



Chern on Dispute Boards

Cyril Chern

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Dispute boards were first introduced almost 20 years ago. Since then close to \$100 billion US dollars worldwide has been spent on construction projects that have used dispute boards. Of these, 98% were constructed without any court battles and of the remaining 2%, the dispute board decisions were upheld by either arbitration and/or the court: a truly impressive record. Yet very little is known about what dispute boards are and how they operate. This book provides the knowledge necessary for those actively involved in dispute board work as well as for those who need to learn the process. Important features of the book include: * analysis of the differences between dispute adjudication boards, dispute resolution boards and combined dispute boards * in-depth discussion of both the existing and historical international case law on dispute boards, including its history under the British common law, European civil law and Muslim Shari'ah law * analysis of the differences between the various major standard forms of dispute board rules - FIDIC, International Chamber of Commerce and DBFederation - along with sample wording to add to or modify these forms as needed. * analysis of how referrals are made to dispute boards and sample forms. * an in-depth discussion of the ethical requirements relating to dispute board members * comparison of board selection techniques with guidelines for implementation and recommendations for the parties * sample forms for use in establishing a dispute board * discussion of site visits, how they should be conducted and sample forms * general forms for use in operating a dispute board, form agendas, form reports and their use * how to use a dispute board as a sounding board for grievances * in depth discussion of how to write a decision or recommendation with examples of actual dispute board decisions and recommendations * disclosure forms, questionnaires for potential board members, and comparison of board member agreements and sample forms * a discussion of how to effectively use witnesses and the preparation and presentation of witness statements in dispute board hearings * forms of notice and procedural rules governing the operation of dispute boards * international case studies with claims, responses and decisions * analysis of situations requiring the removal of dispute board members and form agreements for their removal * discussion of the use of dispute boards in areas other than construction.

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