



## 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.

### Experience

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 Chamber of Commerce (ICC) Proceedings
- American Arbitration Association’s International Center for Dispute Resolution (ICDR) Proceedings
- United Nations Commission on International Trade Law (UNCITRAL), and
- *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 international component of construction related disputes just adds another layer of complexity.

Language barriers are crossed readily by our multi-lingual lawyers, including talented U.S. lawyers born outside of the United States and who bring native language skills from 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.

### 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.

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 alliances. 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 eleven 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.

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
- Train clients in business and legal risk management
- Train clients in the Foreign Corrupt Practices Act (FCPA) 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
- Create contract packages for subcontracts or purchase orders tailored to international 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

**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 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 on power plants 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.

**Southeast Asia:** We are actively engaged in projects in Vietnam, Malaysia, Thailand and Indonesia. These projects include hotels, office buildings, shopping centers and airports. In alliance with local law firms, we have provided clients with comprehensive project counsel, from contract formation, to anti-corruption compliance to dispute avoidance and resolution.

**India:** Our experience in India has ranged from the representation of Indian developers to international contractors building in India. We have provided counsel in regard to major infrastructure projects, the



construction of new cities, office complexes and even the monumental new national statue. Through a unique alliance with one of India's leading business law firms, with expertise in construction matters, we have together provided seamless legal representation to our respective clients at the highest proficiencies in construction law.

**Middle East:** We've built alliances with firms in Dubai and established relationships in the Middle East with leading construction law firms. We have represented contractors building highways in Afghanistan, power plants in Saudi Arabia, resorts in Israel, an electric power generation plant in Qatar and a pipeline through Turkey, among others. We have also represented Turkish companies coming to and doing business in the U.S.

**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 the 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