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ABA FORUM ON THE CONSTRUCTION INDUSTRY

THE Construction Contracts Program: Understanding and Negotiating the Critical Clauses in the Industry Form Documents

Baltimore, MD

Birmingham, AL

Little Rock, AR

Pittsburgh, PA

Seattle, WA

November 3, 2011

**SERVING THE CONSTRUCTION INDUSTRY THROUGH EDUCATION,
LEADERSHIP AND FELLOWSHIP OF CONSTRUCTION LAWYERS**



**This Program has been approved for
AIA Learning Units (7hours).**

2011 REGIONAL PROGRAM

THE Construction Contracts Program: Understanding and Negotiating the Critical Clauses in the Industry Form Documents

On November 3, 2011, in five cities across the country, the ABA Forum on the Construction Industry will present THE Construction Contracts Program: Understanding and Negotiating the Critical Clauses in the Industry Form Documents.

Taught by experienced construction attorneys in each locale, this program addresses key contractual issues that commonly arise between and among Owners, Contractors, Subcontractors and Design Professionals. The key issues are examined in the context of the standard form contracts used most in the industry (AIA, EJCDC and the ConsensusDOCS). The program will provide a background discussion of each key topic, identify critical issues, provide a comparison between the form contracts and recommend alternative clauses for the practitioner or industry professional to consider when drafting, negotiating, or interpreting contracts.

This affordable and accessible program is designed to provide an exceptional training opportunity for lawyers and non-lawyers alike, whether they are experienced practitioners/industry professionals looking for a "crash" course on the industry form documents, or contract novices, recently focusing on issues confronting the construction and design industries. Tuition for the program includes the Forum publication THE Construction Contracts Book: How to Find Common Ground in Negotiating Design and Construction Contract Clauses, Second Edition. (retail value of \$189.99), lunch on site and a full day seminar.

Leadership

Program Co-Chair

David A. Scotti
Hergenroeder Rega Scotti
Ewing & Kennedy, LLC, Pittsburgh, PA

Program Co-Chair

Andrea G. Woods
Nabholz Construction Corporation, Conway, AR

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ABA Forum on the Construction Industry
Chicago, IL

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Regional Coordinator

Richard R. Newland, Jr.
Newland & Associates PLLC
Little Rock, AR

Locations and Speakers

Baltimore, MD

The Engineers Club

11 West Mount Vernon Place
Baltimore, MD 21201

Sponsor:

Nautilus Consulting, LLC
Bethesda, MD

Speakers:

Howard G. Goldberg
Goldberg, Besche & Banks, PC, Baltimore, MD

Joseph C. Kovars
Ober, Kaler, Baltimore, MD

Scott E. Barat
Pillsbury Winthrop Shaw Pittman LLP, McLean, VA

Anthony L. Meagher
DLA Piper LLP, Baltimore, MD

Tracy L. Steedman
Niles, Barton & Wilmer, LLP, Baltimore, MD

Robert F. Carney
Whiteford Taylor Preston, LLP, Baltimore, MD

John M. Cook
Smith Pachter McWhorter, PLC, Vienna, VA

Birmingham, AL

Renaissance Ross Bridge Hotel & Resort

4000 Grand Avenue, Birmingham, AL 3522

Sponsors:

Loeke & Brill Consulting Group
Rochester, NY

Rimkus Consulting Group, Inc.
Houston, TX

Speakers:

Douglas E. Eckert
Hoar Construction, LLC, Birmingham, AL

A.H. "Nick" Gaede
Bainbridge, Mims, Rogers & Smith, LLP, Birmingham, AL

Rhonda Caviedes Marshall
Andrews Meyers, PC, Houston, TX

Edward P. Meyerson
Baker Donelson, Birmingham, AL

Luther Graves "Gray" Stiff
Starnes Davis Florie LLP, Birmingham, AL

J. David Pugh
Bradley Arant Boult Cummings LLP, Birmingham, AL

Oscar M. Price, III
Wallace, Jordan, Ratliff & Brandt, LLC, Birmingham, AL

Little Rock, AR

Clinton Presidential Library

1200 President Clinton Avenue
Little Rock, AR, 72201

Sponsors:

