



AMERICAN BAR ASSOCIATION

Forum on Construction Law

A word cloud shaped like a large yellow sun, set against a background of stylized mountains and cacti. The word "Risk" is the largest and most prominent in the center. Other words include: Owners, Bonds, Government, Lenders, Automation, Contracts, Litigation, Labor, Employment, E-mail, Buildings, Innovation, Design, Management, Ethics, Subcontractors, Construction, Engineering, Foresight, Liability, Insurance, Counsel, Management, Block-chain, Professionals, Design, Architecture, Law, Transportation, Infrastructure, International, Cybersecurity, Energy, Clients, Contractors, Technology, Attorneys, Projects, Forum, Hindsight, Drones, and ADR.

2020: A Focused Look at Risk Management in the New Decade



Forum on Construction Law
Building the Best Construction Lawyers

PROGRAMS | PUBLICATIONS | PEOPLE

2020: A Focused Look at Risk Management in the New Decade

Forum on Construction Law 2020 Midwinter Meeting
January 22-24, 2020 | El Conquistador Tucson, A Hilton Resort

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Dear Colleagues:



A new decade is upon us! As we enter 2020, we realize that we don't do business like we used to. Hindsight shows us how the practices of design, construction, and law have changed in the last ten years. In addition to the advantages of these new methods, we have a whole host of new risks we need to manage for ourselves and our clients.

Join us in sunny Tucson, AZ, for an in-depth discussion of the risks in this new era and future trends. With engaging discussion among industry leaders and insights from legal experts, the Forum's 2020 Midwinter Meeting offers unique perspectives on the challenges facing construction professionals now and those likely to be faced in the future.

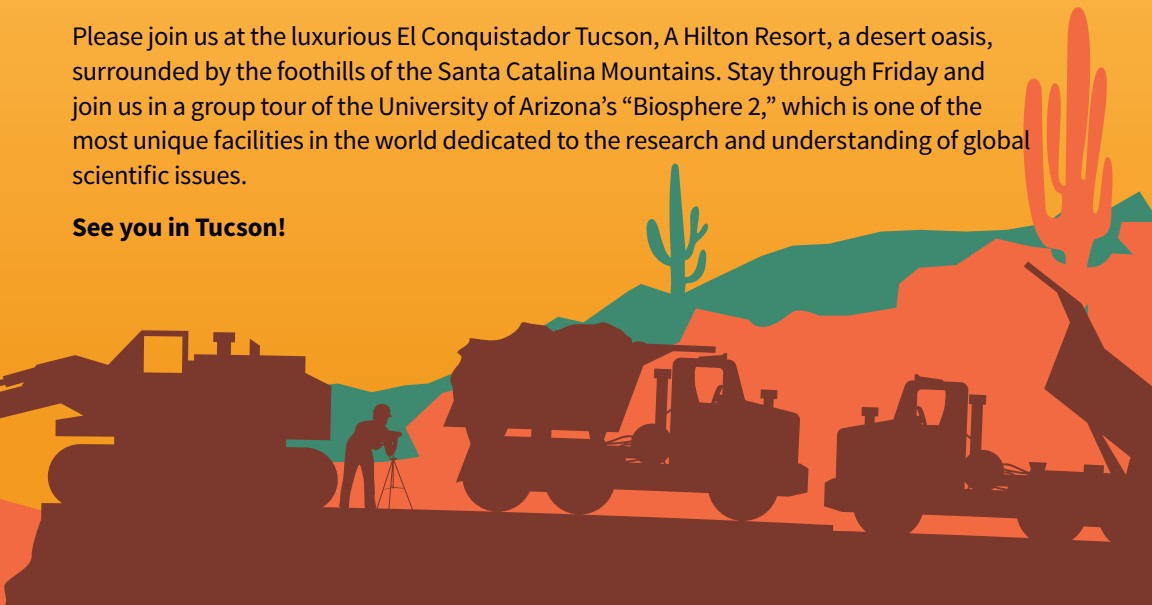
Our program will offer advice for litigators and transactional lawyers alike, as well as in-house and outside counsel. Experienced lawyers and industry leaders in cybersecurity and technology will explore the role of expanding technology in construction and design, and resultant changes in risk assessment and management. Sessions will examine the risks raised by using tech tools such as augmented reality, artificial intelligence and block chain/e-contracting. Presenters will also outline the risks related to new trends in litigation management, including management of E-discovery and risks related to labor and employment developments. We will close by examining ethical issues presented by technology risk that did not exist for attorneys on such a frequent basis ten years ago, featuring insight from the Hon. Christopher Staring from the Arizona Court of Appeals.

