Gould - Partner, Fenwick Elliott

Workshop: Cross Examination: Do's and Don'ts

11:50 - 12:35

- Jane Davies Evans - Barrister, 3 Verulam Buildings

Lunch

12:35 - 13:20

Workshop: Preparing and Challenging Document Production Requests [and Using BIM as an Evidentiary Tool]

13:20 - 14:05

- Adrian Bell - Partner, CMS
- Joseph Moore - Partner, Hanson Bridgett

Procedural Order No 1: Parties' Tactics and Strategies

14:05 - 14:45

- Sharon Vogel - Partner, Singleton

End of Summer School Quiz – a Quick Fire Recap of the Week in 10 Questions

14:45 - 15:30

- Jane Davies Evans - Barrister, 3 Verulam Buildings
- Marion Smith KC - Barrister, 39 Essex Chambers
- Nicholas Gould - Partner, Fenwick Elliott
- Adrian Bell - Partner, CMS
- Joseph Moore - Partner, Hanson Bridgett

Chair's Closing Remarks and End of Summer School

15:30 - 15:40

- Jane Davies Evans - Barrister, 3 Verulam Buildings
- Marion Smith KC - Barrister, 39 Essex Chambers