Arkansas Contractors Licensing Board
Little Rock, AR

Speakers:

Cyril Hollingsworth
Dover Dixon Horne PLLC, Little Rock, AR

Professor Carl J. Circo
University of Arkansas, Fayetteville, AR

Todd Lewis
Conner & Winters LLP, Fayetteville, AR

Joel F. Hoover
Newland & Associates, PLLC, Little Rock, AR

Matt Crafton

Crafton, Tull & Associates, Inc., Rogers, AR

Dwayne Shelton

Risk Services of Arkansas, Little Rock, AR

John Dewey Watson

ADR, Inc., Little Rock, AR

Pittsburgh, PA

Consol Energy Center, Lexus

1001 Fifth Avenue, Pittsburgh, PA 15219

Sponsors:

Precise, Inc.
Pittsburgh, PA

The Simplex Group
Pittsburgh, PA

Speakers:

D. Matthew Jameson
Babst, Calland, Clements & Zomnir, PC, Pittsburgh, PA

Kevin J. McKeon
Watt, Tieder, Hoffar & Fitzgerald, LLP, McLean, VA

Mark F. Nowak
Thorp Reed & Armstrong, Pittsburgh, PA

Scott D. Cessar
Eckert Seamans LLC, Pittsburgh, PA

David Raves
Maiello, Brungo & Maiello, LLP, Pittsburgh, PA

Joseph L. Luciana, III
Dingess, Foster, Luciana, Davidson & Chieboski, LLP,
Pittsburgh, PA

Edward B. Gentilcore
Duane Morris, LLP, Philadelphia, PA

Seattle, WA

Washington Athletic Club

1325 Sixth Avenue, Seattle, WA 98101

Sponsors:

ARCADIS
Highlands Ranch, CO

FTI Consulting
Seattle, WA

Speakers:

Kenneth G. Yalowitz
Green & Yalowitz, PLLC, Seattle, WA

Brian W. Esler
Miller Nash, LLP, Seattle, WA

Stevan D. Phillips
Stoel Rives, LLP, Seattle, WA

Arnold R. Hedeon
Hedeon & Caditz, PLLC, Seattle, WA

Richard O. Prentke
Perkins Coie LLP, Seattle, WA

Thomas H. Wolfendale
K&L Gates LLP, Seattle, WA

Stanton P. Beck
Lane Powell PC, Seattle, WA

John P. Ahlers
Ahlers & Cressman PLLC, Seattle, WA

Douglas S. Oles
Oles Morrison Rinker & Baker, LLP, Seattle, WA

Bruce P. Babbitt
Jameson Babbitt Stites & Lombard, PLLC, Seattle, WA

Alan B. Bornstein
Jameson Babbitt Stites & Lombard, PLLC, Seattle, WA

Program Schedule

8:15 – 8:45 am	Registration
8:45 – 9:00 am	Opening Remarks
9:00 – 9:50 am	Contract Negotiation and the Philosophy of Risk Shifting
9:50 – 10:40 am	Changes and Differing Site Conditions
10:40 – 10:55 am	Break
10:55 – 11:45 am	Payment Provisions, the Pay if Paid Clause and Payment Application Process
11:45 – 11:55 am	Questions
11:55 am – 12:55 pm	Lunch
12:55 – 1:10 pm	Break
1:10 – 2:10 pm	Damages: Limitation on Damages and Waivers of Consequential Damages Delays, Liquidated Damages and No Damages for Delay
2:10 – 2:55 pm	A/E Contract Administration: Submittal Review Process, On Site Observation and Inspection and Design Delegation
2:55 – 3:10 pm	Break
3:10 – 4:00 pm	Insurance and Indemnity
4:00 – 4:50 pm	Termination, Claims Handling and Dispute Resolution
4:50 – 5:00 pm	Questions
5:00 pm	Adjourn

Conference Info

ADVANCE REGISTRATION

Please complete and return the attached registration form with your payment by OCTOBER 24, 2011. Conference registrations will only be accepted when accompanied by a check, Visa, American Express or MasterCard information. Credit card registrations may be FAXED directly to the ABA at 312-988-5677. Registrations cannot be held without payment.

