

# A Two Day Masterclass

## Analyse - Manage - Avoid Delay, Disruption and Disputes in Construction Contracts



At this event you will:

- Learn how to manage risk, analyse delay, disruption and cost
- Learn key legal principles and what the law requires in dispute resolution
- Obtain the latest updates in all subjects
- Receive a copy of CIOB Time Management Guide



**The Brewers' Hall, London**  
**9/10 November 2011**

“ A truly excellent course ”

Austin Hunter,  
MasterPlan Project Consultants

**Book Online:**

**[www.hillintluk.com/masterclass](http://www.hillintluk.com/masterclass)**  
**or call +44 (0)20 7618 1200**

*This programme contains around 14 hours CPD material, approved for members of the CIOB, the Bar Council, Law Society, and should be considered suitable for other professional institutes.*

**EARLY BOOKING DISCOUNT**  
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## Overview – Why Attend?

As the world eases out of recession, the construction industry continues to face challenges. Legal experts and commentators have recently cautioned that the industry could be 'on track for another claims explosion' (Construction News, June 2011). Although the UK government has recently announced increased public sector spend increases, others predict a slower than expected recovery (Building, July 2011).

In such an environment, ensuring you have the latest knowledge skills to deal with and manage disputes if they arise; and understand, defend or present claims effectively will be crucial. Minimising the inefficiency of disputes and ensuring financial success are essential to all businesses during these challenging times.

The Masterclass, now in its eleventh year and comprising around 14 hours CPD, has a proven record of providing high-quality education and opportunities to people from all areas of the industry, from lawyers to architects, developers, contractors and sub-contractors.

This event is an ideal refresher for those who have attended it or similar training in the past – and an intensive and educational session for those who have not. The event will provide tools to understand how the law operates today, manage risks, deal with and prepare claims, and analyse and assess delay, cost escalation and prolongation.

## DAY I – Pro-active and Project Issues

### 0900 Introduction

*Stuart Wilks, Hill International*

### 0915 Opening Talk and Welcome

*Mr Justice Akenhead, The Technology and Construction Court*

- Opening introduction to issues in construction law
- Current developments in the law and technology & construction court

### 0945 Time Risk Management

*Geoff Bewsey, Hill International*

- Preparing for change
- Managing risks
- Key factors in managing and dealing with delay & claims

### 1030 Break

### 1045 The Master Programme

*Michelle Metz, Hill International*

- Why is the master programme so crucial
- Key elements of the master programme
- Ensuring suitability for later use/analysis
- What to do if you didn't start with a suitable programme

### 1130 International Contract Forms, their significance

*Rupert Choat, CMS Cameron McKenna*

- Key elements of FIDIC and other forms
- Risks and risk management

### 1215 Lunch

### 1315 Notices, Conditions Precedent, and standard form contracts

*Steve Abraham, Norton Rose*

- What is a condition precedent and is it enforceable?
- The importance of complying with notice provisions
- The consequences of notices being late or inadequate
- Clause drafting and dispute resolution pitfalls

### 1415 Project Progress Reporting

*Paul Whitley, Hill International*

- What should be reported
- What progress control documents should be used
- Techniques for recording and reporting

### 1445 Risk management under NEC

*Paul Mansell, Hill International*

- Risk liability allocation

- Early warnings and the risk management process
- Risk management issues
- Integrated risk and change management

### 1530 Break

### 1545 Evaluation of Disruption in Construction Projects

*Emyr Evans, Hill International*

- Measurement of cost and disruption
- How should disruption be measured
- Measured mile v industry standards
- Contractual problems and considerations

### 1615 Time at Large

*Hamish Lal, Jones Day*

- What is 'Time at Large'
- What are the consequences
- How to manage and understand it

### 1700 Introduction to the CIOB and networking reception

“ Thank you for perfectly organised classes ”

Piotr Laskowski, PPS Pipelines Systems

## DAY 2 – Claims, Disputes and their Resolution

### 0850 Introduction and Review of Day 1

*Stuart Wilks, Hill International*

### 0900 The Role of the Expert

*Franco Mastrandrea, Hill International*

- What is the purpose of expert evidence?
- What features to look for in a 'good' expert
- Where to look for an expert
- Why use experts?

### 0945 Methods of Delay Analysis & the AACEI

*Geoff Bewsey, Hill International*

- Methods for retrospective or contemporaneous analysis
- As planned / As built, As built but for, time impact
- Advantages and disadvantages, where and when to use them
- The AACEI's guidelines for analysing delay

### 1030 Break

### 1045 Choosing and Managing an Alternative Dispute Resolution Process

*Tony Dymond, Herbert Smith*

- Is ADR just an optional extra?
- What options are available?

