AGENDA

2019 AAA®
CONSTRUCTION CONFERENCE

Techniques for Managing the Growing Complexities of Construction Disputes

THURSDAY, APRIL 4, 2019 | 8:00 AM-5:00PM | MIAMI, FL

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The American Institute of Architects
USAChina Trade Council
Varela Lee Metz & Guarino LLP

COOPERATING ORGANIZATIONS

American Bar Association TIPS Fidelity and Surety Law Committee
American Bar Association Forum on Construction Law
American Society of Civil Engineers
ConsensusDocs
Construction Financial Management Association
Construction Management Association of America
National Association of Surety Bond Producers
National Society of Professional Engineers
The American Institute of Architects
Women Construction Owners & Executives
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<th>Time</th>
<th>Session</th>
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<tr>
<td>8:00</td>
<td>Continental Breakfast</td>
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<tr>
<td>8:30</td>
<td>Welcome &amp; Introductions</td>
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<td><strong>Michael A. Marra</strong>, Vice President, Construction Division, American Arbitration Association®</td>
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<td>8:45</td>
<td>Breakfast with General Counsel – Arbitration from the Client’s Perspective</td>
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<td>Oftentimes, the goals and expectations of the parties that selected arbitration before the AAA are overlooked. In this arm-chair [Ted-talks/fire-side chat] style session, in-house counsel from a cross-section of leading construction industry firms will discuss arbitration from the client’s perspective, including arbitrator qualifications (what are they really looking for?), conflicts of interest (how much do they matter?), arbitration forum and style, arbitration costs and stigma, and arbitration process/procedure issues (what concerns them regarding case timelines, in-person conferences, discovery, motion practice, experts, and the award?).</td>
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<td>* <strong>Kevin C. Backus</strong>, SVP, General Counsel and Head of Safety, thyssenkrupp North America, Inc.; Chicago, IL</td>
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<td>* <strong>Robert Preston Brown</strong>, General Counsel, McKenney’s; Atlanta, GA</td>
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<td>* <strong>John P. Carpenter</strong>, Chief Legal Officer, Balfour Beatty US; San Francisco, CA</td>
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<td>* <strong>Cara Peterson</strong>, Senior Counsel, Adolfson &amp; Peterson Construction; Minneapolis, MN</td>
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<td><strong>Facilitator:</strong> Giovanni Ruscitti, Berg Hill Greenleaf &amp; Ruscitti LLP; Denver/Boulder, CO</td>
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<td><strong>Moderator:</strong> Rod Toben, Vice President, Construction Division, American Arbitration Association</td>
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<td>10:00</td>
<td>Break</td>
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<td>10:15</td>
<td>Extension of Time (EOT) Claims – Separating Fairy Tales from Facts</td>
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<td>EOT claims can fail for a variety of reasons. One main reason is not having a viable delay analysis to satisfy the burden of proof. This panel will examine various EOT clauses, the key aspects that should be robustly understood and negotiated, and how, based on the contract, a delay expert should be properly instructed. The panel will run through a case study of different delay analysis approaches to illustrate these discussion points.</td>
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<td>* <strong>Chris Brindisi</strong>, Director, Secretariat International; Philadelphia, PA</td>
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<td>* <strong>Christopher M. Burke</strong>, Varela, Lee, Metz &amp; Guarino LLP; Tysons Corner, VA</td>
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<td>* <strong>Gary M. Stein</strong>, Peckar &amp; Abramson, P.C.; Miami, FL</td>
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<td>* <strong>Meera Wagman</strong>, Managing Director, Secretariat International; New York, NY</td>
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<td><strong>Moderator:</strong> Michael A. Marra, Vice President, Construction Division, American Arbitration Association</td>
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<td>11:15</td>
<td>Not Your Average ADR – New (and Not So New) Techniques for Resolving Disputes on the Job</td>
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<td>Participants in large infrastructure projects increasingly are recognizing the benefits of “real-time” dispute resolution at the project site — but what option or options should you choose for your project? This session will include discussions on the use of DRBs, DABs, Project Facilitators, mid-project mediation, and other dispute-resolution options.</td>
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<td>* <strong>Fredrica B. Elder</strong>, Construction Mediation Inc.; Miami, FL</td>
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<td>* <strong>William E. Franczek</strong>, Vandeventer Black LLP; Norfolk, VA</td>
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<td>* <strong>L. Tyrone Holt</strong>, The Holt Group LLC; Denver, CO</td>
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<td>* <strong>Deborah Bovarnick Mastin</strong>, Law Office of Deborah Mastin, PLLC; Miami, FL</td>
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<td><strong>Moderator:</strong> Harold Coleman, Jr., Senior Vice President, American Arbitration Association/AAA Mediation.orgSM</td>
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<td>12:30</td>
<td>Lunch</td>
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| 1:30   | **Artificial Intelligence, Block Chain, Internet of Things… – What Do They Mean for Your Construction Project?**<br>What will the construction project of the future look like? As technology progresses, how will the interaction with humans change? This session will look at the evolution of the construction industry from a human-intensive industry to potentially a largely human-free one and the effect on the participants and disputes that arise.  
* Tim Austin, PE, Kaw Valley Engineering, Inc.; Wichita, KS  
* Brad A. Gordon, SVP, General Counsel and Secretary, Gilbane Building Company; Providence, RI  
* Alvin F. Lindsay, Hogan Lovells; Miami, FL  
* Christine M. McAnney, Vice President and General Counsel, Balfour Beatty Construction Services US; Atlanta, GA  
* Moderator: S. Cleo Gladden, Director of ADR Services, Construction Division, American Arbitration Association |
| 2:45   | Break                                                                   |                                                                          |
| 3:00   | **Don’t Forget the Damages – You Can’t Win on Entitlement Alone**<br>Too often litigants focus so much on entitlement issues that they forget to present adequate evidence of their damages or fail to show causation between the entitlement issues and the claimed damages. This session discusses procedural techniques that advocates and arbitrators should use to successfully present the quantum of the damages they are seeking or challenging through pleadings, testimony and exhibits, and other information the arbitrators need to assess damages.  
* Neal Eiseman, Goetz Fitzpatrick LLP; New York, NY  
* Richard Greenleaf, Berg Hill Greenleaf & Ruscitti LLP; Boulder, CO  
* Courtney McKendrick Green, General Counsel, Jordon Foster Construction; Fair Oaks Ranch, TX  
* Paul Pocalyko, HKA; Philadelphia, PA  
* Moderator: Michael Powell, Vice President, Construction Division, American Arbitration Association |
| 4:00   | **International Construction Mega-Projects – Understanding the Issues, Challenges, Cultural Differences and Conflict Management Options**<br>This session will explore the various issues and challenges when the project involves international arbitration and mediation. What is the cultural impact on the process of the interplay between the common law and civil law traditions? Some parties may not be used to the limited exchange of information in civil law jurisdictions where discovery is not common and is limited in the ICDR’s Arbitration Rules, consistent with international arbitration practice. Other areas where the parties’ expectations may differ include witness examination, experts, written submissions, privilege concerns, and the allocation of costs. Challenges may also arise when dealing with language and logistical issues and mediating with foreign parties.  
* Albert Bates, Jr., Pepper Hamilton, LLP; Pittsburgh, PA  
* Ed Diggs, Manager of Claims, OG&C, Bechtel Corporation; Houston, TX  
* Chantal-Aimée Doerries QC, Atkin Chambers; London, UK  
* Shelly L. Ewald, Watt, Tieder, Hoffar & Fitzgerald L.L.P.; McLean, VA  
* Moderator: Luis Martinez, Vice President, International Centre for Dispute Resolution® |
| 5:00   | **Closing Remarks**<br>Michael A. Marra, Vice President, Construction Division, American Arbitration Association |
| 5:15   | **Cocktail Reception**                                                 |                                                                          |
REGISTRATION INFORMATION

