

## International Experience, Global Relationships, and a Commitment to Results Spanning Six Continents

Peckar & Abramson regularly represents prominent global contractors and builders—having done so in more than 40 countries, across six continents, and since the 1980s—on many of the largest construction and infrastructure projects executed worldwide. We have significant experience with “mega cases” including many in excess of USD 100 million, and some over USD 1 billion.

We are the leading law firm in the U.S. representing general contractors, with deep experience in claims for infrastructure projects, from tunnels to highways, airports to power plants (fossil fuel and nuclear).

We assist clients at every phase:

- Solving challenging international disputes
- Providing real-time project counsel to mitigate the risk of disagreements
- Training teams in critical risk management and regulatory requirements
- Negotiating and documenting contracts to give clarity to transactions
- Establishing local business organizations and relationships.

Our international Dispute Resolution experience encompasses formal and informal dispute resolution proceedings such as in negotiations and mediations as well as appearing in court, before dispute review boards and in international arbitration forums around the world, including:

- International Centre for Dispute Resolution (ICDR-AAA) Proceedings
- International Chamber of Commerce (ICC) Proceedings
- American Arbitration Association’s International Center for Dispute Resolution (ICDR) Proceedings
- United Nations Commission on International Trade Law (UNCITRAL)
- *ad hoc* proceedings

Our capability in handling international disputes and projects is centered on our construction and infrastructure practices. Construction projects are complex, and disputes often involve a group of contracts to an extent greater than in other businesses. The frequent cross-border component of construction related disputes just adds another layer of complexity.

Our 40 years of experience and success in the preparation and presentation of claims for project delays, differing subsurface and other site conditions, design errors, defective work, cost overruns, labor and political issues combine to provide clients with a unique set of skills for projects and matters around the globe. Our attorneys are at ease with complex construction transactions and thrive in international settings. We have the skill and experience to handle a wide range of international commercial disputes.

Language and cultural barriers are swiftly crossed by our multi-lingual lawyers, including talented U.S.-based lawyers born outside the country, who bring native language skills and comprehensive understanding of cultural norms from around the globe.

## Project Expertise

From conception to completion, we are steeped in the practical, legal and regulatory challenges of every stage of large-scale infrastructure project development. Many of our team members possess hands-on construction, architectural and other technical backgrounds including project engineering, civil engineering and management.

Having represented those constructing the built environment around the world since 1978, we have a rare ability to marry legal expertise with project experience to provide practical guidance.

## International Disputes

In a global economy, construction and infrastructure contracts may be structured under the laws of any number of local jurisdictions and are subject to the authority of various international arbitration and dispute resolution bodies and organizations.

Our clients rely on our understanding of how these different legal and industry forces interact. We know the contracts and we understand the underlying technical issues. We excel at incorporating local laws into our practice and we appreciate the importance of business relationships. We routinely appear before all manner of international dispute resolution bodies. Most critically, we have a clear command of what it takes to develop successful strategies and present a winning case.

Where a matter of international law or culture, for example the law or custom of a particular country, is outside of our experience or capability, we draw upon our extensive network of local partners. We are attuned to the full cultural understanding necessary to foster settlement discussions and to understand local nuances that are often integral to resolving disputes short of full-fledged dispute proceedings.

## Global Partnerships in Local Markets

We have built enduring relationships with local law firms around the world. These regionally based practitioners supplement our industry leading capabilities, assisting our clients with the local legal regime, business environment, language, and culture.

We are particularly proud of our founding membership in Construlegal™, an alliance of leading construction and infrastructure law firms throughout the Americas, and other relationships in Europe, the Far East, India, the Middle East and Oceania.

Where it is best to serve our clients as a team, working with local counsel more familiar with law or customs in discrete jurisdictions around the globe, we do so efficiently and effectively. We marry our extensive understanding of construction and infrastructure disputes and transactions with local relationships and expertise – with a keen eye on delivering results.

## International Contractors

*We Serve Those Entering the U.S. Market and Building Projects Across the Country...*

Increasing numbers of foreign contractors are pursuing opportunities and building projects across the United States. From our 10 offices across the U.S. we are recognized as leaders in construction law, and have extensive experience in guiding foreign companies as they venture into the U.S. market. We have represented many of these new market entrants beginning with their first U.S. projects, helping them to understand and adjust to U.S. and regional business, legal and cultural norms.

We are mindful that aspects of U.S. law can pose legal and other challenges to those entering the U.S. market. We can explain, demystify and provide practical guidance for understanding and managing these challenges including:

- Suretyship
- Corporate creation and veil piercing
- Long-arm jurisdiction
- Discovery
- Tort-based risks
- Union and labor laws
- Unique regulatory and compliance mandates
- Attorney-client privilege
- Numerous other facets of U.S. law that are concerns of businesses considering entering the U.S. market.

We are fully equipped to facilitate success in U.S. projects and help foreign contractors master the nuances of regional differences within the United States itself.

### *...And Those Building Worldwide*

We are regularly sought for our expertise in representing those building and developing projects worldwide. The benefit of our construction and infrastructure experience, which reaches back to 1978, travels and translates world over to elevate the likelihood of a positive result.

