



Construction Law

Don't Roll the Dice or Rely on Chance—An Industry-Guided Approach to Today's Construction Landscape

Cutting-edge defect and product claims discussion

Crisis management for construction professionals

Insightful and engaging presentations by industry leaders

Mastery of effective contract negotiation and risk transfer principles

Focused networking and business development opportunities

March 2-3, 2017

The Cosmopolitan of Las Vegas

Las Vegas, NV

DRI
delivers
resources
to build
your practice ■



The DRI Construction Law Seminar is designed to educate all construction industry professionals—from experienced attorneys, to risk managers, to executives and construction industry professionals. This year’s program is an exceptional learning and networking opportunity that focuses on the practitioner staying abreast of industry trends, honing the skills necessary to maintain a competitive advantage in contract construction and litigation, and collaborating with other industry professionals. We have assembled a group of widely recognized industry professionals who will share their expertise in a variety of entertaining formats. You will gain valuable insights in the areas of construction law, risk management, insurance coverage, and industry trends. With its balanced learning and networking opportunities, this seminar is a must-attend for those involved in the construction industry. Please join your friends at The Cosmopolitan of Las Vegas.



David L. Jones
Program Chair



Michael P. Sams
Committee Chair



Rosary A. Hernandez
Program Co Vice Chair



Diana M. Gerstberger
Committee Vice Chair



Ellen H. Greiper
Program Co Vice Chair



Glenn M. Zakaib
Law Institute

PRESENTED BY **DRI's Construction
Law Committee**

THIS SEMINAR BROCHURE IS SPONSORED

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& PATTERSON, LLP



**See what
others have to
say about DRI
seminars**



What You Will Learn

- How to manage cutting-edge defect claims and product-based claims around the country
- How to handle and avoid PR missteps
- Effective contract drafting, negotiating, and risk transfer
- Emerging national and regional caselaw and construction litigation trends
- Understand client bonding issues and contractor insurance products



Get Started

- 1 Review the brochure and identify sessions of interest to you
- 2 Share this brochure with colleagues
- 3 **Register online** or complete the **form in the back**
- 4 Download the DRI App  and  and make use of its features to get the most out of this program
- 5 Share on social media   

Maximize Your DRI Seminar Experience

No one gets you connected like DRI.

- Use the DRI App to customize your schedule, view course materials, and communicate with fellow attendees and speakers.
- Access the **DRI Construction Law Committee Community** to network with individual members. Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Discover the  **DRI Client Connection**—meet in-house and claims professional registrants and speakers.

PROGRAM SCHEDULE

Click on any speaker name to view bio.

WEDNESDAY, MARCH 1

5:00 p.m. **Registration**

6:00 p.m. **Welcome Reception**

SPONSORED BY **Haag Engineering**

MDD Forensic Accountants

Visit with colleagues and friends and pick up a few instructional gaming tips, too!

THURSDAY, MARCH 2

Wireless Access

SPONSORED BY **Kaufman Borgeest & Ryan LLP**

Traub Lieberman Straus & Shrewsbury LLP

7:00 a.m. **Registration**

7:00 a.m. **Continental Breakfast**

SPONSORED BY **Exponent**

First-Time Attendees Breakfast

Michael P. Sams, Kenney & Sams PC, Boston, MA

8:00 a.m. **Welcome and Introduction**

Glenn M. Zakaib, Cassels Brock & Blackwell LLP, Toronto, ON

David L. Jones, Wright Lindsey Jennings, Little Rock, AR

8:15 a.m. **The CEO Said *What?* Crisis Management (Before, During, and After a Public Relations Disaster) and the Corporate Client**

An entirely new skill set is needed when a cli-

ent faces sudden and significant adverse publicity, whether from a catastrophic accident that injures innocent people, or a poorly prepared executive who self-destructs during an interview. Effectively counseling such a client requires an understanding of the nature of the media, the news cycle, and how to interact effectively (and proactively) with crisis management and public relations experts *before* a client ends up in an indefensible position.