- How ADR can be tailored to fit a particular dispute
- How can ADR optimise prospects for settlement?

### 1130 Decisions in Adjudication

*Kevin Trash, Hill International*

- How has adjudication developed in the past 13 years?
- How successful has it been?
- What is the future of adjudication?
- What changes are in the new Construction Act?

### 1215 NEC: Contractual Issues in Time and Cost Recovery

*Rob Horne, Trowers & Hamlins*

- Moving from an early warning to compensation event
- The nature of Compensation Events and NEC risk management
- Prospective Analysis and the difficulties it raises
- Practical solutions to these NEC problems

### 1300 Lunch

### 1400 Enforcement – Getting a result

*David Toscano, Kennedys*

- Options for enforcing decisions and awards

- Issues with international enforcement
- Can interim enforcement assist?
- Attachment and assets

### 1445 E-Disclosure – A Practical Guide

*Krista Lee, Keating Chambers*

- The rise of electronic disclosure
- Its impact on the legal process
- How best to manage it
- How to be ready for it and the changes it will bring

### 1530 Break

### 1545 Panel Discussion – Construction Disputes and Developments

*Chair: Mark Raeside QC, Atkin Chambers*

*Panel: Franco Mastrandrea, Hill International*

*Peter Cassidy, Reed Smith*

*Tim Challis, Hill International*

A round table discussion on the recent changes in construction law and recent court developments. During which delegates may pose questions to a team of UK and international experts in matters of construction and the law.

### 1645 Questions and Close

## VENUE - The Brewers' Hall

Located at the heart of The City of London, and within easy reach of tube stations at Barbican, Bank and St Pauls, the Brewers' Hall is situated in Aldermanbury Square between Guildhall and London Wall. The Hall is home to the Brewers' Company - an ancient city livery established in 1515. We are privileged once again to be holding this year's Masterclass in such a prestigious venue.



# Masterclass Leaders

## **EMYR EVANS** Director, Hill International

Emyr is a Chartered Quantity Surveyor with over 20 years of experience in a variety of sectors including commercial, industrial, air and rail, education, healthcare, oil and gas projects. He has worked in the UK, Europe, Africa and South East Asia. Emyr has been involved in the preparation and submission of expert witness reports in addition to preparation and defence of contractual claims. He has acted as an expert witness on a range of issues and provides commercial advice as well as litigation and arbitration support.

## **TONY DYMOND** Partner, Herbert Smith LLP

Tony is a partner in Herbert Smith's Construction, Projects and Engineering group. He has been advising in relation to construction matters since 1994. Tony has extensive experience (both contentious and non-contentious) on large scale construction projects many of which are energy related. He also acts as advocate in the English and Hong Kong Courts and in domestic and international arbitrations.

## **GEOFF BEWSEY** Vice President, Hill International

Geoff Bewsey draws on more than 30 years' management and commercial experience in construction to assist and advise clients on project management, planning, dispute avoidance and bid management. Geoff moved to consultancy in 1999, to assist and advise clients on project management, dispute avoidance and bid management, working on projects throughout the world. He has given expert evidence in delay and disruption and specialises in delay analysis, productivity analysis and the quantification of disruption in engineering works.

## **DR FRANCO MASTRANDREA** Senior Vice President, Hill International

Franco Mastrandrea is Senior Vice President with responsibility for Expert Service delivery in the International region. Franco has over 35 years of experience in the construction industry. He has acted as Arbitrator and Adjudicator and given Expert evidence in Court and at Arbitration in relation to a number of substantial construction disputes on time, quantity surveying matters and project management duties and practice. He has written several papers on the evaluation of construction claims.

## **KEVIN TRASH** Director, Hill International

Kevin Trash has over 20 years experience in the construction industry. Having begun in private practice he trained in quantity surveying and subsequently progressed into contracting as a commercial director. Thereafter he became extensively involved in the avoidance and resolution of construction disputes across a wide spectrum of industry sectors and disciplines to include building, civil engineering and the transportation sector in both contracting and consulting.

## **DAVID TOSCANO** Solicitor, Kennedys LLP

David is a contentious construction specialist with expertise in international and domestic arbitration. He is a dual qualified solicitor with experience that focuses on transport, energy and water projects. David acts for and advises contractor and employer entities across the industry sectors on complex and large scale disputes. He also advises on Dispute Adjudication Board claims and proceedings.

