ENGINEERING DISPUTES.

How to manage them and how to succeed

30 September 2010
London

Book now:
www.imeche.org/events/s1553

ATTENDING WILL HELP YOU:
• Save time and money
• Protect yourself from other well-prepared organisations
• Manage dispute procedures effectively
• Meet, greet and network with key industry figures

Improving the world through engineering
Is your company equipped to effectively deal with engineering disputes?

This must-attend event has been developed to help engineers manage and quickly resolve conflicts at minimum cost.

Through a series of lectures you will learn about engineering contracts, issues of design, time constraints, provisions for liquidated and ascertained damages (LADs) and stringent performance criteria.

Leading experts, with proven records of successfully managing disputes and finding practical solutions, will ensure you leave armed with the tools to help prevent conflicts, and will prepare you for when they do arise.

Reference will be made to the terms MF/1 (Rev 4), as recommended by the Institution of Mechanical Engineers, Institution of Engineering and Technology and the Association of Consulting Engineers. Reference will also be made to the relevant provisions of the FIDIC contracts and those of NEC3, continually chosen for some of the UK’s largest infrastructure projects.

This Event Will Attract:

Any engineer.

You will benefit from a detailed knowledge of how best to utilise dispute resolution procedures and how to defuse confrontation. Studies have demonstrated that the chances of conflicts developing into disputes are much reduced by addressing the contentious issues at the outset or at the earliest opportunity. Thus this seminar has been designed for all those engineers who have experienced these situations and who would like to benefit from the speakers’ expertise in this field.

Technical Advantages:

- Discover methods of management to quickly resolve issues at minimum cost
- Find solutions to conflict in business; discuss compromise through principle-based negotiation
- Recognise realistic methods of handling disputes in large infrastructure projects
- Learn from real-life case studies
- Utilise mediation as a cost-effective tool and preserve relationships
- Identify preparation techniques to manage adjudication
- Understand how to use arbitration and get the decision you want

Sponsorship and Exhibition Opportunities

Your involvement with our events is an effective way to get into the minds of key decision makers, helping you capture your chosen audience when they are in the frame of mind to do business.

Our flexible opportunities allow you to:

- Showcase new products
- Raise awareness of your operation
- Improve perception of your brand
- Influence other organisations’ spending plans

To talk through how to get the best from one of our events, contact Aman Duggal

T +44 (0)20 7973 1309
sponsorship@imeche.org
09:30 REGISTRATION AND REFRESHMENTS

10:00 OPENING ADDRESS

10:10 COMMERCIAL DISPUTES AND THEIR RESOLUTION
Niall Lawless
This session explores the concept of conflict in business relationships and asks whether it is inevitable. It looks at the basic causes and the advantages and disadvantages of conflict, examining the manager’s role in dealing with it. The session concludes by looking at compromise through principle-based negotiations.

10:30 CONCILIATION AND MEDIATION PART 1
Niall Lawless
How does it work and what does the process involve? What is the role of the mediator and what are the realistic objectives that may be secured? Are there a right and a wrong time to embark upon this process?

11:00 CONCILIATION AND MEDIATION PART 2 – THE VIEW OF THE LAWYERS
Jeffrey Brown
Is there a place in standard forms of contract for enforced mediation? Is this to be construed as being a prerequisite to a ‘dispute’ for determination by either adjudication or arbitration? Can the court order mediation? What are the consequences of a refusal to mediate? Mediation is now perceived as being an integral part of the dispute resolution process. This session will also consider when in the life of a typical dispute mediation offers the best chance of success.

Cases studied will include:
- Halsey v Milton Keynes NHS Trust [2004]
- Steel v Joy & Halliday [2004]
- Cable & Wireless Plc v IBM United Kingdom Ltd [2002]
- Dunnett v Railtrack [2002]
- Allen v Jones [2004]
- Hickman v Blake Lapthorn [2006]
- Lobster Group Limited v Heidelberg Graphic Equipment Limited [2008]
- Roundstone Nurseries Limited v Stephenson Holdings Limited [2009]
- Brookfield Construction Limited v Mott MacDonald Limited [2010]

11:30 REFRESHMENTS

ABOUT THE SPEAKERS

Niall Lawless
CEng, FIMechE, FCIBSE, FCIOB, FCIArb, FRSA
Niall Lawless is an experienced international Chartered Arbitrator, Mechanical Engineer, Building Services Engineer, Information Systems Practitioner and Chartered Builder. Through Arbitrari Limited, he provides arbitration, mediation and adjudication services, and his commercial and technical expertise is particularly appropriate in both domestic and international technology, engineering and construction dispute. Niall sits on the Institution of Mechanical Engineers’ panels of Arbitrators and Adjudicators. He is a member of the £16 billion Crossrail Adjudication Panel.

