

8th Annual Miami International Arbitration Conference:

RESOLVING INTERNATIONAL CONSTRUCTION DISPUTES



March 21-22, 2010 | The W Hotel | Miami Beach, Florida | An ICDR Corporate Counsel Series Event



Please join the ICDR, the international division of the American Arbitration Association® (AAA), and the AAA's® Construction Division for an innovative program on international construction demonstrating how companies can design cost-effective and efficient dispute-resolution systems for today's increasingly complex international construction projects.

See inside for all the information you need. Space is limited, and Miami in March books fast!

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COOPERATING ORGANIZATIONS

- | | |
|---|---|
| American College of Construction Lawyers (ACCL) | ICDR Young & International Inter-American Bar Association (IABA) |
| American College of Real Estate Lawyers (ACREL) | National Association of Surety Bond Producers (NASBP) |
| American Institute of Architects (AIA) | National Construction Dispute Resolution Committee (NCDRC) |
| American Subcontractors Association (ASA) | National Utility Contractors Association (NUCA) |
| Mediation and Arbitration Commission of the Mexico City National Chamber of Commerce (CANACO) | The Inter-American Commercial Arbitration Commission (IACAC) |
| College of Commercial Arbitrators (CCA) | Voluntary Protection Program Association for Construction (VPPAC) |

CONFERENCE STEERING COMMITTEE

- | | |
|-----------------|------------------|
| Steven Andersen | Luis Martinez |
| Mark Appel | Richard Naimark |
| John Emmert | Albert Orosa |
| Michael Lee | Catherine Shanks |
| Michael Marra | Thomas Ventrone |

8th Annual Miami International Arbitration Conference Resolving International Construction Disputes

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PROGRAM AGENDA

MARCH 21, 2010

18:00 – 19:00 Opening Reception

MARCH 22, 2010

7:30 – 8:30 Conference Registration

8:00 – 8:45 Breakfast

8:45 – 9:00 Welcome and Conference Introduction

Richard W. Naimark, Senior Vice President,
International Centre for Dispute Resolution® (ICDR);
New York, NY

John C. Emmert, Jr., Senior Vice President,
American Arbitration Association (AAA); New York, NY

9:00 – 10:30 Designing Conflict Management Policies
for International Construction Projects:
The Corporate Counsel Perspective

Because international projects have become increasingly complex, many companies design their international dispute resolution clauses on a case-by-case basis, custom tailoring the provision to the particular needs of the project. Corporate counsel will share experiences creating and overseeing dispute avoidance and dispute resolution policies for their international construction projects. The panel also will provide personal perspectives on best practices for Dispute Resolution Boards, Dispute Adjudication Boards, Partnering, Mediation, tiered ADR clauses, Last Best Offer and international construction arbitration.

Moderator

George Anthony (“Tony”) Smith,
Weinberg Wheeler Hudgins Gunn & Dial; Atlanta, GA

Faculty

Edward W. Diggs, Manager of Claims,
Bechtel Oil, Gas and Chemicals; Houston, TX

Paul A. Bruno, Managing General Counsel,
Flour Corporation; Irving, TX

Stuart Shaw, Senior Attorney & Associate Vice President,
Black & Veatch Companies; Overland Park, KS

Chuck Juliana, VP and Legal Counsel,
AECOM; New York, NY

David Delman, Executive VP, Chief Legal Officer
and Secretary, CB&I; The Woodlands, TX

AAA/ICDR Representative

John C. Emmert, Jr., Senior Vice President,
American Arbitration Association; New York, NY

10:30 – 10:45 Break

10:45 – 12:15 Regional Considerations for
International Construction Projects

An international panel will discuss the cultural and legal issues counsel must consider when incorporating an ADR provision into a contract for an international construction project. Practitioners will evaluate the pros and cons of seating international construction arbitrations within their various regions, looking at the role of the judiciary, the involvement of State parties, BITs, multiple parties, language and the status of the enforcement of international arbitration awards.

Moderator

Dr. Patricia D. Galloway, P.E., PMP, Chief Executive
Officer, Pegasus-Global Holdings; Cle Elum, WA

Faculty

Hassan Radhi, Hassan Radhi & Associates;
Manama, Bahrain

Christopher Chuah, Wong Partnership;
Singapore, Singapore

Donald G. Gavin, Akerman Senterfitt; Vienna, VA

Carlos Umana Trujillo, Brigard & Urrutia Abogados;
Bogota, Colombia

Philip Capper, White & Case; London

AAA/ICDR Representative

Richard W. Naimark, Senior Vice President,
International Centre for Dispute Resolution;
New York, NY

12:15 – 13:15 Lunch



PROGRAM AGENDA

MARCH 22, 2010 continued

13:30 – 14:45 International vs. Domestic Construction Dispute Resolution: The Practitioners' Roundtable

Corporate and outside counsel will examine the range of issues that make the handling of international matters unique and distinguish them from US domestic practices. This interactive discussion will emphasize the procedural differences between common law and civil law practitioners, with respect to matters such as the appointment of the panel, exchange of information or “discovery,” witness and expert-testimony site inspections, translations and allocation of costs.

The faculty will evaluate “best practice” suggestions for each step of the dispute-resolution process—from creation of the dispute resolution clause through completion of the award, including ideas on how in-house and outside counsel can establish clear expectations and effective coordination as they work together throughout these phases and during the life of an international construction arbitration.