## **RUPERT CHOAT** Head of Construction Disputes, CMS Cameron McKenna LLP

Rupert has specialised for 14 years in dispute avoidance and resolution in construction and engineering projects - in the UK and internationally. Originally an Atkin Chambers barrister, Rupert often appears as advocate. He is a regular columnist for Building and the RICS Journal. Rupert is one of two UK lawyers Legal500 recommends for both construction ("[he] is 'very bright and patient'") and international arbitration ("[he] is praised for his 'succinct and well explained advice'"). Chambers & Partners UK says Rupert is "a gifted intellectual and good manager of a team".

## **MICHELLE METZ** Director, Hill International

Michelle is a planner by training, her seventeen years of experience in construction include: compiling expert evidence and preparing expert's reports, formulating strategies and preparing retrospective delay analyses; preparing and implementing master programmes; detailed monitoring, reporting and updating progress on projects; and the co-ordination of subcontractor work packages. Michelle was formerly the Director of Pickavance Consulting in Hong Kong and has been appointed and given oral evidence as an Expert Witness on matters of construction delay.

## **TIM CHALLIS** Associate Director, Hill International

Tim is an experienced Chartered Quantity Surveyor with an MSc in Construction Law and Arbitration from Kings College London, and has a sustained record of achievement in a variety of roles in both the public and private sectors. He was instrumental in the success of a radical £2bn private finance initiative/public-private partnership ('PFI/PPP') initiative within the NHS where he acted as a commercial director, utilising skills developed over 20 years of commercial management experience on a range of infrastructure construction projects.

## **PETER CASSIDY** Partner, Reed Smith LLP

Peter represents international oil & gas and petrochemical contractors on projects such as oil and gas platforms offshore Russia, an LNG plant in Egypt, a sub-sea development off West Africa, an ethane recovery plant in Saudi Arabia, the decommissioning of nuclear plant in Lithuania, FGD plants in the UK and a copper mine in Zambia. In addition to providing strategic project advice, Peter represents clients throughout the dispute resolution process, whether in court, arbitration or using ADR techniques. He has acted as counsel on international arbitrations under the ICC, LCIA, UNCITRAL and Swiss rules and on ad-hoc arbitrations. Peter has also been called ad hoc to the Antwerp Bar.

## **PAUL MANSELL** Director, Hill International

Paul, Vice President and Executive Director of Hill International, has 23 years experience in the construction industry providing commercial management, dispute management and project management services. A qualified engineer, his experience has been acquired through the delivery of major projects across a range of industry sectors including infrastructure, process, pharma and manufacturing. His worked with client teams and contractors with experience of working in and initiating alliances/partnering arrangements and the more traditional contract relationships. Paul specialises in providing risk management, dispute avoidance and dispute resolution services. His experience in the NEC form of contract began some 11 years ago and spans many sectors.

## **HAMISH LAL** Partner, Jones Day LLP

Partner and Head of London contentious and non-contentious construction covering major projects (in UK and Middle East), nuclear, renewable energy, oil, gas, PFI, and real estate development. Significant experience in drafting FIDIC, NEC, IChemE, LOGIC, JCT, PPP/PFI and ICE-based contracts, as well as bespoke target cost/alliance contracts. Significant experience of adjudications, arbitrations, international DAB procedures, expert determinations, mediations and High Court disputes relating to a variety of contractual, technical and financial matters, including complex contractual interpretation, breach of EU procurement law, delay/disruption, professional negligence, defects, practical completion, liquidated damages, payment, variations, termination, bonds, guarantees and letters of credit.

## **KRISTA LEE** Barrister, Keating Chambers

Krista specialises in engineering and construction matters. She has a degree in engineering and is able to handle complex technical and IT disputes. Krista's experience covers the entire construction process, from the negotiation and drafting of contracts, through the management of contractors, designers and sub-contractors on site, and onwards to adjudication, mediation, arbitration or litigation. Krista is a fellow of the Chartered Institute of Arbitrators and Chartered Arbitrator. In 2009 she was appointed to act as a sole ICC Arbitrator. She has experience of international and domestic arbitration using the ICC, UNCITRAL, LCIA and other ad hoc rules.

## **MARK RAESIDE QC** Barrister, Atkin Chambers

Mark has specialised for nearly 25 years in domestic and international litigation and arbitration. Over this time he has represented a wide variety of contractors, private employers, manufacturers and their professional advisers in some of the longest running construction related cases involving vast quantities of documentation and hundreds of witnesses. He has appeared numerous times at the Court of Appeal and also at the House of Lords. As well as appearing as an advocate, Mark has substantial experience sitting as an arbitrator, mediator, adjudicator and expert determinator worldwide.