We are honored to welcome three national speakers to our program: Futurist Simon J. Anderson will open the program with a thought-provoking look at trends that will transform the future of design, construction, and construction law. ABA President Judy Perry Martinez will address the Forum and be available for a visit with attendees. Then Vicki O'Leary, ENR's 2019 Award of Excellence recipient, will be our keynote speaker for our diversity and inclusion breakfast. O'Leary is an ironworker and an influential national advocate for overcoming workplace harassment.

Attendees will depart armed with tools and insights to position their own practice for success, and to support their clients' efforts to manage risk and strengthen their businesses in the new decade.

Please join us at the luxurious El Conquistador Tucson, A Hilton Resort, a desert oasis, surrounded by the foothills of the Santa Catalina Mountains. Stay through Friday and join us in a group tour of the University of Arizona's "Biosphere 2," which is one of the most unique facilities in the world dedicated to the research and understanding of global scientific issues.

See you in Tucson!



PROGRAM SCHEDULE



For Educational Programming,
1 Contact Hour = 1 CCM RP

WEDNESDAY, JANUARY 22

- | | |
|------------------------|------------------------------------|
| 12:00 P.M. – 5:00 P.M. | Registration Opens |
| 5:00 P.M. – 6:00 P.M. | New Attendee Meet & Greet |
| 6:30 P.M. | Young Lawyer Division Social Event |

THURSDAY, JANUARY 23

- | | |
|-----------------------|---|
| 7:30 A.M. – 5:00 P.M. | Registration and Exhibit Hall Open |
| 7:30 A.M. – 8:30 A.M. | Continental Breakfast |
| 8:15 A.M. – 8:30 A.M. | Welcome, Opening Remarks and Announcements |
| 8:30 A.M. – 9:45 A.M. | WELCOME TO THE FUTURE:
Where We Were, Where We Are, and Where We Are Going |

Join Futurist Simon J. Anderson for an entertaining and thought-provoking look at the emerging technologies and trends transforming the future of construction and construction law. This eye-opening presentation brings attention to important industry advancements and offers new approaches for anticipating the opportunities and challenges that these advancements could create for our clients as well as for lawyers. Lastly, learn proven methods to help navigate these changes and to better position yourself and your organization to survive and thrive in the future.

Simon J. Anderson, *Simon Speaks* | Minneapolis, MN

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|-------------------------|---|
| 9:45 A.M. – 10:00 A.M. | Break |
| 10:00 A.M. – 10:30 A.M. | ABA President Judy Perry Martinez addresses the Forum |

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|-------------------------|--|
| 10:30 A.M. – 11:30 A.M. | THE NEW TOOLBELT:
Artificial Intelligence, Wearable Technology, Virtual and Augmented Reality, and Collaborative Design |
|-------------------------|--|

With every new technology in the construction industry comes a new set of risks. Yes, these tools help our clients work faster and smarter, but what are associated risks and how can you plan for them and manage them? This Plenary will discuss these issues and more.

Anthony Colonna, *Senior Vice President, Innovative Construction Solutions, Skanska USA Building Inc.* | Philadelphia, PA

Jessica Courtway, *Associate, Greensfelder, Hemker & Gale, P.C.* | St. Louis, MO

- | | |
|------------------------|------------------|
| 11:30 A.M. – 1:00 P.M. | Division Lunches |
| 1:00 P.M. – 1:15 P.M. | Break |



1:15 P.M. – 2:15 P.M.

**THE NEW TOOLBELT:
BIM and Block Chain Technology/E-Contracts**

Tech tools for designers, contractors, and lawyers are supposed to make life easier and the process smoother. But are you and your clients ready for the risks those tools bring to your respective practices? Join this panel to take a deep dive into the risks of BIM, Blockchain, and E-Contracting.

Nancy Greenwald, *Executive Director Construction Institute, University of Hartford* | Hartford, CT

Erik Sanford, *VDC/BIM Director, Dimeo Construction Company* – Providence, RI

2:15 P.M. – 2:30 P.M.

Break

2:30 P.M. – 3:30 P.M.

