



AAA AU

American Arbitration Association University



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West Coast!

The Fall 2009 AAA®

# CONSTRUCTION CONFERENCE:

Maximizing ADR Advocacy  
for Today's Economy



**FRIDAY, NOVEMBER 13, 2009**

**8:30 AM – 5:30 PM**

**LOS ANGELES, CA**

Help your clients resolve construction disputes in the current economic climate. Learn from industry experts on how you can take ownership of the arbitration process for a timely and cost effective resolution.

The Fall 2009 AAA®

# CONSTRUCTION CONFERENCE:

## Maximizing ADR Advocacy for Today's Economy

In today's economy—where shrinking budgets and reductions in work force can cause unexpected project delays and disputes—clients will depend on their attorneys to know the most up-to-date arbitration strategies to resolve these issues.

During this program, noted industry experts will discuss how to tailor the arbitration process to best serve your client needs in these difficult times. They'll discuss ways to resolve disputes quickly and cost-effectively so that clients can continue to meet their construction project timelines and expectations.

### Don't miss this opportunity to hear about:

- How you can control the arbitration process through advocacy and by drafting appropriate clauses for your contracts.
- Identifying the right arbitrator for your case.
- How to manage time and limit cost during the discovery process.
- Navigating the waters of the international arbitration process.
- What you need to do to enforce the award.

As a bonus, you may earn CLE credits, including one ethics credit, for the special *Ethics in Arbitration* session that is offered as part of the Conference!\*

You'll leave the conference armed with insights and practical tips from the industry experts who will be presenting and from colleagues in attendance, as well as with valuable tools to help keep your clients' projects moving according to plan.

**The AAA® Construction Conferences are always sellouts. Reserve your space now!**

\* CLE credit eligibility depends on individual state MCLE requirements. CLE credit for this conference has only been approved in California, New York (NY State scholarship will be available upon request) and Pennsylvania.

# CONFERENCE AGENDA

## 8:30 REGISTRATION AND CONTINENTAL BREAKFAST

## 9:00 WELCOME & INTRODUCTIONS

John C. Emmert, Jr.  
*Senior Vice President, Construction Division  
American Arbitration Association®*

## 9:15 WHOSE PROCESS IS IT ANYWAY?

### Faculty:

Chris Kane, P.E., J.D.  
*Principal Collaborative Conflict Resolutions;  
Princeton, NJ (Formerly Vice President,  
Project Development - Washington Division,  
URS Corp.)*

Stanley P. Sklar  
*Executive Director of Arbitration Studies  
Center for Dispute Resolution of DePaul  
University College of Law; Chicago, IL*

- ▶ What or who is getting in the way of better, faster, cheaper construction arbitration?
- ▶ When to mediate.
  - Is timing everything?
  - Who owns the process?
- ▶ Perspectives from corporate and outside counsel – can the interests of both the business and the advocate be harmonized?
- ▶ An interactive dialog with the attendees and moderators.

## 10:00 RIGHT PROCESS; WRONG ARBITRATOR

### Faculty:

Larry D. Harris  
*Greenberg Traurig, LLP; Washington, D.C.*

Roger J. Peters  
*Executive Vice President & General  
Manager of Pacific Operations, dck pacific  
construction, LLC; Honolulu, HI*

- ▶ When is one more than enough? Strategic advantages of one vs. three arbitrators.

- ▶ Identifying the ideal arbitrator.
  - What are the choices? Subject matter, practice area and/or industry expertise vs. case management and hearing management.
  - Can you have both?
- ▶ Reviewing the candidates.
  - Checking arbitrator references.
  - Interviewing arbitrators with your opponent.
- ▶ What are the pros and cons of party-appointed and/or non-neutral panel members and the Code of Ethics requirements? (ABA/AAA)
- ▶ What are the disclosure requirements for arbitrators and advocates and their importance to finality?

## 10:45 BREAK

## 11:00 CONTROLLING THE DISCOVERY MONSTER

### Faculty:

Robert A. Rubin  
*McCarter & English, LLP; New York, NY*

Candace L. Matson  
*Sheppard, Mullin, Richter & Hampton;  
Los Angeles, CA*

- ▶ Knowing when enough is enough. Assessing the cost/benefit of discovery efforts through close case management.
- ▶ How to balance business and legal counsel needs to achieve good results for the client.
- ▶ Controlling motion practices and continuing the cost/benefit theory.
- ▶ Aggressive, fair management by the arbitrator(s) and duties of the lawyers.

## 12:00 LUNCH

# Conference Moderators:

Albert Bates, Jr.,  
*Duane Morris, LLP; Pittsburgh, PA*

Michael J. Bayard,  
*Construction Arbitrator/Mediator; Los Angeles, CA*

## 1:00 AAA/ICDR AND THE INTERNATIONAL CONSTRUCTION PROJECT

### Faculty:

David M. Hickey  
*Winston & Strawn, LLP; Los Angeles, CA*

Shelly L. Ewald  
*Watt, Tieder, Hoffar & Fitzgerald, LLP;  
Washington, DC*

Steven K. Andersen  
*Vice President, International Centre for  
Dispute Resolution®; New York, NY*

- ▶ International trends in the United States.
- ▶ Arbitration alternatives for international construction projects.
  - ICDR International Arbitration Rules.
  - UNCITRAL Rules.
- ▶ The ICDR's Article 37. Providing for interim relief in international construction contracts.
- ▶ Consolidation and joinder.

