2018 Forum on Construction Law Annual Meeting
Taking Care of Business: A Mini-MBA Program for the Construction Lawyer

Workshop 301B: Laissez Les Bons Temps Rouler? – What You Need to Know about Contracting Outside of the United States
Speakers

Arjun Agarwal
Senior Counsel – Litigation
Chevron Upstream (a division of Chevron, U.S.A. Inc.)
San Ramon, CA

Christopher M. Burke
Partner
Varela, Lee, Metz & Guarino, LLP
Tysons Corner, VA
Overseas Construction

- Risk Assessments by Companies Working Overseas
- Foreign Corrupt Practices Act
- International Dispute Resolution
Assessing Overseas Risk

- Local Laws and Customs
- Use of Liaisons to Obtain Information
Assessing Overseas Risk

- Assessment of In-Country Legal Structure
- Government Stability
Foreign Corrupt Practices Act

- Anti-Bribery Provisions
  - Business Purpose Test
  - Affirmative Defenses
- Accounting Provisions
Foreign Corrupt Practices Act

- Penalties
  - Criminal and Civil
  - Anti-Bribery and Accounting
International Dispute Resolution

- International Arbitration: Key Differences
  - Pre-filed Testimony
  - Limits on Discovery
  - Expert Conferencing
International Dispute Resolution

- Evidentiary Hearing Issues
  - Structure of Hearings
  - Arbitrator Availability and Selection
  - Cultural and Language Considerations
International Dispute Resolution

- Retention of Counsel
  - Use of Queen’s Counsel (QC) / Senior Counsel (SC) versus Solicitors / Law Firms
  - Style of Advocacy
  - Ethics Rules and Considerations
  - Virtual Law Firm Concept
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