



AGENDA

2017 AAA® CONSTRUCTION CONFERENCE NAVIGATING THE UNIQUE ASPECTS OF CONSTRUCTION ARBITRATION



THURSDAY, JUNE 22, 2017 /// NEW YORK, NY // 8:00 AM - 5:00 PM

CONFERENCE SPONSORS

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FRIENDS



COOPERATING ORGANIZATIONS

- American Bar Association Forum on Construction Law
- American Bar Association TIPS Fidelity and Surety Law Committee
- American College of Construction Lawyers
- American Subcontractors Association
- ConsensusDocs
- Construction Financial Management Association
- Construction Management Association of America

- Dispute Resolution Board Foundation
- Engineers Joint Contract Documents Committee
- Lean Construction Institute
- National Association of Surety Bond Producers
- National Society of Professional Engineers
- The American Institute of Architects

PROGRAM AGENDA

2017 AAA Construction Conference:
Navigating the Unique Aspects of Construction Arbitration
June 22, 2017

CONFERENCE MODERATORS:

Richard Greenleaf, Berg Hill Greenleaf & Ruscitti LLP; Boulder, CO
Thomas H. Welby, Welby, Brady & Greenblatt, LLP; White Plains, NY

8:00 **Continental Breakfast**

8:30 **Welcome & Introductions**

Michael A. Marra, Vice President, Construction Division, American Arbitration Association

8:45 **How to Effectively Deal With the 300 Change Order Dispute – Who Controls the Process?**

We've all heard about the case involving tens if not hundreds of individual change orders that need to be decided. What is the best approach as the advocate and the arbitrator in dealing with that situation? What can the advocates give to the arbitrator to make his or her job easier in deciding this type of case? In order to make the proceedings cost-efficient and effective, the AAA teaches its arbitrators to exercise the proper amount of control over the proceedings. But, what happens when the parties collectively resist and want the arbitrators to exercise less (not more) control?

FACULTY

- * **Adrian Bastianelli**, Peckar & Abramson, P.C.; Washington, DC
- * **Neal Eiseman**, Goetz Fitzpatrick LLP; New York, NY
- * **Karen Layng, Chief Strategic Officer and General Counsel**, Scheck Industries; Westmont, IL
- * **Wendy K. Venoit**, Hinckley Allen; Boston, MA

10:00 **Break**

10:15 **Global Construction Disputes – Don't Get Left Behind**

With uncertainty reigning in markets around the world and construction projects more complicated than ever before, construction disputes are a major risk and can have far reaching consequences. In international contracts, arbitration is almost always the preferred dispute resolution mechanism. None of the parties want to subject themselves to the jurisdiction of a foreign court with different procedures, usually a different language, and in most jurisdictions, no discovery. Over the years, practices have developed which are a blend of different legal systems. These practices and other factors unique to international arbitration will be addressed by the session faculty.

FACULTY

- * **Roy Cooper, Operations Manager**, Arcadis; Middletown, CT
- * **Luis Enrique Graham**, Hogan Lovells BSTL, S.C.; Mexico City, Mexico
- * **Charles Juliana, VP and General Counsel**, IPS-Integrated Project Services, LLC; Blue Bell, PA
- * **David McPherson**, Watt, Tieder, Hoffar & Fitzgerald L.L.P.; Irvine, CA

11:30 **Changes to the 2017 AIA Documents and Potential Impacts on Dispute Resolution**

The American Institute of Architects (AIA) has published standard form agreements since 1888. AIA Contract Documents are widely used in construction projects, reflect current industry practices and fairly balance the risks and responsibilities of all project participants. In 2017, the AIA will release updated versions of its flagship A201 family of documents, developed for the design-bid-build delivery model. This session will focus on several revisions made to the A201 General Conditions of the Contract for Construction and its related agreements for design and construction, and how those revisions might impact claims and disputes among project participants and the dispute resolution process.

FACULTY

- * **Kenneth Cobleigh, Managing Director and Counsel**, The American Institute of Architects; Washington, DC
- * **Howard Goldberg**, Goldberg & Banks, P.C.; Pikesville, MD

12:30 **Lunch**

1:30 **The Best Defense is a Good Offense – Keys to Claims Prevention and Mitigation**

Even though owners and contractors alike are becoming more and more sophisticated, the “usual suspects” plague every project from a small apartment complex to a large oil and gas mega project: the inability to resolve claims during the project’s life. This presentation will give both owners and contractors some effective methodologies and tools that, if followed, may help ensure the successful resolution of claims during a project instead of allowing them to fester and turn into a litigation nightmare.