**CYBERSECURITY FOR DESIGN AND CONSTRUCTION
PROFESSIONALS (AND THEIR LAWYERS!)**

Construction professionals are not immune from the risks of cyber-liability, but may be largely unaware of potential risks and exposures. This Plenary will explore (a) what obligation does a contractor have to protect information/documents when working on a government or private project?; (b) what is the potential liability in the event it fails to protect sensitive information/documents?; (c) what to do when there is a hack/when private or project information is sacrificed?; and (d) policies/good practices for preventing breaches.

April Doss, *Partner, Saul Ewing Arnstein & Lehr LLP* | Baltimore, MD

Jim Halpert, *Partner, DLA Piper* | Washington, DC

Robert Olsen, *Senior Managing Director, Ankura* | Baltimore, MD

3:30 P.M. – 3:45 P.M.

Break

3:45 P.M. – 4:45 P.M.

**IT'S SO HOT RIGHT NOW:
Recent Trends in Construction and Design Risk Management**

This Plenary will provide an in-depth review of recent trends in construction risk management and a review of traditional risk management tools still used on construction projects. Topics include (a) insurance (OCIPs and CCIPs, the current law on coverage for construction defects, insurance trends with respect to cyber security and pollution, builder's risk and other property insurance related to construction, professional liability insurance, excess and umbrella coverage, surety bonds), (b) managing risk through project finance, (c) managing risk through contractual risk transfer, and (d) managing risk through good project management, including proactive counseling and education.

Nancy Inman, *General Counsel, Arco Business Services* | St. Louis, MO

Matt Ninneman, *Member, Hall & Evans, LLC* | Denver, CO

Moderator: Gregg Hutt, *Shareholder, Trenam Law* | Tampa, FL

5:00 P.M. – 6:00 P.M.

Women's Networking Reception

6:00 P.M. – 8:00 P.M.

Welcome Reception

PROGRAM SCHEDULE

FRIDAY, JANUARY 24

6:00 A.M.	Racing for Good – A benefit for the Forum’s 501(c)(3) charity: Building for Good, Inc. Separate registration required: www.building4good.org/racing4good
7:30 A.M. – 1:00 P.M.	Registration and Exhibit Hall Open
8:00 A.M. – 9:00 A.M.	Diversity & Inclusion Breakfast Keynote Speaker: Vicki O’Leary , <i>ENR Excellence Award Recipient 2019</i>
9:00 A.M.	Opening Remarks and Announcements
9:10 A.M. – 10:10 A.M.	E-DISCOVERY - MANAGING THE RISKS TO GET THE REWARD: Best Practices for Construction Lawyers and their Clients E-discovery is out of control. The rules have been revised, so we know what we have to do, but do we know <i>how</i> to do it? This Plenary will discuss how trial counsel can efficiently manage review and production of E-discovery with the goal toward effective use of information in depositions and at trial. The panel will discuss pros and cons regarding use of vendor vs. trying to manage in-house, and best practices for intake, sorting, and coding of information. The panel will review recent developments on the E-discovery rules and laws, including how E-discovery rules have been applied in State and Federal courts, with a focus on decisions that raise ethical issues. Melissa Beutler , <i>Senior Vice President and General Counsel, Big-D Construction Corp. Salt Lake City, UT</i> Patrick Kingsley , <i>Partner, Stradley Ronon Stevens & Young, LLP Philadelphia, PA</i>
10:10 A.M. – 10:20 A.M.	Break
10:20 A.M. – 11:20 A.M.	LABOR & EMPLOYMENT RISK IN THE REAL WORLD: A Practical Guide to Recent Trends and Laws Intersecting the Construction Industry This Plenary will discuss various risks arising in labor and employment law, including OSHA concerns, in a hypothetical format to assist with a practical understanding of managing these issues. Erin Ebeler Rolf , <i>Partner, Woods & Aitken LLP Lincoln, NE</i> Carla Gunnin , <i>Principal, Jackson Lewis P.C. Atlanta, GA</i> Andrea Woods , <i>Executive Vice President and Corporate Counsel, Nabholz Construction Little Rock, AR</i>
11:20 A.M. – 11:30 A.M.	Break
11:30 A.M. – 12:30 P.M.	SAY WHAT? A Discussion of the Interplay among Modern Communication Tools and a Lawyer’s Ethical Obligation E-mail, text, and social media are the new normal for communication by and to lawyers. This Plenary will discuss questionable conduct by lawyers that may violate ethical rules (or at a minimum constitute poor client service), including a discussion of the many challenges with communicating and marketing through social media. Judge Christopher Staring , <i>AZ Court of Appeals, Div. 2, Tucson, AZ</i> David Suchar , <i>Partner, Maslon LLP Minneapolis, MN</i>
12:30 P.M.	Closing Remarks, Thank you, & Adjourn



SPECIAL EVENTS

WEDNESDAY, JANUARY 22

New Attendee Meet & Greet | 5:00 P.M. – 6:00 P.M.