MODERATOR | **Mark D. Shifton, Seiger Gfeller Laurie LLP, Princeton, NJ**

PANEL

Alicia R. Kennon, Wood Smith Henning & Berman LLP, Concord, CA

Susan R. Shelby, FSMPS, CPSM, Rhino Public Relations, South Hamilton, MA

9:25 a.m. **Emerging Trends in Construction, from Those in the Know!**

Learn about critical trends and issues affecting both design professionals and contractors from representatives of two of the top construction industry organizations: AIA and AGC!

James B. Atkins, FAIA, FKIA, Trustee-AIA Trust, Atkins Consulting Solutions, Dallas, TX

 **Brian M. Perlberg, Associated General Contractors of America (AGC), Arlington, VA**

TRACKS Thursday, 10:45 a.m.–11:50 a.m. (choose one)

■ TRACK A

10:45 a.m. **So You Think You Can Read: Effectively Understanding Construction Drawings**

This program is designed to provide the participants with a working knowledge of reading a set of construction drawings, including architectural floor plans, reflected ceiling plans, roof plans, legends, building elevations, structural sections, mechanical symbols and schedules, various details, and electrical diagrams. Using technology, Mr. Parco will illustrate typical problems that have arisen when coordination of the construction drawings and the various construction disciplines has failed.

Thomas L. Parco, Rimkus Consulting Group Inc., Irvine, CA

■ TRACK B

Contract Pitfalls: An In-House Counsel's Views on What to Look for When Negotiating a Contract

Learn how to navigate the subtle, yet dangerous, contractual risk issues when negotiating on behalf of your client. This discussion by an in-house attorney from a leader in the heavy civil construction and paving industries will teach you how to spot these issues and understand how best to protect your client.

 **Joshua S. Wernig, The Middlesex Corporation, Littleton, MA**

- 10:25 a.m. **Refreshment Break**
SPONSORED BY **ESI**
- 10:45 a.m. **Tracks** (see page 2)
- 11:50 a.m. **Lunch Arouds** | Join colleagues and friends at selected restaurants for lunch (*on your own*).
- 1:15 p.m. **Moving Toward Zero: Emerging Energy, Water, and Waste Policies, and the Design and Construction of Buildings with Minimized Impacts**
Learn about current and emerging zero energy, water, and waste construction methodologies and policies. Zero is the future of design and construction; attendees will gain a view of leading edge trends and policies shaping the future of construction.
Darren S. Port, *Northeast Energy Efficiency Partnerships (NEEP)*, Lexington, MA
- 2:20 p.m. **Tracks** (see page 3)
- 3:20 p.m. **Refreshment Break**
SPONSORED BY **Wood Smith Henning & Berman LLP**
- 3:40 p.m. **Defective Stucco: Minimizing the Claim and Maximizing Your Expert**
Hear a discussion of the recent trends in stucco claims and how to use your expert effectively in handling these losses, as well as a hands-on presentation of proper stucco installation and issues resulting in defects.
Paul R. McCullough, PE, *S-E-A, Ltd*, Tampa, FL
Tina Taylor Pecuszok, *Nationwide Insurance Company*, Toledo, OH
Jayne Ann Skrzysowski-Pittman, *Conroy Simberg*, Orlando, FL
- 4:45 p.m. **Adjourn**
- 5:00 p.m. **Construction Law Committee Meeting** (*open to all*)
- 6:00 p.m. **Women's Networking Reception**
SPONSORED BY **Carr Allison Murchison Cumming LLP**
- 6:30 p.m. **Networking Reception**
SPONSORED BY **McAngus Goudelock & Courie ProNet Group Inc.**

FRIDAY, MARCH 3

Wireless Access

SPONSORED BY **Kaufman Borgeest & Ryan LLP**
Traub Lieberman Straus & Shrewsbury LLP

7:00 a.m. **Registration**

8:00 a.m. **Continental Breakfast and SLG Meetings** (*open to all*)

TRACKS Thursday, 2:20 p.m.–3:20 p.m. (choose one)■ **TRACK A**

2:20 p.m. **Defective Product Claims in Construction: Dezincification and Corroded Plumbing Systems and the Next Big Thing**

This presentation will review product defect claims affecting the industry, including a discussion of the expanding claims involving the dezincification of plumbing system components and other new defect claims from the perspective and science of both the "Plaintiff" and "Defense" sides.

