



King's College London, Centre of Construction Law and Dispute Resolution  
In collaboration with The Academy of Experts presents

## INTERNATIONAL CONSTRUCTION LAW CONFERENCE 2021

Wednesday 15 September 2021, held online and in person (restrictions permitting)\* at  
King's College London starting at 09.00 BST

We are pleased to invite you to join us for an international construction law conference. This conference unites the foremost international construction law practitioners from 29 leading law firms, chambers and expert consultancies. The conference will provide delegates with a series of interesting and topical sessions on aspects of construction law and dispute resolution.

The topics and speakers are set out below. **All sessions are free to attend.**

### Keynote speech:

Paula Hodges QC, Partner, Herbert Smith Freehills and President of the LCIA Court

### FIDIC 1999 or FIDIC 2017? Which is the future and what are the factors which will decide?:

*Considers whether parties will adopt the 2017 FIDIC forms for international projects or will prefer to continue with the 1999 editions. Discussion will focus on initial indications of market response and the features which really matter to those advising and deciding on contract choice.*

Ellis Baker, Partner, White & Case (Chair); Emma Schaafsma, Partner, CMS and Mark Grasso, Partner, Quinn Emmanuel

### Problems within the JV – when the relationship breaks down:

*Contractors are increasingly entering into complex joint venture arrangements for international projects. Although the EPC contract is normally tightly drafted, arrangements between the JV parties are less precise, which can lead to significant disputes. This talk examines risks arising from these arrangements, key features of these disputes and best practice*

Edward Shaw, Partner, DLA Piper (Chair); Shareena Edmonds, Partner, King & Spalding and Tom Smith, Counsel, Hogan Lovells

### Liquidated damages – the new landscape:

*Lively panel discussion on liquidated damages in international construction contracts and the approach taken by parties and tribunals, including a comparative discussion, consideration of the recent UK cases of Makdessi and Triple Point and review of whether there are any escape routes left for parties seeking to challenge such provisions.*

Chantal-Aimee Doerries QC, Atkin Chambers (Chair); Tony Dymond, Partner, Debevoise and Plimpton and Michelle Metz, Partner, HKA

### Money isn't just red bars - expelling the myth of disruption:

*A QC and top quantum experts debate the challenges of bringing and defending disruption claims (including typical Covid-related issues). We will explore the myth that these claims are destined to fail and focus on the key practical issues that parties and their advisors should address.*

Ian Osbaldeston, Managing Director, Kroll (Chair); Lucy Garrett QC, Keating Chambers; Liam Holder, Managing Director, Secretariat and Michael Stokes, Senior Managing Director, Ankura

### Document production in international construction arbitration: Time for change:

*This session will explore whether current approaches to document production are suitable, efficient and effective. The session will also explore practical developments and best practices, including the use of production protocols, eDiscovery tools, AI tools; as well as the challenges posed by the evolution of communication.*

Sachin Trikha, Partner, Clifford Chance (Chair); Alexandra Clough, Partner, BCLP; Oli Sangster, Senior Associate, Freshfields and Zoe de Courcy Arbiser, Partner, Pinsent Masons

### Desperate measures in desperate times: The last resort arguments and approaches to rescue an international construction claim:

*An exploration of the arguments by which an otherwise-doomed claim may be successfully advanced. Against the backdrop of the Pandemic, the panel will discuss the issues and restrictions which might stand in the way of an international construction claim, and the innovative approaches by which these obstacles might be overcome.*

Kwadwo Sarkodie, Partner, Mayer Brown (Chair); David Brynmor Thomas QC, 39 Essex Chambers; Kate Corby, Partner, Baker McKenzie and Nicholas Gould, Partner, Fenwick Elliott

### Insolvency and arbitration:

*A discussion of the challenges presented by an insolvent party and how to deal with them: can the insolvent party bring an arbitration; applications for security of costs; is it worth bringing an arbitration against an insolvent party; can emergency or expedited procedures assist; what impact has Covid-19 had on enforcement; attachment, asset-tracing and strategic enforcement; and other questions.*

Claire Packman QC, 4 Pump Court (Chair); Hamish Lal, Partner, Akin Gump; James Doe, Partner, Herbert Smith Freehills and Annabel Treadgold, Partner, Jones Day

### Investment arbitration in construction: The past, the present and the future:

*Investment arbitration under bilateral or multilateral investment treaties may be a powerful, and sometimes overlooked, tool for a contractor to obtain redress against a State. This panel looks at the state of the art, based on previous and current experience, and at future developments, for example in relation to the impact of governmental Covid-19-related measures on projects.*

Professor Renato Nazzini, Director, Centre of Construction Law and Dispute Resolution, King's College London (Chair); Philippa Charles, Partner and Head of International Arbitration, Stewarts; Crina Baltag, Senior Lecturer in International Arbitration, Stockholm University and Paul Stothard, Partner, Norton Rose Fulbright (Middle East) LLP

Please register your interest by clicking on the Eventbrite link:

<https://internationalconstructionlawconference2021.eventbrite.co.uk>

\*We are currently planning to hold the conference both online and in person. When registering, please express your preference for attending either online or in person. If it is necessary to move the conference to an online format only, you will be notified at least two weeks before the conference date.