Are you a new attendee to the Forum? Or are you returning to the Forum after a hiatus? We welcome you to attend this event, meet colleagues and Forum leaders, and get introduced to the Forum. Program begins promptly at 5:00 p.m. All attendees at this event are invited to attend the Exhibitors' Reception immediately thereafter. This special event welcomes those attending their first Forum meeting, and welcomes back anyone attending for the first time in more than five years. Meet new colleagues and friends; meet Forum leadership; learn about how the Forum can help you build your construction law career.

Young Lawyer Division Social Event | 6:30 P.M.

Join other new and young lawyers for food, drinks, and networking! The YLD has reserved space at the Culinary Dropout, 2543 E Grant Rd, Tucson, AZ 85716, starting at 8pm. Dutch treat.

THURSDAY, JANUARY 23

Exhibitors' Tech Show:

Given the focus of the Midwinter Meeting on risk related to technology, all exhibitors are invited to exhibit their wearable technology and latest and greatest tech gadgets and tools for the program attendees!

Special Guest: ABA President Judy Perry Martinez

The Forum is honored to welcome ABA President Judy Perry Martinez to the Midwinter Meeting to address the group and meet attendees.

10:00 A.M. – 10:30 A.M.



President Martinez will update attendees on forward progress toward the American Bar Association's goals that serve members and advance the legal profession and justice system. Among the topics will be the ABA's social media campaign to promote the rule of law, and the ABA's participation in the yearlong lawyer-community engagement opportunity to explore voting rights today in light of the 100th anniversary of the adoption of the 19th Amendment, which guaranteed women the right to vote.

Women's Networking Reception | 5:00 P.M. – 6:00 P.M.

Enjoy cocktails and socialize with many of the best-known women in construction law. This reception provides a great opportunity to meet colleagues and build your referral network.

Welcome Reception | 6:00 P.M. – 8:00 P.M.

Join us for an evening in the Old West under the stars. Gather with friends and colleagues for music, hors d'oeuvres, and drinks in the desert.

SPECIAL EVENTS

FRIDAY, JANUARY 24

Racing for Good! | 6:00 A.M.

Join Forum colleagues in the beautiful desert morning to help raise funds for Building for Good, Inc., an independent 501(c)3 non-profit corporation connecting charities/nonprofits with skilled construction lawyers who provide *pro bono* construction law services. Pilot services launched in Florida, Massachusetts, Minnesota, and New Jersey. www.building4good.org. Separate registration required. www.building4good.org/racing4good Note: Don't let the name fool you! This event is for "fun" – participants of all abilities are welcome on this one to three-mile course on the Resort grounds!

Keynote Speaker at Diversity & Inclusion Breakfast: Vicki O'Leary

8:00 A.M. – 9:00 A.M.



Join us in welcoming Vicki O'Leary, ENR 2019 Excellence Award recipient for her work developing the "Be that One Guy" initiative promoting site safety for iron workers. She passionately strives for equal opportunity for all minorities and women within the building trades as well as the safety and health for all ironworkers. O'Leary joined the Ironworkers International in January 2016. Since that time she became Chair of the North American Building Trades Union (NABTU) Tradeswomen's Committee. She is a 34-year member out of Local #1 in Chicago. She holds a B.A. in Union Leadership & Administration, Labor Education & Labor Studies from the National Labor College; an M.A. in Organizational Leadership from Gonzaga University; graduated from the Harvard Trade Union Program; and completed the Cornell National Labor Leadership Initiative (NLLI). O'Leary is a General Organizer for Safety/Diversity.

Biosphere 2 Tour | 1:30 P.M. – 5:00 P.M.

Join us for a fascinating, behind-the-scenes guided tour of the Biosphere 2, one of the world's most unique facilities dedicated to the research and understanding of global scientific issues. The Biosphere 2 facility serves as a laboratory for controlled scientific studies, an arena for scientific discovery and discussion, and a far-reaching provider of public education. Separate registration required.