Jeffrey Brown, Solicitor
LLB, FCIArb, ACII, Chartered Insurance Practitioner
Jeffrey Brown is a leading construction lawyer. He has over 25 years’ experience in dealing with engineering and construction disputes and is familiar with industry practices, including the standard forms of mechanical engineering contracts such as MF/1. His first involvement with the Institution’s standard forms of contract came in 1984, when he was involved in litigation relating to a waste-to-energy plant based on the Model Form “A” Conditions. During his career he has advised on many domestic and international disputes, developing significant expertise in this field. He speaks regularly at conferences and seminars and has been recommended in Chambers Legal Directory for a number of years. He has been referred to in Legal 500 as being “one of the best”.

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- Brookfield Construction Limited v Mott MacDonald Limited [2010]
11:55 STANDARD FORMS OF CONTRACT AND INTERNAL DISPUTE RESOLUTION PROCEDURES
Jeffrey Brown
Contracts may now contain internal procedures for the resolution of disputes. This is increasingly common in large infrastructure projects. How effective are they?

12:20 ADJUDICATION – BENEFITS AND DISADVANTAGES
Niall Lawless and Jeffrey Brown
The Housing Grants, Construction and Regeneration Act applies to construction contracts. Its provisions have been incorporated within MF/1. It has now been in force for over ten years and is an established and integral part of the dispute resolution process. The speakers have all had extensive involvement in adjudications. Together they will be able to pass on their experiences and will also describe the benefits as well as the limitations of the adjudication process.

12:50 LUNCH

13:50 CULTURE AND DISPUTE RESOLUTION
Niall Lawless
Culture is one of the most difficult words in the English language. This presentation will outline some of the ways in which different aspects of culture may be compared and contrasted, and deal with some of the practical cultural differences between China, UK and USA. It will explore the development of Chinese philosophy, linking cultural concepts in business and negotiation to today’s arbitration, conciliation and mediation framework.

14:25 ARBITRATION
Niall Lawless and Jeffrey Brown
It has been said that arbitration is no more and no less than litigation in the private sector. However, arbitration is as old as commerce, beginning with merchants submitting disputes to be resolved by a peer: someone who understood their custom, practices and trade. Modern arbitration is entrenched in party autonomy and is consensual – involved parties choose the arbitration or the body which will choose the arbitrator, the procedural law for the arbitration, the substantive law governing the contract, the place of the arbitration, the country and the language.

15:10 Q&A SESSION

15:30 REFRESHMENTS

15:50 SUMMARY OF THE ADVANTAGES AND DISADVANTAGES EACH OF MEDIATION, ADJUDICATION, LITIGATION AND ARBITRATION. WHAT ARE THE GOLDEN RULES OF MANAGEMENT OF ANY DISPUTE? WHAT ABOUT COSTS?
Niall Lawless and Jeffrey Brown
A wide range of tools and tactics can be used to ‘win’ a dispute, and these are routinely deployed by experienced practitioners. This session will reveal some of the tools and tactics that can be used at the different stages of a dispute and describe how they can change the outcome for you.

16:15 CASE STUDIES – HOW DISPUTE PROCEDURES OPERATE IN PRACTICE
Jeffrey Brown
By now, much will have been learned of the various dispute resolution procedures. This knowledge has to be applied: it is important that you see the application of the rules in a practical light. The cases chosen will illustrate this. The speakers will present the facts of decided authorities and will lead the discussion. You will be able to consider whether any alternative procedure would have given rise to a settlement.

17:00 Q&A SESSION

17:20 EVENT CLOSES

This programme is subject to amendment.
FORWARD THINKING

7 OCTOBER 2010
LONDON
PROJECTS FOR ENGINEERING MANAGERS
This one-day, interactive seminar will explore the necessary skills for successful project management and make you aware of the practical tools to facilitate this.
www.imeche.org/events/s1536

21 OCTOBER 2010
BIRMINGHAM
SETTING UP AND RUNNING A SUCCESSFUL CONSULTANCY
Employees are increasingly setting up as consultants, highlighting many issues that they were previously unaware of. This seminar will address these considerations, as well as provide valuable networking opportunities to give you the chance to share experiences and best practice with other delegates.
www.imeche.org/events/s1539

11 NOVEMBER 2010
LONDON
FINANCE FOR ENGINEERING MANAGERS
This event is run by recognised financial experts from academia and industry and is part of a well-established series covering this area of interest. The content is designed to meet the requirements of engineering industries and is not readily available elsewhere. It provides a workshop environment in which a framework of skills and knowledge is developed.
www.imeche.org/events/s1497

24 NOVEMBER 2010
NOTTINGHAM
MARKETING FOR ENGINEERING MANAGERS
This seminar will help you understand how your role impacts on value creation, both internally and externally. It will highlight key areas to focus on as a manager, allowing you to remain competitive in increasingly difficult markets by inspiring innovation, customer satisfaction and staff loyalty.
www.imeche.org/events/s1560

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JOURNALS

Professional Engineering Publishing is the publisher for the Institution of Mechanical Engineers. For more information about our magazines, journals and conference proceedings visit www.pepublishing.com

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To find out more, drop us a line at membership@imeche.org or Tel: +44 (0)20 7304 6999.

