2021 AAA® VIRTUAL CONSTRUCTION CONFERENCE

MOVING FORWARD
IN A NEW DECADE

June 9, 2021 | 12:00-4:00 EDT
Virtual Networking Reception beginning at 4:15 EDT
June 10, 2021 | 12:00–5:15 PM EDT

CONFERENCE SPONSORS

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American Bar Association Forum on Construction Law
American Bar Association Construction Litigation Committee
American Bar Association TIPS Fidelity and Surety Law Committee
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American Institute of Architects
American Society of Civil Engineers
ConsensusDocs
Construction Owners Association of America

Construction Financial Management Association
Construction Management Association of America
Engineers Joint Contract Documents Committee
National Association of Surety Bond Producers
National Construction Dispute Resolution Committee
National Society of Professional Engineers
Women Construction Owners & Executives
### WEDNESDAY, JUNE 9, 2021

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<th>Time</th>
<th>Session</th>
<th>Faculty</th>
<th>Co-Moderators</th>
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<tr>
<td>12:00-12:15</td>
<td>Welcome &amp; Introductions</td>
<td>Michael A. Marra, Vice President, Construction Division, American Arbitration Association®</td>
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<td>12:15-1:30</td>
<td>Fireside Chat with General Counsel – Managing Construction Disputes Systematically</td>
<td>Managing conflicts systematically is crucial to delivering complex projects on time and on budget. In this session, in-house counsel from leading construction companies will discuss what drives their decision to settle or arbitrate, what is important to the business in their decision making process, how to effectively collaborate with outside counsel, and other ways to control costs when resolving construction disputes.</td>
<td>Brad A. Gordon, SVP, General Counsel and Secretary, Gilbane Building Company; Providence, RI Elise Greenspan, Vice President and Assistant General Counsel, Litigation-East, AECOM; New York, NY James P. Laurie III, Corporate Counsel, Environmental Chemical Corporation; Burlingame, CA Brenna Mann, EVP of Business Services and Chief Legal Officer, Adolfson &amp; Peterson Construction; Minneapolis, MN</td>
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<td>1:30-1:45</td>
<td>Break</td>
<td></td>
<td>Giovanni Ruscitti, Berg Hill Greenleaf &amp; Ruscitti LLP; Denver/Boulder, CO Michael A. Marra, Vice President, Construction Division, American Arbitration Association</td>
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<td>1:45-2:45</td>
<td>Maximizing the Arbitration Process – Old Habits and New Tools</td>
<td>Adrian Bastianelli, III, Peckar &amp; Abramson, P.C.; Washington, DC Sarah B. Biser, Fox Rothschild LLP; New York, NY Y. Lisa Colon, Saul Ewing Arnstein &amp; Lehr LLP; Fort Lauderdale, FL Arlan D. Lewis, Blueprint Construction Counsel, LLP; Birmingham, AL</td>
<td>Linda Beyea, Vice President, Construction Division, American Arbitration Association</td>
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<td>2:45-3:00</td>
<td>Break</td>
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<td>3:00-4:00</td>
<td>Claims and Disputes Involving the Construction Manager: Understanding the Role and Responsibilities of the Construction Manager Constructor (CMc) and Construction Manager Adviser (CMa)</td>
<td>The roles and responsibilities of a construction manager are different, depending on whether the construction manager is serving throughout the project in an advisory capacity or is also performing the construction. This session will explore some of the key roles and responsibilities of the construction manager in either of these scenarios, from preconstruction services through completion. Utilizing the AIA CMa and CMc documents as reference, participants will learn about the contractual relationships established in these agreements and how the roles and responsibilities of the construction manager might impact claims and disputes. Participants will also learn about changes the AIA made in the 2019 update of the documents to address feedback from key industry stakeholders.</td>
<td>Robin Banks, Goldberg &amp; Banks, P.C.; Pikesville, MD Kenneth Cobleigh, Vice President and Counsel, ACD Operations, LLC (AIA Contract Documents program); Washington, DC</td>
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## 2021 AAA Construction Conference   Conference Agenda

### WEDNESDAY, JUNE 9, 2021

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<tr>
<td>4:00-4:15</td>
<td>Adjourn</td>
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<tr>
<td>5:15</td>
<td>Virtual Networking Reception</td>
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### THURSDAY, JUNE 10, 2021