Sponsored by: **WIPFLI**
CPAs and Consultants

GUEST ACTIVITIES

THURSDAY, JANUARY 23

Guest/Spouse Breakfast

8:15 – 9:45 A.M.

Come and enjoy breakfast, conversation, meet or reconnect with Forum spouses and guests.

Separate registration required.

Guest/Spouse Event:

10:00 A.M. – 1:00 P.M.

Presidio San Agustín del Tucson Museum

The Presidio San Agustín del Tucson Museum is a re-creation of the Tucson Presidio built in 1775. Visitors travel back in time to learn about life as early Tucsonans would have lived it. Docent tours discuss life in the Santa Cruz Valley for early Native Americans, Presidio residents and Territorial Period settlers. See the archaeological remains of a pit house, walk along the original Presidio wall and experience a 150 year old classic Sonoran Row house.

Separate registration required.





CONFERENCE INFORMATION

HOUSING: You must register for the conference prior to making your hotel reservation. The conference will be held at the El Conquistador Tucson, A Hilton Resort 10000 N. Oracle Rd., Tucson, AZ 85704. To reserve a hotel room call the hotel directly Monday - Friday 9AM- 5PM (PDT) to (520) 544-5000 to book through hotel reservations directly by mentioning American Bar Association/ Forum on Construction Law 2019 Mid-Winter Meeting block. The deadline for reservations is December 30, 2019 5:00 pm (CST) or before if the block is exhausted. Room rates start at: \$219/ night (plus tax). **Please reference the ABA Forum on Construction Law 2020 Midwinter Meeting.**

TRAVEL: Travel discounts for ABA meetings are available through Egencia and Hertz. Go to www.americanbar.org/membership/aba_advantage_discounts.html for more information.

For ABA negotiated airlines visit file:///C:/Users/harringt/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/TTE0XZZZ/2020%20Airfare%20Discounts.pdf.

PROGRAM REGISTRATION: Online at ambar.org/MWM20 or complete and return the attached registration form with your payment before January 7, 2020. Conference registrations will only be accepted when accompanied by a check or credit card. Credit card registrations may be FAXED directly to the ABA at 312-988-5850. Registrations cannot be processed without payment. If you do not receive a written confirmation by January 10th, please call the ABA at 800-285-2221 to verify that your registration form and payment were received.

ON SITE REGISTRATION: Onsite registration is available for those persons who miss the registration deadline. If you plan to register at the door, you must email Patricia.Harris@americanbar.org 72 hours before the conference to confirm that space is still available. No cash payments are accepted.

SCHOLARSHIP: Scholarships may be available for a limited time. Attorneys who qualify will receive up to 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the meeting. For more information email Tamara.Harrington@americanbar.org or call 312-988-5674.

CANCELLATION POLICY: No refunds will be granted for cancellations received after January 7, 2020. To receive a refund, minus a \$65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.

CLE CREDIT: This course is expected to qualify up to 16 CLE credit hours in 60-minute states, and 17.5 CLE credit hours in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/construction_industry or contact Patricia Harris by email at Patricia.Harris@americanbar.org.

MEMBERSHIP: To join the Forum for \$60 go to ambar.org/constructionlaw.

PRIVACY NOTICE: Registration for, attendance at, or participation in the Forum conferences and other associated activities constitutes an agreement by the registrant or participant to permit the American Bar Association to use and distribute (both now and in the future) the registrant or participant's image or voice in photographs, videotapes, electronic reproductions, and audiotapes of such event and activities.

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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. Sec. 1.162-2) *Coughlin v. Commissioner*, 203 F.2d 307 (2nd Cir. 1953.)

AMERICANS WITH DISABILITIES ACT: If special arrangements are required for disabled individuals to attend this program, please contact the Forum in writing by January 1, 2020 at the American Bar Association, 321 N. Clark Street, Chicago, Illinois 60654. Fax: 312-988-5677. Email Tamara.Harrington@americanbar.org.

QUESTIONS: If you have questions or require additional conference information, please call 312-988-5674 or email Tamara.Harrington@americanbar.org.



Sponsors and Exhibits

Visit Forum Sponsors and Exhibitors in the Exhibits Area! One stop shopping for all the professionals you need for your construction law practice, from expert witnesses to industry form services and ADR providers. Thanks to all of the Forum Sponsors and Exhibitors for their continued support of the Forum!

