Consolidation and Joinder In Construction Arbitration: Ignorance Is Not Bliss
December 8, 2016 – 1:00 pm to 2:30 pm ET

PROGRAM SUMMARY

Speakers: John Sherrill and David Waddell

This webinar will examine the new rules for consolidation and joinder, what constitutes appropriate use, and how arbitrators should respond to inappropriate use. In addition, common and nuanced questions about consolidation and joinder in the latest construction arbitration context will be reviewed as well as provisions for industry documents.

AGENDA

1:00 p.m. Welcome and Introduction of Speakers (5 minutes)

1:05 p.m. Joinder and Consolidation (75 minutes)
  - Defining consolidation and joinder
  - How consolidation and joinder issues arise (separate agreements, “binding” arbitration provisions, common issues of law or fact, conflicting rulings, the desire for economy and efficiency)
  - Problematic third-party joinder issues
  - Relevant case law
  - Industry standard form documents
  - AAA Rules and arbitrator considerations
  - Practical applications

2:20 p.m. Conclusion and Questions (10 minutes)

2:30 p.m. Evaluation (5 minutes)

2:35 p.m. Adjourn
The AAA provides arbitrators to parties on cases administered by the AAA under its various Rules, which delegate authority to the AAA on various issues, including arbitrator appointment and challenges, general oversight, and billing. Arbitrations that proceed without AAA administration are not considered "AAA arbitrations," even if the parties were to select an arbitrator who is on the AAA’s Roster.
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INVESTORS MAGAZINE, February 2004; "Specialized ADR to Settle Faculty Employment Disputes," JOURNAL OF COLLEGE AND UNIVERSITY LAW, Fall 2001; "ADR in Your Trial Practice," Institute of Continuing Education in Georgia, February 1999; plus various articles on ADR, litigation, zoning and land use, and premises liability topics for Georgia Bar ICLE and GEORGIA APARTMENT ASSOCIATION LAW BOOK. Also, has presented as a speaker on these topics at ABA, Georgia Bar, Georgia ICLE, and Atlanta Bar Association seminars, as well as various other forums.

**Awards and Honors**

**Citizenship**
United States of America

**Languages**
English

**Locale**
Atlanta, Georgia, United States of America

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*John A. Sherrill, Esq.*
*Neutral ID: 103275*

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David W. Waddell, Esq.

**Profession**
Attorney - Legal, Business; Arbitrator

**Work History**
Private Practice, 2013-present;  
Partner, Seyfarth Shaw LLP, 2001-13;  
Partner/Associate, Hoover Bax Slovacek, 1989-01;  
Associate, Shannon, Ustick, Tyler and Beller, 1988-89;  
Associate, Plunket Gibson & Allen, 1986-88.

**Experience**

Commercial litigation with emphasis in commercial, industrial, and residential construction, the prosecution and defense of claims involving architects, bid awards, bond and lien claims, delay claims, design defects, environmental issues, erection disputes, payment and performance issues, site conditions, surety issues, warranty issues, wrongful termination, Texas Residential Construction Liability Act, EIFS, and mold claims.

Significant commercial litigation experience with national financial institutions involving the Fair Credit Reporting Act, Fair Debt Collection Practices Act, lender liability, class action litigation, real estate, and bankruptcy matters.

Complex commercial litigation and business counsel in matters including shareholder derivative and minority oppression actions, securities, products liability, real estate, M&A, recapitalizations, health care, ERISA, defamation and bankruptcy.

Provides counsel to international, national and family-owned businesses in operational and corporate matters, including strategies for reducing exposure to liability in operations, contract, insurance, investigations, ethics, and employment matters.

Member/chairman of the Supreme Court of Texas Grievance Oversight Committee, 1997 - 2002.

**Alternative Dispute Resolution Experience**
Has served as arbitrator and mediator in approximately 35 cases and participated as counsel in hundreds of mediations and arbitrations involving construction and commercial disputes, including a two week ICDR arbitration in the Haag, the Netherlands.

**Alternative Dispute Resolution Training**
AAA The Role of Fairness and Justice in Arbitration, 2016; AAA Roundtable Arbitrator Disclosures and Disqualifications, 2016; Faculty, AAA Take the Initiative! Your Obligation to be a Proactive Arbitrator 2015; AAA Construction Conference – Keeping Arbitration Lean, 2015; AAA What We Have Here is a

Professional Licenses
Admitted to the Bar: Texas, 1986; U.S. District Court: Southern, Western, Northern, and Eastern Districts of Texas; Northern District of Illinois; U.S. Court of Appeals, Fifth Circuit.

Professional Associations
State Bar of Texas (Construction Law Section); Associated Builders and Contractors of Greater Houston (PAC Trustee; Industrial Committee; Legislative Committee, Past Director; Co-Chapter Counsel; past member of the year '99); Houston Bar Association (Construction Law Section); Federal Bar Association.

Education
Trinity University (BA, Psychology, emphasis in Finance-1982); St. Mary's University (JD-1986).

Publications and Speaking Engagements

Citizenship
United States of America

Languages
English

Locale
Houston, Texas, United States of America

David W. Waddell, Esq.
Neutral ID : 151639

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