Scott A. Booth, *Kasdan LippSmith Weber Turner LLP*, Phoenix, AZ

Rosary A. Hernandez, *Tiffany & Bosco PA*, Phoenix, AZ

■ **TRACK B**

Winning Trial Skills for Young Lawyers

Experienced barristers take young and young-at-heart lawyers through a skills-based clinic that immerses them in the concepts behind crafting and executing winning trial presentations.

Stephen J. Alexander, *Capehart Scatchard*, Mount Laurel, NJ

Chevon Andre Brooks, *Quintairos Prieto Wood & Boyer PA*, Atlanta, GA

8:45 a.m. **Announcements**
Rosary A. Hernandez, *Tiffany & Bosco PA*, Phoenix, AZ
Ellen H. Greiper, *Goldberg Segalla LLP*, Garden City, NY

8:50 a.m. **When Your Hard Hat Is Not Enough: Insurance Products for Contractors to Protect Their Bottom Line and Their Clients**
 You have mastered the skills needed to be at the top of your game as a contractor, but are you effectively protected from all the potential risks that could ultimately wipe out your profit? This panel includes presentations by insurance professionals and insurance coverage counsel to help you select the insurance products that are right for you. Construction lawyers will learn how to protect their clients after a claim is made.

MODERATOR
 **Robin D. Leibrock**, *Century Insurance Group*, Westerville, OH

PANEL
 **Matthew Adler**, *XL Group*, Los Angeles, CA
 **George Dale**, *Cove Programs Insurance Services LLC*, Los Angeles, CA
Diana L. Winfrey, *Tressler LLP*, Los Angeles, CA

9:50 a.m. **“A Lawyer and an Accountant Walk into a Bar”:** Bonding Issues for Contractors from the Consultants’ Perspective
 As lawyers working for contractors, we need to understand their business issues. From the perspectives of the consultants, learn the risks

and financial issues that affect bonding programs—a bedrock to the existence of many of our clients.

MODERATOR
 **Justin L. Bailey**, *International Paper Company*, Memphis, TN

PANEL
Sean C. Griffin, *Dykema Gossett PLLC*, Washington, D.C.
Sean Killgoar, CPA, MST, CCIFP, *Citrin Cooperman*, Braintree, MA

10:50 a.m. **Refreshment Break**
 SPONSORED BY **CCIS Construction Consultants**

11:10 a.m. **Get Your Important Case Update Here!**
 Get an update on hot-off-the-presses, must-know construction law decisions from across the country, and gain an understanding of how you can use them to influence the outcome of matters you are handling.
Joseph H. Bucci, *Saul Ewing LLP*, Pittsburgh, PA

12:10 p.m. **Rock and Roll Ethics**
 An experienced jurist guides the audience on a tour of the rules governing professional responsibility, using classic rock as a compass. This session will both inform and entertain!
The Honorable Mark Davidson, *Asbestos Multi-District Litigation Court*, Houston, TX

1:10 p.m. **Adjourn**
 Denotes **THE DRI CLIENT CONNECTION:** In-house and claims professional speakers

NETWORKING EVENTS

Wednesday, March 1

Golf Tournament
 Registration Deadline: **February 10, 2017**
Note: All players must be registered to attend the Construction Law Seminar to participate in the golf tournament.

Experience desert golf at its finest at the Royal Links Golf Club, by joining friends, colleagues, and peers for a challenging round of golf on Wednesday morning, 8:00AM shotgun start. Moderately priced at \$200 per player and \$800 per team (foursome), the registration fee includes greens fees, cart, practice balls, continental breakfast, lunch,

taxes and gratuities. Club rental is available for \$55 including shoes, balls not included. Shuttle service to/from the course will be provided. **Cancellations made after January 25, 2017, are non-refundable.** This event will be held in conjunction with DRI’s Medical Liability and Health Care Law Seminar. To enter, please check the boxes on the registration form. *For more information please contact Barclay Wong at bwong@dsvlaw.com.*

Instructional Gaming
 Network and receive gaming instruction during the Welcome Reception on Wednesday night.