Moderator

Jose I. Astigarraga, *Astigarraga Davis; Miami, FL*

Faculty

C. Ryan Reetz, *Squire Sanders; Miami, FL*

Oliver J. Armas, *Chadbourne & Parke; New York, NY*

Robert S. Peckar, *Peckar & Abramson; River Edge, NJ*

Deborah Bovarnick Mastin, *Assistant County Attorney Miami Dade County; Miami, FL*

AAA/ICDR Representative

Steven K. Andersen, *Vice President, International Centre for Dispute Resolution; Salt Lake City, UT*

14:45–16:00 Dispute Board Effectiveness and the Latest Trends in Their Use

Practitioners from around the world and representatives from the Dispute Resolution Board Foundation will explore the benefits of Dispute Boards and their effectiveness for international construction projects. Panelists will assess the benefits and limitations of the different types of Dispute Boards (DRB, DAB) as well as the types of projects best suited for each and will examine the ICDR's and AAA's latest developments regarding their DB initiatives.

Moderator

Gwynn Owen, *Wrexham ONB UK*

Faculty

James J. Brady, *B.U. Corporation; Charleston, SC*

Gilberto José Vaz, *Gilberto Jose Vaz Advogados; Belo Horizonte, Brasil*

Robert A. Rubin, *McCarter & English; New York, NY*

AAA/ICDR Representative

Michael A. Marra, *Vice President, American Arbitration Association; Philadelphia, PA*

16:00 –16:15 Ice Cream Break

16:15-17:30 ICDR/AAA International Construction ADR Tools & Techniques

Attendees will learn about the spectrum of ICDR/AAA international construction services available for companies to use to save time and money in resolving their international disputes.

The panel will review

- ICDR Guidelines on Information Exchange.
- ICDR's administration of UNCITRAL Arbitration Rules used in Construction Disputes.
- AAA Construction Rules.
- Mediation as a condition precedent or parallel track.
- Partnering.
- Experts and “best practices” for appointing arbitrators.
- ICDR's cost-savings measures and how to incorporate them in arbitration agreements.

Moderator

Daniel E. González, *Hogan & Hartson; Miami, FL*

Faculty

John B. Tieder, *Watt, Tieder, Hoffar & Fitzgerald; McClean, VA*

Grant Hanessian, *Baker & McKenzie; New York, NY*

Albert Bates, Jr., *Duane Morris; Pittsburgh, PA*

Nicolas Swerdloff, *Hughes Hubbard & Reed; Miami, FL*

AAA/ICDR Representative

Luis M. Martinez, *International Centre for Dispute Resolution; New York, NY*

17:30 Closing Remarks



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March 21-22, 2010
Miami Beach, Florida

◆ **Hotel**
W South Beach
2201 Collins Avenue
Miami Beach, FL 33139 USA

Reservations:
888.625.4985 or 305.938.3000

A limited number of rooms are available at a reduced rate at the Conference Hotel, W South Beach; please call the reservation number and mention the reference code: ICDR or AAA Conference

3 Ways to Register

◆ **Register online at:**
www.aaauonline.org

◆ **Fax completed form and credit card payment to:**
212.397.9586

Attention: Zon-Wei Cheng,
AAA University
Please note: Copies of checks are not accepted.

◆ **Mail completed form and credit card payment to:**
Zon-Wei Cheng
Director of Classroom Education
& Training, AAA University
American Arbitration Association / ICDR
1633 Broadway, 10th floor
New York, NY 10019-6708 USA

Questions?

Contact
Zon-Wei Cheng via email at
AAAUniversity@adr.org or by
phone at 212.716.3914.

◆ **CLE Credit:**
Application for accreditation of this conference is currently pending in Florida, Georgia, Mississippi, and North Carolina. This conference has been approved by the Pennsylvania Continuing Legal Education board for 6.5 hours of substantive law, practice and procedure CLE credit. New York State has approved a total of 8 transitional/non-transitional CLE credit hours (4.5 hours of Skills CLE credit and 3.5 hours of Professional Practice CLE credit - NY State scholarship will be available upon request). This conference is also eligible for a total of 6.75 hours of general California CLE credit.

Registration Form *Please type or print.*

Mr. / Sr. Ms. Mrs. Dr.

Name: _____

Job Title: _____

Company: _____

Address: _____

City: _____

Province/State: _____

Postal Code: _____

Country: _____

Tel: _____ Fax: _____

Email: _____

Registration Fees (USD)

Conference fees include admission to the welcome reception, full-day program, conference materials, continental breakfast, lunch and breaks.

Check One:

\$375 Early Registration (*through February 28, 2010*)

\$425 Regular Registration (*after February 28, 2010*)

Method of Payment

Check Check # _____ (*Checks should be made payable to American Arbitration Association.*)

Visa MasterCard American Express

Name on Credit Card _____

Card Number _____ Expiration Date _____ / _____
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CSV #* _____ **3-digit security code on back of VISA and MasterCard cards; 4-digit code on the front of American Express cards.*

Signature (*Required*) _____ Today's Date _____

Billing Address (*If different from above*)

Registration Policy: Only a completed form with full payment will be processed; one form per attendee. Please do not make any travel arrangements until you receive a confirmation email. Should you need to cancel your registration, send your written request via email or fax by March 1, 2010 to AAA University for a refund of one-half of your registration fee. We regret that no refunds can be made after that date. Substitution of attendees can be made at any time.