Forum Diversity & Inclusion Initiative

The Forum will waive the registration fee for the first ten Forum members who register and bring along a diverse lawyer to his or her first national meeting of the Forum (a "first timer"), whose registration fee will also be waived. The Forum member and the first timer must both commit to attend the program (offer limited to one per Forum member per Bar year). In order to take advantage of this offer, Forum members must contact Patricia.Harris@americanbar.org prior to registering for the program.

Forum Diversity & Inclusion Scholarship Opportunity

Deadline to apply is December 6, 2019. The Forum offers a limited number of Diversity Scholarships available for women and minority construction lawyers, construction lawyers with disabilities, and construction lawyers from the LGBT community to cover the cost of registration. See Ambar.org/constructionlaw under the announcement section or contact Nicholas Holmes at NHolmes@devinemillimet.com for more information.

Hotel Information

El Conquistador Tucson, A Hilton Resort
10000 N. Oracle Rd., Tucson, AZ 85704

Online reservation: www.hilton.com/en/hi/groups/personalized/T/TUSHTHH-ABA-20200120/index.jhtml

Or call: (520) 544-5000

PROGRAM REGISTRATION

Forum on Construction Law
Building the Best Construction Lawyers

**2020
MidWinter Meeting
ABA Forum on
Construction Law**



Four Ways to Register



Online at **Ambar.org/MWM20**



Fax your form to **(312) 988-5850**



Call **1.800.285.2221**



Mail the completed registration form to the
American Bar Association
Attention: Service Center - Meeting/Event Registration CI0120
321 N. Clark St. - FL 19, Chicago, IL 60654

REGISTRANT INFORMATION (Please Print)

LAST NAME	FIRST NAME	M.I.
NAME AS YOU WISH IT TO APPEAR ON ATTENDEE LIST AND NAME BADGE		ABA MEMBER ID#
FIRM / COMPANY / AGENCY		
ADDRESS		
CITY	STATE	ZIP
(AREA CODE) BUSINESS PHONE NUMBER	(AREA CODE) BUSINESS FAX NUMBER	
EMAIL ADDRESS		

REGISTRATION CATEGORY

Early Bird (before 12/27/2019)

Regular Price (after 12/27/2019)

Non-ABA Member	<input type="checkbox"/> \$800	<input type="checkbox"/> \$880
ABA Member	<input type="checkbox"/> \$700	<input type="checkbox"/> \$760
Forum Member	<input type="checkbox"/> \$580	<input type="checkbox"/> \$640
First Time Attendee, New Member, and YLD (Email for Discount.)	<input type="checkbox"/> \$490	<input type="checkbox"/> \$540
In-House/Government/Academic (Special Rate)	<input type="checkbox"/> \$460	<input type="checkbox"/> \$520
Past Forum Governing Committee (Email for Discount.)	<input type="checkbox"/> \$385	<input type="checkbox"/> \$445
Law Student	<input type="checkbox"/> \$65	<input type="checkbox"/> \$65
Welcome Reception (Guest Tickets)	<input type="checkbox"/> \$65	<input type="checkbox"/> \$65
Guest/Spouse Tour Presidio San Agustin del Tuscan Museum	<input type="checkbox"/> \$60	<input type="checkbox"/> \$60
Guest and Spouse Breakfast	<input type="checkbox"/> \$40	<input type="checkbox"/> \$40
Biosphere 2 Tour	<input type="checkbox"/> \$110	<input type="checkbox"/> \$110

☐ Materials Only (I will not be attending and wish to order program materials.) \$150.00

☐ Enroll me as a member of the Forum on Construction Law (Regular) \$60

☐ Enroll me as a member of the Forum on Construction Law (Law Student) \$0

To receive the discount code or for registration questions please email **Patricia.Harris@americanbar.org** or **Tamara.Harrington@americanbar.org**

PAYMENT INFORMATION

☐ Check (made payable to ABA-Forum on Construction Law)

☐ Credit Card: MasterCard | American Express | Visa | Discover

CREDIT CARD #	EXPIRATION DATE	CVV
NAME ON CARD		
SIGNATURE		

CANCELLATION POLICY:

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Forum on Construction Law
2020 Midwinter Meeting
January 22-24, 2020
Tucson, AZ



**Please save these dates and join us
for these upcoming Forum Meetings!**

2020 Forum Trial Academy: Mar. 4-7, 2020 | Dallas, TX

2020 Forum Annual Meeting: Apr. 22-24, 2020 | Seattle, WA

2020 Forum Fall Meeting: Oct. 21-23, 2020 | Memphis, TN



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