## **SIR ROBERT AKENHEAD**

Robert was called to the bar in 1972 where he was in continuous practice as a specialist construction law barrister until 2007. Robert took silk in 1989. In 1991 he was appointed as a Recorder and Deputy Technology and Construction Court Judge and in 2007 was appointed a Judge of the High Court, Queens Bench Division. During his career at the Bar Robert had extensive UK and international workload, both in court and in arbitration and took appointments under the full spectrum of ADR. He now is the Judge in Charge of the Technology and Construction Court (TCC), having succeeded Mr Justice Ramsey in 2010.

## **ROBERT HORNE** Partner, Trowers & Hamlin LLP

A partner in the London office of Trowers & Hamlin, Rob has specialised in the resolution of construction, and construction related, disputes for over 15 years within both city practices and for a leading construction consultancy. He is a Chartered Arbitrator and adjudicator. Rob has acted for all those involved in construction activities and has been involved in a wide range of projects throughout the world. Rob has particular expertise in relation to the NEC form of contract and has been involved in over 50 disputes on NEC based projects. He is often relied upon to bring additional legal focus to the analysis and presentation of complex delay and disruption claims.

## **STEVE ABRAHAM** Partner, Norton Rose LLP

Steve is a partner in Norton Rose's dispute resolution group specialising in construction and engineering cases. Steve has acted for a wide range of clients in a number of substantial and complex disputes across the world on, in particular, energy (including renewable energy) and infrastructure projects. His experience extends to all of the major standard forms of contract and types of dispute resolution prevalent in the sector including international arbitration, adjudication, High Court litigation and mediation. Steve is a regular speaker at construction law and international arbitration events, has written various articles and contributed to "Commercial Remedies: Current Issues and Problems", OUP 2003.

## **PAUL WHATLEY** Associate Director, Hill International

Paul has 30 years of experience in managing complex projects and in the detailed analysis of construction claims. He also has served as an expert witness. In addition, Paul has worked with project teams in various locations throughout the world. Notably, Mr. Whatley developed software and procedures for using earned value analysis to measure the progress of several of his projects, and his project planning procedures have been incorporated into the procedures manuals of many of his former companies. Mr. Whatley also has been at guest lecturer at Brighton University, where he lectured students on the need for, and benefits of, earned value analysis.



## Hill International

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**1 PERSONAL INFORMATION**

Delegate 1 (please copy this form for further delegates)

Name	Job Title
Email	Telephone
Dietary requirements	

Delegate 2

Name	Job title
Email	Telephone
Dietary requirements	

**2 COMPANY DETAILS**

Company name (if any)	Nature of business
Address	

**3 FURTHER DETAILS**

How did you hear about the Masterclass?

There will be a delegate list containing names and company names, please tick if delegates do NOT wish to appear on this list

**4 BOOKING DETAILS**

Course fees include full notes, food and refreshments and are available at the following rates:

One day: Day 1 <input type="checkbox"/> Day 2 <input type="checkbox"/>	£550 +VAT	<input type="checkbox"/>
Two day early rate (until October 25th)	£790 +VAT	<input type="checkbox"/>
Two date standard rate (after October 26th)	£1040 +VAT	<input type="checkbox"/>
CIOB Member Rate (Until October 25th)	£700 +VAT	<input type="checkbox"/>
<b>Books:</b> Delay & Disruption in Construction Contracts (Latest edition) Postage and packing for delivery prior to the Masterclass - add £15	£280 (vat free)	<input type="checkbox"/>

Group discounts are available - please enquire

**Total included for payment / to be debited from card / invoiced**

**5 PAYMENT**

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**Principal Terms and Conditions**

- Authority:**
  - The non-residential Masterclass day in the management, prevention and analysis of delay and disruption in construction contracts (hereinafter referred to as 'the Masterclass' and referring to either the singular or the plural day or days) are approved by the Law Society for provision of CPD: ref CEV/PICL.
  - A certificate of attendance will be provided to each delegate. Neither the certificate or the Masterclass carry any academic authority, nor do they provide any qualification in the subjects discussed at the Masterclass, or authority for the delegate to teach or practice in any of the subjects discussed.
  - Neither Hill International nor Englemere Limited and the Chartered Institute of Building are responsible for anything said or produced by any of the speakers at the Masterclass.
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    - In the unlikely event of cancellation of the course, due to circumstances within the control of Hill International, Englemere Limited or the CIOB, a full refund of the course fee will be provided.
- The Programme:**
  - We reserve the right to alter or change the programme at any time, and may replace speakers if necessary due to such circumstances as illness or sudden unforeseen unavailability.
- Books and book orders:**
  - Books are non-refundable, and payment must be received before dispatch will occur.
  - Delivery of the book to an overseas address will incur a surcharge to cover insurance and postage.

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 Please Note: Payment is required prior to attendance at the Masterclass.