To register online, visit www.adreducation.org.

Registration Fee:
$395 if registered before March 18, 2019
$450 if registered after March 18, 2019

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. Should you need to cancel your registration, send your written request via email to AAAEducation@adr.org or fax at 972.490.9008 by March 21, 2019 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. Please do not make any travel arrangements until you receive a confirmation email.

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 available for CLE credits in California, Florida, New York, Pennsylvania, and Texas. Credit amounts vary by attendance verification and jurisdictional rules.

VENUE

JW Marriott Marquis Miami
255 Biscayne Boulevard Way
Miami, FL 33131

HOTEL RESERVATION INFORMATION

Conference Hotel:
JW Marriott Marquis Miami
255 Biscayne Boulevard Way
Miami, FL 33131

Accommodations are not included in the registration fee. A limited number of rooms are available at a special group rate. To make your hotel reservations click here. You may also book over the phone by calling 1-888-717-8850 and stating you are with the AAA 2019 Construction Conference group.
TO REGISTER:

Online: To register online, visit www.adreducation.org.

By Check: Send completed form and check to -
American Arbitration Association
AAA Education Services
13727 Noel Road, Suite 700
Dallas, TX 75240

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

REGISTRATION FORM

Please type or print.

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City: ___________________________________________

State: ___________________________________________

Zip Code: _______________________________________

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Method of Payment

Paying by Check # _______________________________________

Make check payable to the American Arbitration Association.

PROGRAM #: ED22190010