

**MANAGING DISPUTES
IN INTERNATIONAL ENERGY & INFRASTRUCTURE PROJECTS
Training and Workshop Agenda**

29 May, 2009, 125 Old Broad Street, London, UK

- 9:15 - 9.30** **Welcome**
- 9.30 - 10.15** **Construction disputes in the UK:**
- Adjudication: scope and application
 - Contractual adjudication as an alternative
 - Managing the adjudication process
- 10.15 - 10.45** **Alternative dispute resolution in the UK other than statutory adjudication**
- Mediation
 - Litigation
 - Arbitration
- 10.45 - 11.00** **Coffee Break**
- 11.00 - 11.45** **International energy projects: dispute resolution options**
- Dispute resolution under international standard forms: FIDIC, ICE, and NEC
 - Expert determination
 - International mediation under ICC and CEDR rules
 - International arbitration issues for energy projects
 - Litigation in foreign jurisdictions
- 11.45 - 12.30** **Managing claims in international energy projects**
- Evidentiary issues in international projects
 - Managing contractual security
 - Enforcement of foreign arbitral awards and foreign court judgments
 - Cross-cultural challenges
- 12.30 - 13.30** **Lunch**
- 13.30 - 14.30** **Construction claims:**
- When should you notify the banks?
 - Relationship between construction and financing documents
 - Dealing with costs in the finance context
 - Project disintegration: insolvency of SPV and potential exposures of sponsors
 - Banks' rights and obligations under direct agreements
 - Bank's relationship with contractor: during cure period, after step-in
 - Dealing with substitutes should the bank sell the project
- INTERACTIVE WORKSHOPS**
- 14.30 - 15.30** **WORKSHOP I. Contract administration: Letter writing**
- Identifying claims early to minimize your exposure to disputes
 - Developing claims management strategies
 - Responding to claims
- 15.30 - 16.00** **Coffee Break**
- 16.00 - 17.00** **WORKSHOP II. Drafting enforceable dispute resolution clauses for international projects:**
- Mediation
 - Litigation
 - Arbitration

About the Programme Leaders:

James Bremen

James Bremen, a leading expert in international projects and construction, is a partner of King & Spalding International LLP and was previously at White & Case LLP. James has considerable emerging markets (Russia, CIS, Africa and Middle East) and European markets transactional and contentious experience, with particular expertise in the natural resources and energy sectors. He advises international clients on some of the largest and most complex international projects for the construction of upstream and downstream facilities associated with hydrocarbon extraction, tunnelling, mining, manufacturers, major transport projects, and power and water treatment plants. James has worked exclusively on construction and engineering matters since 1998 and advises sponsors, developers, lenders, contractors, and consultants on all aspects of project and financing documentation and has extensive experience in international arbitration under all of the major institutional rules. He lectures extensively on all practical matters related to international project finance and construction, and international arbitration.

Scott Samuel

Scott Samuel is a partner of the Finance Group in the London office of King & Spalding. He has extensive commercial experience which includes syndicated financing, structured financing, acquisition and project financing. Mr. Samuel has advised sponsors, governments and lenders on a number of complex international financings. Mr. Samuel is a member of the Firm's Energy Industries Practice Group and his practice focuses on the financing of power generation, LNG liquefaction and re-gasification facilities, pipeline and other infrastructure projects. Mr. Samuel was voted one of Asia's leading lawyers in the fields of Banking and Project Finance by *Asia Law & Practice*.

Eric Schwartz

Eric Schwartz is a partner in King & Spalding's International Arbitration Practice Group. He is a former Secretary General of the ICC International Court of Arbitration. Over the last 30 years, he has acted on behalf of some of the world's largest companies, public authorities and sovereign states in international arbitration proceedings in all of the principal European arbitration venues, as well as in Asia and the U.S. Mr. Schwartz was listed as one of the 20 "most highly regarded individuals" in the world in his field in *Who's Who Legal 2007*.

Peter Bowring

Peter Bowring has a broad international cross border project and acquisition finance and energy related practice with particular experience in the power, oil and gas and renewables sectors in the U.K., Western Europe (particularly Spain), Africa and Latin America. Mr. Bowring came to King & Spalding from Vinson & Elkins whom he joined 2005 having previously worked for a New York law firm in London and a UK 'Magic Circle' law firm in London and Madrid. Before qualifying as a solicitor, Peter gained a law degree from Corpus Christi College, Oxford and a masters degree from Wolfson College, Cambridge.