What Advocates Can Learn From Walking In An Arbitrator’s Shoes

December 14, 2016 – 2:00 pm to 3:30 pm ET

PROGRAM SUMMARY

Speakers: Melinda Gentile, Karen Layng, and Danny Shaw

This 90-minute webinar will examine the steps an advocate can take to ensure optimal presentation of a case, that the arbitrator is receiving the resources and information that will enable him or her to come to an informed decision, and ultimately improve the chances of success.

AGENDA

2:00 p.m. Welcome and Introduction of Speakers (5 minutes)

2:05 p.m. What Advocates Need to Know (75 minutes)
- the vital tools and resources an advocate needs to provide to the arbitrator to support the decision making process and how these tools should be prepared and presented;
- how an advocate should collaborate with the opposition;
- what to do to show respect for the arbitration process;
- things to do to avoid when in front of an arbitrator;
- how to maintain credibility;
- disclosure responsibilities and transparency;

3:20 p.m. Conclusion and Questions (10 minutes)

3:30 p.m. Evaluation (5 minutes)

3:35 p.m. Adjourn
Melinda S. Gentile | Partner

Melinda S. Gentile has developed expertise in all aspects of construction law and construction dispute resolution, and has demonstrated success in preparing and handling construction matters ranging from government procurement and bid protests to contract disputes, and from construction liens to defect, impact, bond and insurance claims. Ms. Gentile’s construction law practice offers substantial experience and an understanding of the development and construction process, which is used to assist general contractors, construction managers, trade contractors, design professionals, owners and sureties in avoiding and resolving disputes during the construction process. Ms. Gentile’s representation begins at the earliest stages of the construction process, during the negotiation and preparation of construction documents, and continues through completion and any subsequent disputes that may arise. She endeavors, wherever possible, for early identification and resolution of disputes that arise during the contracting and construction process in an effort to avoid litigation upon completion of the project. When dispute resolution cannot be accomplished during the construction process, Ms. Gentile vigorously represents her clients in varied litigation proceedings. She has successfully handled a variety of matters before state and federal courts, and in arbitration, mediation, administrative proceedings and private negotiations.

In addition to her construction law practice, Ms. Gentile maintains an active practice in other areas of general, civil and commercial litigation. She has been certified by the Supreme Court of Florida as a Circuit Civil Mediator and is certified as a Specialist in Construction Law by the Florida Bar. She is admitted to practice before the United States District Court for the Northern, Middle and Southern Districts of Florida, as well as the courts of the State of Florida. She has also served as a Broward County Magistrate. Ms. Gentile has authored numerous articles on construction law and is a frequent lecturer at seminars on construction-related topics.

Practice Areas:
- Construction
- Contracts and Risk Management
- Dispute Resolution
- Commercial Litigation
- Government Contracts
Education:
- Avila University, B.A.
- Florida International University, M.S.
- Nova Southeastern University Shepard Broad Law Center, J.D.

Admissions:
- State of Florida
- United States District Court for the Southern District of Florida
- United States District Court for the Northern District of Florida
- United States District Court for the Middle District of Florida
- Supreme Court of Florida, Circuit Civil Mediator

Professional Associations:
- Florida Bar (Construction Law Committee)
- Broward County Bar (Construction Law Committee)
- The National Association of Women in Construction
- The Construction Association of South Florida
- Associated Builders and Contractors, Inc.

Awards and Recognitions:
- Lifetime Achievement Award, The Florida Bar - Real Property, Probate & Trust Law Section
- Chambers USA
- Florida Super Lawyers
- International Who’s Who of Business Lawyers for Construction
- Best Lawyers in America for Construction
- South Florida’s Best Lawyers
- The Legal 500: United States, Leading Lawyer in Construction
- American Registry, Top Attorneys in Florida
- Women of Vision, Young At Art Museum
- Up and Comer Award, South Florida Business Journal
- Martindale-Hubbell AV Preeminent Rated and Register of Preeminent Women Lawyers
- Florida Bar Board Certified Construction Law Specialist
- Supreme Court of Florida, Certified Circuit Civil Mediator

