

CONSTRUCTION DISPUTES

Seeking Sensible Solutions



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Details

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Author

Wayne Clark is a chartered quantity surveyor, arbitrator and mediator with more than fifty years' international experience, having worked in Africa, the United Kingdom, Europe, Asia and the Middle East.

'This practical book provides the accumulated wisdom of a hugely experienced and respected construction professional. Sensible people will find serious value in *Construction Disputes: Seeking Sensible Solutions*.'

— **Julian Bailey**, Partner, White & Case LLP,
and author of *Construction Law*

'This very important and timely book discusses all the stages of a construction project, with a continual focus on ways for parties to resolve their differences. Wayne Clark has written a must-read guide for the experienced as well as for novices in sophisticated and effective construction dispute management. Read this book and learn from one of the best.'

— **Victor P. Leginsky**, Chartered Arbitrator and
Certified Mediator, Arbitralis ADR

'At last, a straightforward guide to construction disputes. This book does not try to explain contract law, but instead refreshingly offers practical insight into the world of construction claims, their management and resolution. Examples, war stories and route maps leading to solutions are provided. Wayne's book should be a valuable addition to anyone's library.'

— **Nicholas Gould**, Partner, Fenwick Elliott LLP

'Newly qualified project managers and engineers, as well as experienced construction lawyers and claims consultants, will benefit hugely from reading this book. Wayne Clark clearly demonstrates the benefits of seeking sensible, win-win solutions rather than turning to confrontation.'

— **Dr Mohammed Abdulla Al-Kuwari**, Former Deputy
Chairman of the Board of the Qatar Society of Engineers

This book reflects the author's fifty years' experience in international construction projects and the management and resolution of disputes.

During those fifty years, Wayne Clark's aim has always been to guide parties towards sensible and clear communication, nurturing relationships and seeking early solutions to their differences. His primary goal is to help parties avoid unnecessary conflict – a theme that is clearly evident throughout this book.

While two chapters are devoted to preparing construction claims to persuade a tribunal – and in so doing persuade the other side to reach an amicable settlement – the book covers a much wider scope: from the building owner's dream through to the contractor handing over the completed project, wise contract administration, settlement negotiations, the third-party resolution process and, finally, arbitration. During each of these stages, the theme is for the parties to continually seek ways to resolve their differences.

The book also introduces the idea of the 'shadow arbitrator', who, if commissioned early in the dispute process, can guide parties and legal counsel to prepare claims and arbitral pleadings that will persuade a tribunal – and encourage the parties to find sensible solutions.

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