



# CONSTRUCTION **SUPER**CONFERENCE

2025

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# **S04 Resolution Revolution: Evolution of International Construction Arbitration**

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# Outline

- The rise of International Arbitration – How did we get here?
- Issues around Selection of Arbitrators
- Issues around Disclosures and Evidences
- Issues around Procedural Efficiencies
- Issues around Role of Experts
- Issues around Use of Technology

# Domestic & International Arbitrations

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# Domestic Arbitration v. International Arbitration

Aspect	Domestic Arbitration	International Arbitration
Parties	All parties from the same country	Parties from different countries or jurisdictions
Legal Framework	Governed by one national arbitration law	Governed by international conventions (e.g., New York Convention), national laws, and institutional rules
Seat of Arbitration	Within the same country	Often in a neutral country agreed by parties
Applicable Law	Single national law	May involve multiple legal systems and choice-of-law clauses
Enforcement	Limited to domestic courts	Enforceable globally under treaties like the New York Convention
Institutions	Local arbitration centers	International institutions (ICC, LCIA, SIAC, UNCITRAL)
Language	Typically, local language	Often English or another neutral language
Complexity	Lower—fewer cross-border issues	Higher—cultural, procedural, and logistical challenges

# Speakers

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# Maged Abdelsayed

Partner, HKA Global (Canada), inc.

Maged is a professional engineer and Partner with over 38 years of experience in the construction industry. Maged has provided dispute management and claims-related expertise and project management services on construction projects.

As a project and site manager for various Consulting and Engineering firms and major Contractors, he was responsible for project execution, planning, scheduling, cost control, and claims analysis on industrial, commercial, and civil projects.

Maged has served as an expert witness before various courts and arbitration panels in Canada, the United States and internationally in disputes related to project delays, labor productivity losses, impact of changes on construction work, and damages assessment.

He has also been featured among the “Lexology Who’s Who Legal” index of top construction expert witnesses in Canada and globally and top construction quantum and delay experts.



# Peter Danysh

Partner - International Dispute Resolution & Arbitration, Vinsons & Elkins LLP

Peter's principal area of practice is complex commercial litigation, with a focus on international disputes.

His experience includes work as an advocate in both international commercial and investor-state arbitrations under numerous institutional rules, including the International Chamber of Commerce (ICC), International Centre for Settlement of Investment Disputes (ICSID), the United Nations Commission on International Trade Law (UNCITRAL), and the International Centre for Dispute Resolution (ICDR).

Peter has particular experience in disputes arising out of complex, multi-jurisdictional construction, engineering, energy, and infrastructure projects.

He has worked on international disputes for clients in both civil and common law jurisdictions all over the world.



# James Dierking

Assistant General Counsel, Fluor Corporation

James Dierking is Assistant General Counsel with Fluor Corporation (FLR). Mr. Dierking is responsible for overseeing and managing Fluor's worldwide dispute resolution activities.

Prior to joining Fluor, Jim worked as a lawyer with Arter & Hadden L.L.P., a Cleveland based international law firm then listed among the top forty private law firms nationwide.

Jim also taught law and international business classes at the American College in London, worked as an Associate for Monteleone & McCrory L.L.P., and spent time as a research attorney on the California Court of Appeals and in the U.S. Attorney's office. He also served as Judge Pro Tem in the Superior Courts for the State of California prior to joining Fluor's Law Department.

Jim holds a L.L.M. (Master of Laws) from the London School of Economics, University of London, earned J.D. and M.A. degrees from the University of San Diego, a B.A. from Cal State Fullerton.



# Joseph Moore

Partner, HansonBridgett

Joe's twenty years of industry experience combined with his training as both a lawyer and an engineer uniquely qualify him to assist clients with the most technically challenging of disputes and transactions.

He litigates in state court, federal court, and numerous arbitration forums, both domestically and internationally. His experiences include matters administered by the American Arbitration Association, the International Chamber of Commerce, and the DIAC, as well as *ad hoc* proceedings.

Joe also assists clients with the structuring, negotiating and drafting of infrastructure and technology related agreements. He is well versed in the leading forms of contracts used domestically and internationally, and on wide variety of delivery methods.

Joe also maintains an active knowledge of federal, state, and local procurement regulations and claims procedures and provides counsel to clients on various government contracting matters. He routinely lectures on various industry-related topics.



# Mike Shanlever

Partner, Alston & Bird

Mike chairs the Construction & Government Contracts practice at Alston, devoting his practice to complex construction, particularly EPC projects in the energy, industrial and infrastructure sectors.

Around the world Mike advises public and private owners and contractors throughout the project life cycle and claims process. Mike has litigated and arbitrated billions of dollars in disputes concerning schedule issues, cost overruns, performance guarantees, regulatory compliance, and defective design/construction claims.

Mike leads litigation teams through trial and alternative evidentiary proceedings. He has substantial experience in state and federal courts throughout the country, domestic arbitration, and international arbitration.

Mike is a top-ranked attorney in *Chambers USA* for construction and international construction disputes and listed in *The Best Lawyers in America*<sup>®</sup> as a leader in construction law and construction litigation.

