



ABA FORUM ON THE CONSTRUCTION INDUSTRY

THE Construction Contracts Program: Understanding and Negotiating the Clauses in the New Industry Form Document

Indianapolis

Las Vegas

Orlando

Philadelphia

San Francisco

November 6, 2008

2008 REGIONAL PROGRAM

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

On November 6, 2008, in five cities across the country, the ABA Forum on the Construction Industry will present THE Construction Contracts Program: Understanding and Negotiating the Clauses in the New 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 most used in the industry (AIA and EJCDC), as well as the new 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 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 looking for a “crash” course on the new industry form documents, or perhaps novice attorneys 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.

Leadership

Program Co-Chair

Andy Englehart
Construction Process Solutions, Ltd.,
Cincinnati, OH

Program Co-Chair

Denise E. Farris
Farris Law Firm LLC, Kansas City, MO

Program Co-Chair

Michael Murphy
Greenberg Traurig, Orlando, FL

Governing Committee Liaison

Jennifer Nielsen
Lyman & Nielsen, LLC, Oak Brook, IL

ABA Liaison

Shannon Harrity
ABA Forum on the Construction Industry,
Chicago, IL

Regional Coordinator

Daniel King
Locke Reynolds, Indianapolis, IN

Regional Coordinator

Joe Kovars
Ober Kaler Grimes & Shriver, Baltimore, MD

Regional Coordinator

Melissa Orien
Holland & Hart, Salt Lake City, UT

Regional Coordinator

Patrick Poff
Trenam Kemker, Tampa, FL

Regional Coordinator

Aaron Silberman
Rogers Joseph O'Donnell & Phillips,
San Francisco, CA

Locations and Speakers

Indianapolis, IN

Sheraton Indianapolis Hotel & Suites
8787 Keystone Crossing, Indianapolis, IN

Speakers:

Daniel Brennan

DLA Piper, Chicago, IL

Alan Goldstein

Ice Miller, LLP, Indianapolis, IN

William J. Hancock

Harrison Moberly, LLP, Indianapolis, IN

Ryan A. Hiss

Lyman & Nielsen, LLC, Oak Brook, IL

AJ Manion

Kinney, Kasha & Buthod, LLP, Evansville, IN

Tom Pastore

Pastore & Gooden, PC, Indianapolis, IN

John Stuckey

Stuart & Branigin, LLP, Indianapolis, IN

Las Vegas, NV

UNLV Main Campus

Student Union Building, Suite 208b,
4505 S. Maryland Parkway, Las Vegas, NV

Speakers:

Greg Gilbert

Holland & Hart, Las Vegas, NV

Michael Menicucci

Calvert & Menicucci, Albuquerque, NM

Jeff Steffen

Fennemore Craig, , Las Vegas, NV

John E. Kofron

Fennemore Craig, Tucson, AZ

Michael Hanahan

Schiff Hardin, Chicago, IL

Kevin R. Stolworthy

Jones Vargas, Las Vegas, NV

Becky Pintar

Gibbs Giden Locher & Turner, Las Vegas, NV

Orlando, FL

Rosen Shingle Creek

9939 Universal Blvd., Orlando, FL

Speakers:

Brian Stayton

Marlowe McNabb & Stayton, P.A, Tampa, FL

Michael Wilson

Broad and Cassel, Orlando, FL

John Dannecker

Shutts & Bowen, LLP, Orlando, FL

John Foster

Baker Hostetler, Orlando, FL

Brian W. Bennett

Page, Eichenblatt, Bernbaum, & Bennett, P.A., Orlando, FL

Leslie O'Neal-Coble

Brasfield & Gorrie, LLC, Lake Mary, FL

Claramargaret H. Groover

Groover Law Firm, Orlando, FL

Philadelphia, PA

University of Pennsylvania Law School
3400 Chestnut Street, Philadelphia, PA

Speakers:

Paul Sugar

Ober Kaler, Baltimore, MD

Robert Korn

Kaplin Stewart, Philadelphia, PA

Howard Venzie

Venzie, Phillips & Warshawer, Philadelphia, PA

Tony Meagher

DLA Piper, Baltimore, MD

Lynn R. Axelroth

Ballard Spahr Andrews & Ingersoll, LLP, Philadelphia, PA

J. Snowden Stanley, Jr.

Semmes Bowen & Semmes, Baltimore, MD

Richard H. Lowe

Duane Morris, LLP, Philadelphia, PA

San Francisco, CA

UCSF Mission Bay Center

1675 Owen Street, San Francisco, CA

Speakers:

Deborah Ballati

Farella, Braun & Martel, San Francisco, CA

Robert C. Hendrickson

Duane Morris, LLP, San Francisco, CA

Richard Holderness

Seyfarth Shaw, San Francisco, CA

William K. Hurley

Miller, Morton Caillat & Nevis, San Jose, CA

Robert M. Osier

Rogers Joseph & O'Donnell, San Francisco, CA

Eric J. Phillips

Bell, Rosenberg & Hughes, LLP, Oakland, CA

John W. Ralls

Thelen Reid, San Francisco, CA

Sponsors

Chitester Management Systems, Inc.

Orlando, FL

Construction Process Solutions, Ltd.

Indianapolis, IN

FTI Consulting

San Francisco, CA

Nautilus Consulting LLC

Las Vegas, NV

Navigant Consulting, Inc.

Philadelphia, PA

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 9, 2008. 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 9, 2008, 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, and 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 9, 2008. To receive a refund (less a \$50 administrative fee), cancellations must be made IN WRITING and RECEIVED on or before OCTOBER 9, 2008. 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

Accreditation has been requested for the conference from every state with mandatory continuing legal education (MCLE) requirements for its lawyers. Please be aware that each state has its own rules and regulations, including its definition of "CLE". Check your state agency for confirmation of this program's approval. Attorneys seeking to obtain MCLE credit in Louisiana and Pennsylvania are required to pay state accreditation fees directly to that state. Certificates of attendance will be available at the conclusion of this conference. For questions pertaining to the number of credit hours granted by each state, call (312) 988-5678 two or three weeks after the conference.

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 Construction

2008 REGIONAL PROGRAM: THE Construction Contracts Program:

Understanding and Negotiating the Clauses in the New Industry Form Documents

Registration Form

Please print or type

Advanced Registration Deadline: October 9, 2008

Questions? Call (312) 988-5678

1. REGISTRANT INFORMATION:

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 10/09/08: _____ @ \$240

Please choose which city you will attend:

Indianapolis Las Vegas Orlando Philadelphia San Francisco

Please note: In recognition of the fact that the course is aimed at entry level lawyers, 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.abanet.org/forums/construction/home.html

MAIL:

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

FAX:

(312) 988-5677