ON SITE REGISTRATION

On site registration is available for those persons who missed the registration deadline. If you plan to register at the door, you must call (312) 988-5678, 72 hours before the conference to confirm that space is still available. Failure to call in advance may result in not being admitted to a sold out program. On site registration will only be accepted when accompanied by a check, Visa, American Express or MasterCard information. Registrations will not be accepted without payment.

REGISTRATION CONFIRMATION

If you do not receive a written confirmation by October 25, 2011, please call the ABA at (312) 988-5678 to verify that your registration form and check were received. Failure to call in advance of the program may result in not being admitted.

TUITION

Tuition includes admission to the program, coffee breaks, lunch, one set of program course materials. Lunch is limited to registrants, faculty and members of the press.

CANCELLATION POLICY

No refunds will be granted for cancellations received after OCTOBER 24, 2011. To receive a refund, minus a \$50 administrative fee, cancellations must be

made IN WRITING and RECEIVED on or before OCTOBER 24, 2011. Registrants who are unable to attend may send a substitute or receive course materials in lieu of a refund. The ABA reserves the right to cancel any program, and assumes no responsibility for personal expenses.

CLE CREDIT

ABA programs ordinarily receive CLE credit in AK, AL, AR, AZ, CA, CO, DE, FL, GA, GU, HI, IA, ID, IL, IN, KS, KY, LA, ME, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, VI, WA, WI, WV, and WY. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 6.16 CLE credit hours in 60-minute-hour states, and 7.4 credit hours in 50-minute-hour states. This transitional program is approved for both newly admitted and experienced attorneys in NY.

AIA LEARNING UNITS

This program has been approved for AIA Learning Units (7 hours).



TAX DEDUCTION FOR EDUCATIONAL EXPENSES

In the United States, an income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. This includes registration fees, travel, meals, and lodging expenses. (see Treas. Reg. 1.162-5) (Coughlin vs. Commissioner 203 F 2d 307).

CELL PHONE POLICY

As a courtesy to speakers and attendees, we request that all cell phones be turned off in the meeting rooms.

ABA Forum on the Construction Industry

2011 REGIONAL PROGRAM: THE Construction Contracts Program:

Understanding and Negotiating the Critical Clauses in the Industry Form Documents

Registration Form

Please print or type

Advanced Registration Deadline: October 24, 2011

1. REGISTRANT INFORMATION:

Questions? Call (312) 988-5678

Last Name First Name M.I.

(Name as you wish it to appear on attendee list & name badge) ABA Member ID#

Firm/Company/Agency

Address

City State Zip

(Area Code) Business Phone Number (Area Code) Business Fax Number

E-mail Address

2. REGISTRATION FEES:

General Attendees: _____ @ \$210

General Attendees after 10/24/11: _____ @ \$240

Please choose which city you will attend:

Baltimore Birmingham Little Rock Pittsburgh Seattle

Please note: We have kept the price as low as possible. Coupons cannot be used for the Contracts program.

3. TOTAL PAYMENT:

Total \$ _____

4. PAYMENT INFORMATION:

Check (made payable to ABA)

MasterCard American Express VISA

Credit Card Number _____ Expiration Date _____

Signature _____

5. THREE WAYS TO REGISTER:

ONLINE:

www.americanbar.org/groups/construction_industry.html

MAIL:

American Bar Association
FORUM ON THE CONSTRUCTION INDUSTRY
Mailstop 18.2
321 N Clark Street
Chicago, IL 60654

FAX:

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