When disputes are addressed outside of the U.S., foreign and U.S. based companies recognize that our experience and understanding of construction law and infrastructure development is invaluable.

Our understanding of what it takes to litigate, arbitrate or resolve challenging construction disputes and to address technical, business, and cultural issues, has taken us around the globe. Our capabilities readily adapt to dispute resolution forums subject to common law jurisdictions around the globe and in Latin America, as well as others.

The U.S. has become an increasingly popular venue to resolve disputes in a fair, transparent manner for foreign companies collaborating on projects built outside the United States. We have offices in each of the primary international dispute resolution centers in the U.S. – New York, Miami, Houston and Washington D.C.

When disputes are brought to forums in the U.S., General Contractors, Construction Managers and others rely on our industry leading familiarity with U.S. proceedings, U.S. law and the technical aspects of construction and infrastructure.

## **Broad Experience**

Peckar & Abramson's International Practice is not limited to construction and infrastructure disputes and transactions. Our experience goes beyond our core industry focus of construction and infrastructure and encompasses matters in a number of industries and before a wide variety of dispute resolution and regulatory bodies.

# Facts-at-a-Glance

## Expert Counsel

We offer comprehensive international construction and infrastructure counsel. Our lawyers:

- Draft and negotiate prime contracts
- Draft and negotiate consortium and joint venture agreements
- Create contract packages for subcontracts or purchase orders tailored to international projects
- Train clients in business and legal risk management
- Train clients in the Foreign Corrupt Practices Act and other regulatory compliance requirements
- Structure projects
- Provide ongoing contract administration support throughout the life of projects – from our offices and by seconding lawyers to embed at major projects
- Negotiate, mediate and settle claims and disputes at every phase of a project
- Advocate for clients in arbitration before the ICC, ICDR and *ad hoc* proceedings, venued throughout the U.S. and in international venues

## Examples of our Global Reach

Peckar & Abramson has many years of experience working successfully and efficiently with law firms in international project locales, where we combine local knowledge and expertise with our own—providing staffing depth and the best possible team for our client’s needs. We have the proven ability to work in multi-cultural situations where parties and lawyers from several countries are involved.

**Latin America and the Caribbean:** From our offices in Miami, the “gateway to the Americas,” Texas, New York, and throughout the firm, Peckar & Abramson represents clients throughout Latin America—those involved in Latin American projects and Latin American clients involved in legal matters in and beyond North America. Lawyers in Miami and across the firm can support our clients with native language expertise in Spanish and Portuguese, and a thorough familiarity with regional cultures.

We have developed key relationships with legal and business professionals throughout the region, relationships whose strength and potential led directly to the formation of Construlegal®.

Peckar & Abramson, along with leading Mexican and Peruvian construction law firms, founded Construlegal, an alliance of top construction law firms throughout the Americas that often work as a team to deliver legal and business services in local and international construction and infrastructure law. Since its founding, Construlegal has grown to an organization of 17 member firms throughout the Americas.

Our lawyers have represented clients in international arbitrations related to power plant projects in Chile, on entering the Cuban construction market, on matters related to the Panama canal expansion, on a chemical plant in Bolivia, on massive resort developments on various islands in the Bahamas, on design-build manufacturing facilities in Mexico, among many others, including the development and implementation of the Dispute Board program for the Rio 2016 Olympic Games in Brazil.

**Israel-Middle East:** Peckar & Abramson has always been mindful of our clients’ global needs, and has developed important alliances with leading construction law firms in the Middle East. We have represented contractors building highways in Afghanistan, power plants in Saudi Arabia, an electric power generation plant in Qatar and a pipeline through Turkey, as well as clients in the development of a technology center at a prominent Israeli university and a large-scale hotel in Israel. We have also represented Turkish companies

coming to and doing business in the U.S.

**Asia:** We have been active representing Chinese business in their dealings in the U.S. and abroad since the 1990s, have formed strategic alliances with Chinese legal experts and have represented China-based entities and their affiliates in major infrastructure, hospitality and residential projects both domestically and internationally.

We have formed strategic alliances with Indian legal experts to provide local legal support with our internationally recognized understanding of construction and infrastructure. Our support includes local contract, labor, corporate integrity, tax and export/import advice, and we have served as counsel on the construction of entire cities in India as well as ICC arbitrations concerning projects in India.

**Australia:** We are presently representing a general contractor in an international arbitration in connection with delays to a LNG facility a project in Australia.

**United Kingdom/Europe:** We have represented contractors based in Italy, Germany, Spain, and Scandinavia in a wide variety of civil, infrastructure and building projects in U.S. and abroad. We enjoy a relationship with a leading construction law firm in the United Kingdom dating back to the 1980s, resulting in joint representation of major clients and collaboration on projects in common law locales.

## Comprehensive Experience

We have been integrally involved in all types of projects around the world including:

- Buildings of all types
- Hydroelectric dams
- Gas turbine generation facilities
- Nuclear power generation
- Oil refineries
- Oil and gas pipelines
- LNG facilities
- Chemical manufacturing plants
- Highways
- Tunnels
- Bridges
- Railworks
- Airports
- Research parks
- Paper pulp mills