Publications:
- “Effective Use of Dispute Review Boards in Construction Projects” Construction Ink! Magazine, Fall 2013
Karen P. Layng, Chief Strategic Officer and General Counsel of Scheck Industries, a full-service national industrial piping and mechanical construction contractor. As CSO, Karen is focused on strategic growth of the companies, enterprise risk management, financial reporting, insurance and bonding, treasury, lender and borrower relations, and project development opportunities. In her role as the GC, she advises the Scheck companies on governance standards, regulatory compliance, and serves as the corporate Secretary to the Boards of all the operating companies. She is a recognized thought leader on business initiatives and corporate restructuring.

Before joining Scheck Industries in 2013, Karen was a shareholder and senior management Board member and team leader at Vedder Price, responsible for chairing the Firm’s Compensation Committee and the Litigation Practice Area, as well as forming, and then building, the Firm’s Construction Law Group to a national leading practice, recognized by Chambers and Legal 500.

Karen has almost three decades of service as a trusted member of, and advisor to, executive teams and boards of directors and significant experience in manufacturing, construction and distribution on the contract drafting and deal due diligence transactional side, as well as litigating complex matters in state and federal courts. She has an exceptional record of dispute resolution, both as an advocate and serving as a neutral for the AAA, and in private party arbitrations and mediations.

Her construction experience includes successfully representing major in complex litigation and business matters and she has arbitrated or mediated over 50 cases ranging in the $100s of millions of dollars in disputes. As early as 1999, Karen was recognized by the National Association of Women Business Owners as a Corporate Woman of Achievement. She is a member of the Leading Lawyers Network Advisory Board. She served on the 2012 Illinois Super Lawyers Blue Ribbon Panel for selection of the Super Lawyers. She has been selected by her peers as a Leading Lawyer in the areas of construction law and commercial litigation from 2004 to 2014. She was included on the Leading Lawyers Network’s “Top Ten Real Estate-
Related Lawyers” list in 2012, the “Top 50 Real Estate-Related Women Lawyers” list from 2009 to 2013 and the “Top 100 Women Business Lawyers” list from 2008 to 2010. She was also featured in the Real Estate, Construction & Environmental Edition of Leading Lawyers Magazine in 2010, as well as the Women's Edition in 2009.

While in private practice, Karen was ranked in in Chambers USA in the Illinois Construction category and has been recommended in the Legal 500 United States. She has received the “AV Preeminent” peer review rating from Martindale-Hubbell, which also selected her for inclusion in its 2012 Bar Register of Preeminent Women Lawyers. Karen has been named an Illinois Super Lawyer from 2009 to 2013 and was included on the list of the “Top 50 Women Illinois Super Lawyers” in 2011 and 2012, and the “Top Women Attorneys in Illinois” in 2013 and featured in the 2009 edition of PLC’s Construction and Projects Handbook as one of the top 10 lawyers in Chicago. She served as the first woman president of the Seventh Circuit Bar Association in its then-51-year history and as secretary of the organization for four years. In 2012, she was elected as a Life Fellow of the American Bar Foundation. Karen serves as President and Chair of the Board of Directors of the Girl Scouts Council of Greater Chicago and Northwest Indiana. She is a past co-president of the Parent Organization at St. Ignatius College Prep and served on its Strategic Property Planning Committee and was a Co-Chair of its Facilities Management search. She was also a member of the Board of Directors of the University of Illinois College of Liberal Arts and Sciences Alumni Association for six years, during which she served as the Association president and Chair of the Alumni Council. She received the University’s Distinguished Service Award. Additionally, she served on the Village of Riverside Plan Commission for eight years (six as Chair), assisting in the rewrite of the community’s historic, award-winning planning and zoning code.

A frequent speaker and writer, she served as a faculty member for all three of the preeminent ABA’s 2012, 2013 and 2015 Forum on the Construction Industry Trial Academies.

**Bar Admissions**

Illinois, 1987

**Court Admissions (among others)**

- U.S. District Court, Northern District of Illinois, 1987 (Trial Bar, 1991)
- U.S. District Court, District of Columbia, 1989

**Affiliations**

Member of both the Economic and the Executives Clubs of the City of Chicago.

