DISPUTE RESOLUTION

COURSE AIMS

The aim of the course is to help students develop knowledge and skills relating to the management and resolution of disputes in construction contracts. The course is also designed to enable students to acquire skills for identifying and solving problems in construction contracts.

COURSE OUTCOMES

After successful completion of this course, a student should be able to:

- Articulate the nature of disputes in construction contracts and business deals;
- Describe the business economics context of construction contract disputes;
- Discuss the economic and legal principles of dispute resolution;
- Identify potential areas in a construction contract where disputes can arise;
- Analyse the various sources of disputes in construction contracts and how contract drafting and good structuring of business deals in construction can help to achieve dispute minimisation;
- Articulate the economic and legal consequences of disputes in construction contracts;
- Articulate and compare the principles of dispute resolution outlined in various standard form contracts;
- Analyse the appropriate dispute resolution mechanisms for resolving and dealing with different kinds of disputes in construction projects;
- Evaluate the different methods of adversarial and non-adversarial dispute resolution, their advantages and disadvantages, and be able to provide a reasoned recommendation to the parties in a construction contract on the options available for dispute resolution.
COURSE CONTENTS

Alternative dispute resolution (ADR), definitions, characteristics of ADR, benefits, procedures for ADR; arbitration, mediation, adjudication, negotiations, expert determination, mini-trials and fact finding; remedies and awards.