HOW TO BUILD ON SUCCESS & AVOID PITFALLS IN INTERNATIONAL INFRASTRUCTURE PROJECTS

DATE:  26TH JANUARY 2018
TIME:  6.00PM - 7.30PM (REGISTRATION BEGINS AT 5.30PM)
VENUE: SEMINAR ROOM 1, KLRCA BANGUNAN SULAIMAN
ABOUT THE TALK
A PANEL OF LAWYERS AND ARBITRATORS WILL ASK AND ANSWER A RANGE OF QUESTIONS PROMPTED BY THE THEME BUILDING ON SUCCESS AND AVOIDING PITFALLS IN INTERNATIONAL INFRASTRUCTURE PROJECTS.

ISSUES TO BE DEBATED INCLUDES:

- How to align the participant's interests: language, communication and records.
- Is your agreement worth the paper it's not written on: letters of intent and other informal agreements.
- Is there scope for the "good faith" doctrine in construction contracts?
- Are you secured: when can demand on a performance bond not be honoured?
- What is the benefit of multi-tiered dispute resolution clauses?
- Are you on shaky ground: the pitfalls in contracting for and dealing with unforeseen ground conditions?
- How to win at arbitration: documents, witnesses, experts and advocates.

SPEAKERS

Adrian Hughes QC acts as counsel and arbitrator with a broad international and UK construction and commercial practice. Recent international construction work as advocate has involved arbitrations arising from energy and infrastructure projects in North Africa, the Middle East and all parts of Asia. Domestic work has focused on PFI, PPP and NEC contracts in the road, rail, education, health and defence sectors. He sits regularly as international arbitrator and is currently appointed in cases across Asia. Adrian has a leading practice relating to China, acts as expert adviser to the UK Foreign Office on UK China dispute resolution and is on the Advisory Board of the Oxford University Belt and Road Institute. He is a recent Chairman of the UK SCL and is a regular speaker at international SCL events.

Marion Smith QC specialises in complex, high value commercial and construction disputes for UK and international clients. She has detailed experience resolving or litigating matters before domestic courts and tribunals as well as a wide-ranging practice in international arbitration. She has been appointed as sole and co-arbitrator. She is a persuasive advocate, with the ability to assimilate facts rapidly and effectively, who has appeared before a range of International Institutional and ad hoc Tribunals, including under the Rules of the ICC, LCIA, and the UNCITRAL Arbitration Rules in a range of jurisdictions in Europe and Asia. She has significant expertise in arbitrations where the law of the contract is not the law of England & Wales. In addition to her knowledge, as a Silk at the English Bar, of an adversarial system she is very familiar with an inquisitorial system having acted as counsel to the Commissions of Enquiry before Sir Antony Colman into the collapse of various entities in the CLF Financial Group and the Hindu Credit Union Co-operative Society Limited. She is recommended for Construction in Chambers & Partners, The Legal 500 UK and The Legal 500 Asia Pacific. Marion is a Visiting Senior Lecturer in the School of International Arbitration, in the Centre for Commercial Law Studies, Queen Mary University of London. She presently serves as a Trustee of the Chartered Institute of Arbitrators.
Ben Olbourne is an experienced advocate, advisor and arbitrator specialising in international commercial disputes. He has practised as an English barrister since 2003. Previously, he was a judicial associate to the Chief Justice of the High Court of Australia in 1999-2000. He has a particular focus on disputes arising in Asia and India, having been based in Singapore since 2012. Ben acts as counsel in arbitrations under many different governing laws and subject to a range of arbitral rules, including ICC, SIAC, LCIA, UNCITRAL, LMAA, SCMA, ICSID, CAFTA, FOSFA and RSA. His recent work has been principally in the general commercial, construction and infrastructure, international trade and commodities, insurance and reinsurance, energy, and shipping/carriage of goods sectors. He has been acknowledged in most of these areas in the leading global and regional legal directories. Ben also accepts appointments as arbitrator in the above areas, and has sat or is currently sitting in approximately 15 references under ICC, SIAC, LCIA and LMAA rules. He is a fellow of the Chartered Institute of Arbitrators, a member of that body’s Approved Teaching Faculty, and is on the panel of a number of arbitral bodies including ACICA, AMTAC, KLRCA/AIAC and THAC.

Smrithi Ramesh is the Assistant Director of the Kuala Lumpur Regional Centre for Arbitration (KLRCA). At the KLRCA, Smrithi supervises and manages the administration of all ADR disputes in KLRCA and is involved actively in developing the legal philosophy and strategy of the institution. She is also involved in spearheading development projects such as revision of the Arbitration Rules, investment arbitration projects, maritime initiatives and other Alternative Dispute Resolution projects within Malaysia and for the region. She completed her Bachelors of Arts and Bachelor of Laws with Honours in India and thereafter completed an LLM from the University of California, Berkeley with focus on International Dispute Resolution. Prior to joining the KLRCA, Smrithi was practicing in India dealing with a variety of transactional, corporate, domestic and international arbitration disputes.