The Institution of Mechanical Engineers is the professional body representing over 80,000 mechanical engineers worldwide. As a Learned Society, the Institution seeks to be a source of considered, balanced and impartial information.

Institution of Mechanical Engineers
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London SW1H 9JJ
T +44 (0)20 7222 7899
www.imeche.org

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# ENGINEERING DISPUTES.
## BOOKING FORM

One form per person only (forms may be photocopied)

For added convenience, you can also book online at: www.imeche.org/events/s1553

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### REGISTRATION (PLEASE COMPLETE IN CAPITALS)

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<th>Family Name</th>
<th>Title (Mr, Mrs, Miss etc)</th>
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<td>Job Title</td>
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<td>Membership No</td>
<td>Institution</td>
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Do you have any special requirements?

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### FEES AND CHARGES (PLEASE COMPLETE THE APPROPRIATE BOX)

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<td>£220.00</td>
<td>£38.50</td>
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<td>Member of Supporting Organisations</td>
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Total

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Please do not send payment separately from this booking form.

By submitting this registration form, you will be indicating your consent to periodically receiving information on our events and publications, unless you indicate an objection to receiving such information by ticking this box.

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### PAYMENT DETAILS

Payment must accompany this registration form. Registration will be confirmed on receipt of full payment.

Please indicate method of payment: Cheque □ Credit Card □ BACS □ Invoice □ (see below)

Cheques should be made payable to IMechE and crossed. Please note overseas delegates may pay only by credit card, BACS or banker’s draft. A copy of the draft must accompany this form. It is the delegate’s responsibility to pay any bank charges.

Credit Card: Visa □ MasterCard □ (please note we cannot accept American Express, Diners Club or Maestro)

Card No | Valid From | Expiry Date |
|---------|-----------|------------|

Name of Cardholder | |
Billing Address of Cardholder (if different from above) | Postcode | Signature |
Amount to be Deducted | |

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### INVOICE DETAILS (UK DELEGATES ONLY)

Delegates wishing to be invoiced must provide an order number. If your company does not use order numbers please include a formal request for invoicing on your company’s letterhead. A charge of £10 + VAT will be made to cover additional administration costs. Invoices are payable on receipt and no alterations to these terms will be accepted.

Order No | |
| Contact Name | |
Name and Address for Invoicing | Postcode | |
Tel | Fax |

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BACS bank transfers can be made to: IMechE Current Account, NatWest Charing Cross Branch.

Sort code: 60-40-05 Acc No: 00817767

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A copy of the draft must accompany this form.

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Please complete and return this form to:

Event Registrations
Institution of Mechanical Engineers
1 Birdcage Walk
London SW1H 9JJ

For registration enquiries call

Tina Churcher on +44 (0)20 7973 1258
or email t_churcher@imeche.org

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Please read the information listed below as each booking is subject to IMechE’s standard terms and conditions.

### Conditions of Booking

Completed application forms should be returned to the address below, along with the correct payment. Attendance at the event will be confirmed on receipt of the full balance. All participants are advised to bring a copy of their confirmation with them on the day, to ensure the fastest possible entry.

Special Requirements

Please inform us of any special requirements in advance, please note that dietary requirements must be indicated.

### Cancellation

For a refund (minus £25 + VAT admin charge), cancellations must be received at least 14 days prior to the event. Replacement delegates are welcome at any time. The IMechE reserves the right to cancel any event. In this case, the full fee will be refunded unless a mutually convenient transfer can be arranged.

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Please note that while speakers and topics were confirmed at the time of publishing, circumstances beyond the control of the organisers may necessitate substitutions, alterations or cancellations of the speakers and/or topics. As such, IMechE reserves the right to alter or modify the advertised speakers and/or topics if necessary without any liability to you whatsoever. Any substitutions or alterations will be updated on our web page as soon as possible.

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Supporting Organisations

Members of the following organisations can register at our members’ rates: IDGTE, IED, IOM3, WES

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Venus

This event will be held at One Birdcage Walk, London SW1H 9JJ. Details will be sent upon registration.

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Liability

The organisers do not accept liability for any injuries or losses of any nature incurred by delegates and/or accompanying persons, nor for loss or damage to their luggage and/or personal belongings.

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Accommodation

We have arranged special discounted rates at local hotels via the Corporate Team.

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International: +44 (0)20 7592 3050
Email: events@corporateteam.com
www.corporateteam.com/events/8488ME

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Enquiries

For event enquiries please call

Diama Zentianini on +44 (0)20 7394 6837 or email management@imeche.org

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