FACULTY

- * **William K. “Bill” Andrews**, Andrews Myers, P.C.; Houston, TX
- * **L. Wearen Hughes**, Bass, Berry & Sims PLC; Nashville, TN
- * **Dr. Anamaria I. Popescu, PMP, PSP**, Berkeley Research Group; Greenwood Village, CO
- * **Frank J. Baltz, Senior Vice President & Chief Legal Officer**, Clark Construction Group, LLC; Bethesda, MD

2:45 **Break**

3:00 **How Do We Get the War Stories if We’re Never Allowed to Go to Battle?**

Young attorneys typically go from classrooms and textbooks (with relatively little practical experience before the day they are sworn in) to the shadow of computer screens. It is increasingly common for young attorneys to spend virtually no billable time in court, at a deposition, or on a site visit. This session will address how we train the next generation of ADR advocates but still ensure the client is getting the best representation.

FACULTY

- * **John E. Bulman**, Pierce Atwood LLP; Providence, RI
- * **Jeffrey Cruz, Corporate Counsel**, Skanska USA Building Inc.; New York, NY
- * **Brianna E. Kostecka**, King & Spalding; New York, NY
- * **Tamara J. Lindsay**, Holland & Hart, LLP; Denver, CO

4:00 **Minimizing Risks of Ethical Dilemmas at Arbitration**

Leading arbitrators and practitioners share personal insights into issues arising from unexpected ethical challenges at arbitration, including: supplemental arbitrator disclosures; arbitrator exceeding powers; party gamesmanship; and sanctions. This session answers the question, "What can counsel do to minimize the inherent risks of ethical dilemmas arising at arbitration?"

FACULTY

- * **Albert Bates, Jr.**, Pepper Hamilton, LLP; Pittsburgh, PA
- * **William Frey**, Gibbons P.C.; Philadelphia, PA
- * **Larry Harris**, The Law Offices of Larry D. Harris; Potomac, MD
- * **Tonya L. Johannsen, General Counsel**, The Beck Group; Dallas, TX

5:00 **Closing Remarks**

Michael Powell, Vice President, Construction Division, American Arbitration Association

5:15 **Adjourn - Cocktail Reception**

REGISTRATION INFORMATION

Registration Fee

\$395 if registered before May 26, 2017

\$450 if registered after May 26, 2017

Full payment must be received in order to process registration. Conference registration fees include admission to all seminars, course materials, luncheon, breaks, and cocktail receptions as outlined in the program agenda.

Cancellation Policy. Only a completed form with full payment will be processed; one form per attendee. Please do not make any travel arrangements until you receive a confirmation email. Should you need to cancel your registration, send your written request via email to AAAEducation@adr.org or fax at 972.490.9008 by 6/8/17 to AAA Education Services for a refund of 50% of your registration fee. We regret that no refunds can be made after that date. Substitution of attendees can be made at any time.

Materials. Materials will be available at the conference and on the conference website.

CLE INFORMATION

West LegalEdcenter is procuring continuing legal education (CLE) credits on behalf of American Arbitration Association. This program is currently available for CLE credits in California, New Jersey, New York, and Pennsylvania. Credit amounts vary by attendance verification and jurisdictional rules. For jurisdictions not listed, or for other professional organizations, a Certificate of Attendance can be provided to confirm attendance credit.

VENUE

New York Law School

185 West Broadway
New York, NY 10013

Hotel Reservation Information: A *limited* number of rooms are available at a reduced rate at **Duane Street Hotel** located at 130 Duane Street, New York, NY 10013 and the **Hilton Garden Inn Tribeca** located at 39 Avenue of the Americas, New York, NY 10013.

For complete hotel information for Duane Street Hotel and to reserve your room, [click here](#) or call 212.964.4600. For the Hilton Garden Inn, [click here](#) or call 212.966.4091.

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HOW TO REGISTER

4 Ways to Register for the Conference:

ONLINE: At www.aaau.org.

EMAIL: Details to AAAEducation@adr.org.

FAX: Complete the form below and send to 972.490.9008–Attn: AAA Education Services.

MAIL: Complete the form below and send to–
AAA Education Services
American Arbitration Association
13727 Noel Road, Suite 700
Dallas, TX 75240 USA

REGISTRATION FORM

Please type or print.

___ Mr. ___ Ms. ___ Mrs. ___ Dr.

Name: _____

Job Title: _____

Company: _____

Address: _____

City: _____

Province/State: _____

Postal Code: _____

Country: _____

Telephone: _____

Fax: _____

Email: _____

METHOD OF PAYMENT

___ USD Fee to be charged to the card

___ Visa ___ MasterCard ___ American Express

Name on Credit Card: _____

Card Number: _____

Expiration Date: _____ CSV#: _____

Billing Address if different from above:

Signature: _____

**Questions? Contact AAA Education Services
at 212.716.3977 or AAAEducation@adr.org**

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