Co-Vice Chair of the American Bar Association Construction Litigation Committee and member of the Construction Forum

Past President, former Secretary and current member of the Seventh Circuit Bar Association

President and Board Chair, Greater Chicago and Northwest Indiana Girl Scouts Council

7th Circuit Pattern Civil Jury Instructions Committee 4/14 – present.

**Recent Speaking Engagements**


Panelist, ABA Section Annual Conference April 16, 2015, “A Litigator’s Guide to Arbitration”


Panelist (with Marathon Petroleum), “Ethical and Other Considerations Relating to Electronic Discovery,” ILTA Annual Conference, June 2, 2014


Danny G. Shaw is a shareholder in the Mandeville office and the former chair of the Firm's Construction Group. Clients rely on him for matters of commercial litigation and dispute resolution and avoidance. Mr. Shaw has particular experience in the areas of construction, design professional liability and insurance coverage and defense. A licensed professional engineer, Mr. Shaw is a Fellow of the American College of Construction Lawyers, and a member of the American Arbitration Association's National Panel of Construction Arbitrators and Mediators.

**Professional Honors & Activities**
- Fellow – American College of Construction Lawyers
- American Arbitration Association
  - Appointed to the AAA Construction Mega Project Panel
  - Appointed to AAA Master Mediator Panel
  - National Panel of Construction Arbitrators and Mediators
  - Large Complex Case Program Arbitrator
- Listed since 2010 in *Chambers USA: America's Leading Business Lawyers* as a leading Construction Litigation attorney in Louisiana
- Listed in *The Best Lawyers in America®* in Bet-the-Company Litigation, Construction Law, Alternative Dispute Resolution, Commercial Litigation, and Professional Malpractice Law since 2003
- Named the *Best Lawyers’* 2016 New Orleans Construction Law "Lawyer of the Year;" 2013 New Orleans Litigation - Construction "Lawyer of the Year;" 2010 New Orleans Construction Law "Lawyer of the Year"
- Listed in *Louisiana Super Lawyers* since 2007
- Listed in *The International Who’s Who of Construction Lawyers*
- Recognized as a "Top Lawyer" by *New Orleans Magazine* (2010)
- Member – American Bar Association
  - Litigation Section
  - Forum on the Construction Industry, Div. 1 Steering Committee (Chair 2006 – 2008)
  - Tort and Insurance Practice Section, Fidelity and Surety Law Committee
- Member – Louisiana State Bar Association
  - Former Chairman – Alternative Dispute Resolution Section
  - Former Co-Chairman – Task Force on Legal Fee Resolution
  - Former Chairman – Continuing Legal Education Program Committee
- Member – New Orleans Bar Association
- Member – Federal Bar Association
Member – Louisiana Bar Foundation
Member – Louisiana Association of Defense Counsel
Member – Louisiana Society of Professional Engineers/Louisiana Engineering Society
Member – American Society of Civil Engineers
Associate Member – Associated Builders and Contractors
Former Member – Board of Directors, Greater New Orleans, Inc. (GNO, Inc.)
  ◦ Former Co-Chair – Public Policy Committee
Registered Professional Engineer, State of Louisiana (Inactive)
Recipient – Louisiana State Bar Association – President's Award (1992)

Publications & Speaking Engagements

Mr. Shaw frequently lectures on Construction Law and Alternative Dispute Resolution.

- "Construction Disputes: Litigate, Arbitrate, Mediate, or Beg?" Associated Builders and Contractors, Claims and ADR Seminar, Harahan, Louisiana (October 11, 1995)
- "Alternative Dispute Resolution – General Considerations," American Corporate Counsel Association, Louisiana Chapter, New Orleans, Louisiana (January 20, 1994)
Admissions
● Louisiana
● District of Columbia (Inactive)

Education
● Georgetown University, J.D., 1977
● Louisiana Tech University, B.S. Civil Engineering, 1970, cum laude

Military Service
● United States Navy, Civil Engineer Corps (LT, CEC, USN)

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