GENERAL INFORMATION

In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys, who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates and subsidiaries. In order to qualify for free registration, the individual must also be a DRI member and a member of DRI's Corporate Counsel Committee. Offer excludes the DRI Annual Meeting.

Claims Executives

Any member of DRI employed as a claims professional by a corporation or insurance company, who spends a substantial portion of his or her professional time hiring or supervising outside counsel in the representation of business, insurance companies or their insureds, associations or governmental entities in civil litigation, will be entitled to free attendance at any DRI program. **Limited to one seminar per calendar year.** Offer excludes DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to **10.25** hours, including **1** hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. **Application has been made for continuing education for claims adjusters.** Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.



A limited number of discounted hotel rooms have been made available at **The Cosmopolitan of Las Vegas, 3708 S Las Vegas Blvd, Las Vegas, NV 89109.** ([click here](#) to view hotel photos).

Take advantage of the group rate of **\$249 Single/Double** in one of two ways:

- 1) Reserve online: [Click here](#) or visit dri.org and go to the **DRI Construction Law Seminar page** and click on the "Book hotel" button.
- 2) Or **contact the hotel directly at 702.698.7000** and mention the **DRI Construction Law Seminar.**

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by **January 31, 2017**, to be eligible for the group rate. Requests for reservations made after **January 31, 2017** are subject to room and rate availability.

Registration Policy

Save \$100 when you register by January 31, 2017. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI app. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by **February 10, 2017** (*please allow 10 days for processing*). Registrations received after **February 10, 2017**, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before **February 10, 2017**. Cancellations received after **February 10** and on or before **February 17, 2017**, will receive a refund, less a \$100 processing fee. Cancellations made after **February 17** will not receive a refund, but a \$100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing. Fax (312.795.0747) or email (seminars@dri.org) to DRI's Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is **\$735 until January 31, 2017. After January 31, the registration fee is \$835**, regardless of membership status. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for **DRI Construction Law Seminar** attendees. To receive these discounts, please contact Direct Travel, DRI's official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

- The taping or recording of DRI seminars is prohibited without the written permission of DRI.
- Speakers and times may be subject to last-minute changes.
- A small portion of your room rate offsets the costs of the seminar.
- DRI policy provides there will be no group functions sponsored by others in connection with its seminars.

Hotel Accommodations

FACULTY *Click on any name to view bio.*

 **Matthew Adler**, XL Group, Los Angeles, CA

Stephen J. Alexander, Capehart Scatchard, Mount Laurel, NJ

James B. Atkins, FAIA, FKIA, Trustee-AIA Trust, Atkins Consulting Solutions, Dallas, TX

 **Justin L. Bailey**, International Paper Company, Memphis, TN

Scott A. Booth, Kasdan LippSmith Weber Turner LLP, Phoenix, AZ

Chevon Andre Brooks, Quintairo Prieto Wood & Boyer PA, Atlanta, GA

Joseph H. Bucci, Saul Ewing LLP, Pittsburgh, PA

 **George Dale**, Cove Programs Insurance Services LLC, Los Angeles, CA

The Honorable Mark Davidson, Asbestos Multi-District Litigation Court, Houston, TX

 **Diana M. Gerstberger**, XL Catlin, Atlanta, GA

Ellen H. Greiper, Goldberg Segalla LLP, Garden City, NY

Sean C. Griffin, Dykema Gossett PLLC, Washington, D.C.

Rosary A. Hernandez, Tiffany & Bosco PA, Phoenix, AZ

David L. Jones, Wright Lindsey Jennings, Little Rock, AR

Alicia R. Kennon, Wood Smith Henning & Berman LLP, Concord, CA

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Sean Killgoar, CPA, MST, CCIFP, Citrin Cooperman, Braintree, MA