## 2:00 OPTIMIZING THE HEARING IN ARBITRATION FOR YOUR CLIENT

### Faculty:

John Bulman  
*Little, Medeiros, Kinder, Bulman &  
Whitney, P.C.; Providence, RI, Member AAA  
Board of Directors*

Neal M. Eiseman  
*Goetz Fitzpatrick, LLP; New York, NY*

- ▶ Setting early and firm hearing dates, aggressive scheduling.
- ▶ How to maximize scheduling flexibility and tandem experts.
- ▶ Using different types of evidence and testimony in arbitration – affidavits, video conferencing, and subpoena of third-party witnesses.
- ▶ How should lawyers and principals conduct themselves with arbitrators?
- ▶ The culture of arbitration hearings compared to court trials.
- ▶ Identification of issues and key documents in advance of the hearings.

## 3:00 BREAK

## 3:15 ENFORCING THE AWARD; TIPS AND TRAPS

### Faculty:

Thomas H. Welby  
*Welby, Brady & Greenblatt, LLP;  
White Plains, NY*

Carl F. Ingwolson, Jr.  
*Construction Arbitrator/Mediator;  
San Diego, CA*

- ▶ What advocates can do to influence or assist the panel.
- ▶ Pros and cons of reasoned awards, findings of fact and conclusions of law.
- ▶ Limiting challenges to an award.
- ▶ Confirmation. How to enforce the award.
- ▶ Current trends in post-award litigation.

## 4:15 ETHICS IN ARBITRATION

### Faculty:

Albert Bates, Jr.  
*Duane Morris, LLP; Pittsburgh, PA  
Member AAA Board of Directors  
Chair AAA National Construction  
Dispute Resolution Committee*

- ▶ Advocates responsibilities
- ▶ AAA/ABA Code of Ethics
- ▶ Case Law
- ▶ Anecdotal experiences

## 5:15 CONFERENCE SUMMARY

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

## 5:30 ADJOURN

The Fall 2009 AAA®

# CONSTRUCTION CONFERENCE:

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for Today's Economy

Friday, November 13, 2009

8:30 am – 5:30 pm

Los Angeles County Bar Association

1055 West Seventh Street, Suite 2700

Los Angeles, CA 90017-2553

## REGISTRATION FORM

### CONFERENCE FEES

Fees include admission to the full-day program, conference materials, continental breakfast, lunch and breaks.

- \$350 through October 19, 2009
- \$395 after October 19, 2009

## 3 WAYS TO REGISTER

### ONLINE:

[www.aaauonline.org](http://www.aaauonline.org)

### FAX CREDIT CARD PAYMENTS ONLY TO:

212.397.9586

Attention: Zon-Wei Cheng,  
AAA University

*Note: Check copies are not accepted.*

## MAIL COMPLETED REGISTRATION FORM AND PAYMENT TO:

Zon-Wei Cheng

Director Of Classroom Education  
& Training, AAA University

American Arbitration Association

1633 Broadway, Floor 10,

New York, NY 10019-6708

## QUESTIONS?

Registration: Contact Zon-Wei Cheng at 212.716.3914 or email at [AAAUniversity@adr.org](mailto:AAAUniversity@adr.org)

Other: Contact Michael Marra by phone at 215.731.6136 or email at [MarraM@adr.org](mailto:MarraM@adr.org)

## REGISTRANT INFORMATION

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

Fax \_\_\_\_\_

Email \_\_\_\_\_

## PAYMENT METHOD

Paying by  Check (Payable to American Arbitration Association)  Visa  MasterCard  American Express

Card Number / Check Number \_\_\_\_\_

Exp. Date (Mo/Yr) \_\_\_\_\_

CSV Number\* \_\_\_\_\_

Name on Card \_\_\_\_\_

Signature \_\_\_\_\_

Billing Address (if different from above) \_\_\_\_\_

\*CSV 3-digit security code on back of Visa and MasterCard cards; 4-digit code on the front of American Express cards

## CLE CREDITS

This Conference is eligible for a total of 6.5 hours of California CLE credit (5.5 general, 1.0 ethics). New York State has approved 6.5 hours of Skills CLE credit and 1 hour of Ethics CLE credit, transitional and non-transitional (NY State scholarship will be available upon request). It is also approved by the Pennsylvania Continuing Legal Education board for 5.5 hours of substantive law, practice and procedure CLE credit and 1 hour of ethics CLE credit. If you have questions regarding CLE, please contact Cindy Rumney via email at [RumneyC@adr.org](mailto:RumneyC@adr.org) or call 972.689.4053.

## REGISTRATION 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. Refunds will be processed if a written request is received by October 26, 2009. Substitution of attendees can be made at any time.

## LODGING

A limited number of rooms are available at a reduced rate at the Wilshire Grand – Los Angeles, 930 Wilshire Blvd., Los Angeles, CA. Reservations can be made by calling the Toll Free number at 888.773.2888 and asking for the American Arbitration Association's corporate rate.

Program Number: 22-700-001-09

Don't miss this opportunity to meet your colleagues  
and other experts from around the country.

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## In Cooperation With:

American Bar Association Section of Public Contract Law

American College of Construction Lawyers (ACCL)

American College of Real Estate Lawyers (ACREL)

American Institute of Architects (AIA)

Construction Institute of the American Society of Civil Engineers (CI) (ASCE)

Construction Management Association of America (CMAA)

National Association of Surety Bond Producers (NASBP)

National Construction Dispute Resolution Committee (NCDRC)

National Society of Professional Engineers (NSPE)

National Utility Contractors Association (NUCA)

The Surety & Fidelity Association of America (SFAA)

Voluntary Protection Program Association for Construction (VPPAC)



American Arbitration Association  
*Dispute Resolution Services Worldwide*

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