<table>
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| 12:00-12:15 | Welcome & Introductions  
Michael A. Marra, Vice President, Construction Division, American Arbitration Association |
| 12:15-1:15 | Keynote Speaker – Emerging Opportunities: Recognizing the Trends and Technologies Transforming Dispute Resolution  
Join futurist Simon J. Anderson for an entertaining and thought-provoking look at the future of construction, construction law, and dispute resolution. This eye-opening presentation brings attention to important industry advancements and offers new approaches to capitalizing on the opportunities and anticipating the challenges that these advancements could create. Learn proven methods to help navigate these changes and to better position yourself and your organization to be future ready, regardless of what new trends emerge.  
**Speaker:** Simon J. Anderson, Venture Foresight; Minneapolis, MN |
| 1:15-1:30 | Break                                                                |
| 1:30-2:30 | Understanding the Arbitral Decision-Making Model and What Advocates Can Do to Protect the Award  
This panel discussion regards differing arbitral decision-making philosophies and recent challenges to arbitral awards. The application of law, equity, fairness, and justness can serve as a means by which an arbitrator can reach a decision. Each model has its own unique characteristics, and understanding these approaches and their limits is key to avoiding improper or frustrating outcomes in arbitration. Along with the arbitrator, advocates have a role to play in the rendering of an enforceable award, and all participants should have an appreciation for the nature of recent challenges to arbitral awards. The panel will also offer practical tips for drafting arbitration agreements, conducting discovery, and the presentation of evidence to assist arbitrators in making enforceable awards.  
**Faculty:**  
Edmund Amorosi, Smith Pachter McWhorter PLC; Tysons Corner, VA  
Joseph A. Barra, Robinson & Cole LLP; Boston, MA  
R. Carson Fisk, Andrews Myers P.C.; Austin, TX  
Loryn P. Riggiole, Zetlin & De Chiara LLP; New York, NY  
**Moderator:** Thomas Ventrone, Vice President, Case Management Center, International Centre for Dispute Resolution® |
| 2:30-2:45 | Break                                                                |
THURSDAY, JUNE 10, 2021

2:45-3:45  Ethical Issues Arising in Multi-Party Mediations and Arbitrations
This panel will address the myriad of ethical issues that arise in multi-party mediations and arbitrations. Specifically, the panelists will consider potential mediator and arbitrator conflicts that may arise during the course of the process, what rules apply, and how to avoid these pitfalls. They will also discuss the ethical ESI discovery issues that often arise in arbitrations and potential tools (such as ESI Orders including claw-back agreements) that the panel should consider implementing at the preliminary hearing stage, along with ethical issues that must be considered by all parties and the panel relating to litigation holds.

Faculty:
Todd Bressler, Chief Legal Officer, BERNARDS; Los Angeles, CA
Shelly L. Ewald, Watt, Tieder, Hoffar & Fitzgerald L.L.P.; McLean, VA
Karen P. Layng, President, M.A.I.T. Co; Chicago, IL
Thomas H. Welby, Welby, Brady & Greenblatt, LLP; White Plains, NY

Moderator: Michael R. Powell, Vice President, Construction Division, American Arbitration Association

3:45-4:00  Break

4:00-5:00  Unique Considerations in Arbitrating International Construction Mega Project Disputes
This panel will offer insights into some of the unique considerations in arbitrating international construction mega project disputes. Discussions will include issues to consider when selecting international construction arbitrators, characteristics of successful international construction counsel, unique document exchange (including email issues, cybersecurity, and GDPR concerns) in the international construction world, the influence of cultural differences on examination style and techniques, the effective use of party-appointed experts, and the use of technology in international construction arbitration.

Faculty:
Oliver J. Armas, Hogan Lovells US LLP; New York, NY
Albert Bates, Jr., FClArb, Troutman Pepper; Pittsburgh, PA
Wendy K. Venoit, Hinckley Allen; Boston, MA
Aisha Nadar, Consultant, Advokatfirman Runeland AB; Stockholm, Sweden

Moderator: Luis Martinez, Vice President, International Centre for Dispute Resolution

5:00-5:15  Closing Remarks
Michael R. Powell, Vice President, Construction Division, American Arbitration Association

5:15  Adjourn
REGISTRATION INFORMATION

To register online, visit www.aaaeducation.org.

Registration Fee:
$150 if registered before May 11, 2021
$195 if registered after May 11, 2021

Cancellation Policy. Should you need to cancel your registration, send your written request via email to AAAEducation@adr.org or fax at 972.490.9008 by May 27, 2021 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.

CLE INFORMATION

West LegalEdcenter is procuring continuing legal education (CLE) credits on behalf of American Arbitration Association. This program is available for CLE credits in California, Florida, New York, Pennsylvania, and Texas. Credit amounts vary by attendance verification and jurisdictional rules and cannot be confirmed in advance of the program.

If you require CLE in a jurisdiction that is not listed, or if you are a professional in a discipline other than the practice of law, you will have an opportunity to request a general attendance certificate which you may be able to use to submit the program on your own for credit (we suggest that you confirm application requirements with the appropriate licensing body).

Questions? Please contact Michael Marra at MarraM@adr.org or 215-731-6136.