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ARBITRATION
ASSOCIATION®

INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

THE 2022 AAA®
CONSTRUCTION
CONFERENCE

Effectively Preventing, Managing, and Presenting
CONSTRUCTION
DISPUTES in the
"NEW NORMAL"

THURSDAY, JUNE 9, 2022 | NEW YORK, NY

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2022 AAA Construction Conference Conference Agenda

| THURSDAY, JUNE 9, 2022 | |
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| 8:00-8:30 | Continental Breakfast |
| 8:30-8:45 | Welcome & Introductions Michael A. Marra , Vice President, Construction Division, American Arbitration Association® |
| 8:45-10:00 | <p>Breakfast with General Counsel – Clients Perspectives in Construction Arbitration Understanding the goals and expectations of the parties is essential to a successful arbitration. In this session, in-house counsel from a cross-section of leading construction industry firms will discuss arbitration from the client’s perspective, including the documentation of claims, how and why certain arbitrators are selected, forum and choice of law provisions and other important topics.</p> <p>Faculty: Brad A. Gordon, EVP, General Counsel and Secretary, Gilbane Building Company; Providence, RI Celestina Jimenez, Vice President, General Counsel, RK Industries, LLC; Denver, CO Lisa S. Mingoia, Corporate Counsel, Skanska USA Building Inc.; Atlanta, GA Joseph G. Portela, General Counsel & Senior Vice President, Dragados USA, Inc.; New York, NY Erica Robinett, Deputy General Counsel and Vice President, Shimmick Construction Company; Irvine, CA</p> <p>Session Co-Moderators: Giovanni Ruscitti, Berg Hill Greenleaf & Ruscitti LLP; Denver/Boulder, CO Michael A. Marra, Vice President, Construction Division, American Arbitration Association</p> |
| 10:00-10:15 | Break |
| 10:15-11:15 | <p>Key Issues in Presenting Disruption and Delay Cases Methodology for presenting disruption and delay claims continues to evolve. In this session, faculty will discuss how the COVID-19 pandemic has not only affected how claims are presented but also how they should be handled in future contracts. The panel will debate whether COVID claims are a single force majeure event or a series of individual occurrences, potential contractual avenues for recovery (changes clause, changes in laws, differing site conditions/hazardous materials clause, impracticability/impossibility), and issues with respect to establishing compensability.</p> <p>Faculty: Lorna Cuthbertson Tardif, HKA; Montréal, QC, Canada John R. Dingess, DFL LEGAL; Pittsburgh, PA Paul A. Varela, Varela, Lee, Metz & Guarino, LLP; Tysons Corner, VA Wm Cary Wright, Carlton Fields; Tampa, FL</p> <p>Session Moderator: Thomas M. Ventrone, Vice President, International Centre for Dispute Resolution®</p> |



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THURSDAY, JUNE 9, 2022

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|-------------|---|
| 11:15-12:30 | <p>Discovery Best Practices for Construction Arbitration</p> <p>A major advantage that arbitration has over litigation is the ability for the parties to design the process to be efficient and cost effective and fit the dispute and the parties. During this session, you will learn from leading construction lawyers about best practices, to better manage projects and pre-hearing exchanges of information in construction disputes.</p> <p>Faculty: Sarah B. Biser, Fox Rothschild LLP; New York, NY John E. Bulman, Pierce Atwood LLP; Providence, RI Y. Lisa Colon, Saul Ewing Arnstein & Lehr; Fort Lauderdale, FL Wendy K. Venoit, Cozen O'Connor; Boston, MA</p> <p>Session Moderator: Linda L. Beyea, Vice President, Construction Division, American Arbitration Association</p> |
| 12:30-1:30 | <p>Lunch</p> |
| 1:30-2:45 | <p>Don't Get Lazy with Your Downstream Contracts – Consolidation and Joinder in Construction Disputes</p> <p>This session will cover 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 more. This session will help to enhance your understanding of consolidation and joinder and provide best practices you can apply when confronted with consolidation and joinder issues during arbitration.</p> <p>Faculty: William K. "Bill" Andrews, Andrews Myers, P.C.; Houston, TX L. Tyrone Holt, The Holt Group LLC; Denver, CO Judith Ittig, Ittig & Ittig, P.C.; Washington, DC Thomas H. Welby, Welby, Brady & Greenblatt, LLP; White Plains, NY</p> <p>Session Moderator: Rod Toben, Vice President, Construction Division, American Arbitration Association</p> |
| 2:45-3:00 | <p>Break</p> |
| 3:00-4:00 | <p>International Construction Arbitration – Challenges, Cultural Differences, and Conflict Management Options</p> <p>This session will explore the various issues and challenges when a project is international in scope, including the cultural issues, the interplay between the common law and civil law traditions, and the various options for managing construction disputes. The panel will also discuss discovery-related issues, including Section 1782, parties' expectations, privilege, emergency relief, early disposition, and cost allocation.</p> <p>Faculty: Albert Bates, Jr., Troutman Pepper Hamilton Sanders LLP; Pittsburgh, PA Shelly L. Ewald, Watt, Tieder, Hoffar & Fitzgerald L.L.P.; McLean, VA Daniel E. González, Hogan Lovells US LLP; Miami, FL Charles N. Juliana, Vice President & General Counsel, IPS-Integrated Project Services, LLC., Blue Bell, PA</p> <p>Session Moderator: Luis M. Martinez, Vice President, International Centre for Dispute Resolution</p> |



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4:00-5:00

Arbitrators Impartiality: The Canons Are Only the Starting Point for Ethical Requirements

The ten Canon's in the AAA's *Code of Ethics for Arbitrators in Commercial Disputes* provide for generally accepted standards of ethical conduct for the guidance of arbitrators and parties in construction disputes. The panelists in this session, all experienced arbitrators and advocates, will discuss specific ethical requirements and how to avoid potential landmines beyond the application of the Canons and the state and federal rules of professional conduct.

Faculty:

Adrian Bastianelli, III, Peckar & Abramson, P.C.; Washington, DC

Karen P. Layng, President, M.A.I.T. Co; Chicago, IL

Anthony D. Lehman, Hudson Lambert Parrott Walker, LLC; Atlanta, GA

Richard J. Tyler, Jones Walker LLP; New Orleans, LA

Session Moderator:

Michael R. Powell, Vice President, Construction Division, American Arbitration Association

5:00-5:15

Closing Remarks

Michael R. Powell, Vice President, Construction Division, American Arbitration Association

5:15

Cocktail Reception



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REGISTRATION INFORMATION

To register online, visit www.aaaeducation.org.

Registration Fee:

\$395.00 if registered before May 9, 2022

\$450.00 if registered after May 9, 2022

Cancellation Policy. Should you need to cancel your registration, send your written request via email to AAAEducation@adr.org by May 26, 2022 for a refund of 50% of your registration fee. We regret that no refunds can be made after May 26, 2022. Substitution of attendees can be made at any time.

VENUE

New York Law School

185 West Broadway

New York, NY 10013

HOTEL RESERVATION INFORMATION

Conference Hotel:

Hilton Garden Inn New York/Tribeca

39 Avenue of the Americas

New York, NY 10013

To reserve a room at the Hilton Garden Inn, click [here](#) or call 888.728.3027.

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 and cannot be confirmed in advance of the program.

If you require CLE in a jurisdiction that is not listed, or if you are a professional in a discipline other than the practice of law, you will have an opportunity to request a general attendance certificate which you may be able to use to submit the program on your own for credit (we suggest that you confirm application requirements with the appropriate licensing body).

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