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Global Construction Disputes - Basics on U.S. Domestic Versus International Arbitration

American Bar Association

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As U.S.-based contractors continue to expand their reach into the international construction arena, those contractors and their U.S. lawyers may find themselves in international arbitration proceedings that differ substantially from their experience with domestic arbitration. It is therefore important for construction practitioners to have a general understanding of the differences between being governed by common U.S. domestic arbitration rules and procedures (such as the American Arbitration Association's ("AAA") Construction Industry Rules and Procedures) versus an international tribunal (such as the International Chamber of Commerce's ("ICC") Rules and Procedures). Without focusing on a specific arbitration-body due to the varying procedures – which ultimately may be determined by the arbitrator – or varying laws, this article looks at some important considerations associated with international arbitration as well as how U.S. domestic arbitration and international arbitration differ.

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