



# Methods of Amicable Dispute Resolution : Expert Determination & ICC Expertise Procedure \*

**By**  
**Neil Kearney**

## I. Introduction – Scope

Experts can play a vital and often a decisive role in resolving construction related disputes.

This paper considers the use of experts in the context of amicable construction dispute resolution. It does not cover the use of party-appointed expert witnesses in arbitration proceedings nor the use of Tribunal-appointed experts (topics dealt with separately at the conference). Dispute review boards (DRBs) and adjudicators are also not covered, although their use can be seen as other varieties of expert determination.

The utility of experts is often not appreciated until after serious problems are encountered at the job site. Parties often write arbitration clauses into their construction contracts, but clauses designating expertise procedures are more seldom. This is regrettable insofar as it may be too late to reach an agreement on procedural issues once the dispute arises.

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