

The Dispute Board Federation

Excellence in Dispute Resolution since 2001

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New Horizons

The DBF has many requests from its members for regional networking events that are more social rather than instructional in nature. With Autumn upon us we are interested in what the general view is for having a quarterly event similar in nature to our very popular Members Dinners. The theme being good food, good company and a good speaker. We are also looking to involve more volunteers in these efforts and if you would be interested in organising such an event, participating in the planning and preparation, or just attending please contact Richard McGlade whose email is richard.mcglade@dbfederation.org and tell him of your interest.

As many of you know the DBF funds a "Think Tank" and publishing facility for the study of ADR issues related to infrastructure projects and the reduction of corruption in developing nations through the use of dispute boards. In this regard we are looking for individuals who would like to further the efforts of this entity and who are research oriented and who can play a role in the developing future for study and scholarship in this area. Dr Cyril Chern is in charge of the Steering Committee for this effort and if you or someone you know has interest in this please email him at chern@crownofficechambers.com.

Increasing awareness of dispute boards and their use is of paramount importance to the DBF. Many times Employers do not want to use dispute boards and use the excuse that the costs are too high when in reality they don't want to use dispute boards because they are afraid that they will have to pay claims sooner than necessary. These Employers are quite content to "play" the contractor so that any payment that may be due can be delayed as long as possible.

In private talks over the years with governmental Employers the joke is "why pay now when we can pay....maybe never...!" It was with pleasure that I learned the other day from one of our members of a situation in which he was Chair of an ICC arbitration resulting from the Employer's delay (and/or refusal) to implement a DAB on a large project. This resulted in a unilateral appointment of a DAB which was fought every step of the way by the Employer culminating in an Award years after the original dispute.

Featured Events and Continuing Professional Development Units

2011 -12

There are several new programmes and events which are shown on our website and these include:

Ukrainian Construction Association Meeting
October 4, 2011
Kyiv

DBF Members Dinner
December 7, 2011
London

The DBF's
FIDIC Contracts Intensive
Training Programme 2012
Application period Opens
October 15, 2011

The DBF Intensive DAB
Training Programme
February 20-22, 2012
Luxembourg

DBF Members Dinner
March 15, 2012
Hong Kong

For further information on any of these please contact Anne Eve our Programme Administrator at anne.eve@dbfederation.org

For a full listing please go to our website

www.dbfederation.org

The unilateral DAB Decision was upheld and the Award confirmed the DAB fees and costs which amounted to about 1.5% of the claim. The sobering point however was that the Award also allowed for legal fees and costs to the winning side - the Contractor, in an amount that came to almost 25% of the claim. The Employer has since admitted that it will use DAB's in the future without any fight.

For those of you that do dispute board work on a regular basis this is becoming quite common and whilst a hard way to "sell" the use of dispute boards the fact of the matter is that their use is substantially cheaper than having to fight in arbitration to avoid their use.

The DBF welcomes such stories and will publish them in future issue of this Newsletter.

Herbert Wilson
Executive Director