 **Robin D. Leibrock**, Century Insurance Group, Westerville, OH

Paul R. McCullough, PE, S-E-A Ltd., Tampa, FL

Thomas L. Parco, Rimkus Consulting Group Inc., Irvine, CA

Tina Taylor Pecuszok, Nationwide Insurance Company, Toledo, OH

 **Brian M. Perlberg**, Associated General Contractors of America (AGC), Arlington, VA

Darren S. Port, Northeast Energy Efficiency Partnerships (NEEP), Lexington, MA

Michael P. Sams, Kenney & Sams, PC, Boston MA

Susan R. Shelby, FSMPS, CPSM, Rhino Public Relations, South Hamilton, MA

Mark D. Shifton, Seiger Gfeller Laurie LLP, Princeton, NJ

Jayne Ann Skrzyszowski-Pittman, Conroy Simberg, Orlando, FL

 **Joshua S. Wernig**, The Middlesex Corporation, Littleton, MA

Diana L. Winfrey, Tressler LLP, Los Angeles, CA

Glenn M. Zakaib, Cassels Brock & Blackwell LLP, Toronto, ON

View faculty bios on the Construction Law Seminar webpage; click on "View speakers" button.

FACULTY

Use the DRI App to enhance your seminar experience



Download the **DRI App!**

Search **DRI App** in your App Store



- View the program schedule and customize your own
- View speaker bios and contact info
- Use the attendees list to communicate with colleagues in attendance
- Keep notes
- Access seminar materials
- Make use of social media within the app to share your seminar experience

CLE for Your Practice

View all Continuing Legal Education offerings

February 1-3
Women in the Law
Omni Scottsdale Resort at Montelucia, Scottsdale, AZ

February 8-10
Product Liability Conference
The Cosmopolitan of Las Vegas, Las Vegas, NV

March 15-17
Trial Tactics
The Venetian Palazzo Resort, Las Vegas, NV

March 23-24
Toxic Torts and Environmental Law
Sheraton New Orleans, New Orleans, LA

April 5-7
Insurance Coverage and Claims Institute
Loews Chicago Hotel, Chicago, IL

April 26-28
Life, Health, Disability and ERISA
Swissôtel Chicago, Chicago, IL

May 4-5
Retail and Hospitality Litigation
Loews Chicago Hotel, Chicago, IL

May 17-19
Employment and Labor Law
Hilton Nashville, Nashville, TN

Publications for Your Practice

Members can access committee newsletters and seminar course materials via **DRI Online** at dri.org.

Newsletter *The Critical Path* (4 times a year)

Visit the **Construction Law Committee page** on dri.org for information about the committee and related resources.

Construction Law focus in *For The Defense*

February 2017 (upcoming)

March 2016

June 2015

Defense Library Series

Construction Litigation Desk Reference (coming in 2017)



Diversity and Inclusion in DRI: A Statement of Principle

DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI's membership and leadership positions. DRI's members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

SEMINAR SPONSORS

DRI wishes to thank our sponsors for their support at this year's seminar!

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Construction Law Seminar

March 2-3, 2017

The Cosmopolitan of Las Vegas | Las Vegas, NV

Register online

Download form
to fax or mail

FORMAL NAME _____ TITLE _____

NAME (as you would like it to appear on badge) _____

COMPANY/FIRM/LAW SCHOOL _____

ADDRESS _____

CITY _____ STATE/PROVINCE _____ ZIP/POST CODE _____

TELEPHONE _____ FAX _____ EMAIL _____

Please list any special needs _____

Are you a first-time attendee at this DRI seminar? Yes No

How many attorneys _____ What is your primary
are in your firm? _____ area of practice? _____

REGISTRATION FEE

Registration fee includes seminar attendance, networking events, course materials, and access to the DRI App. DRI will email a link to download the course materials to all registrants two weeks in advance of the seminar.

	On or before Jan. 31, 2017	After Jan. 31, 2017
<input type="checkbox"/> Member	\$835	\$935
<input type="checkbox"/> Nonmember	\$1,065	\$1,165
<input type="checkbox"/> Government Member	\$500	
<input type="checkbox"/> Law Student Member	FREE	
<input type="checkbox"/> In-House Counsel Member*	FREE	
<input type="checkbox"/> Claims Executive Member*	FREE	
<input type="checkbox"/> Group Discount*	\$735	\$835

*For inclusion on the preregistration list and to receive course materials in advance, **register by February 10, 2017.***

Golf Tournament Registration (details on page 4)

- Individual player registration \$200
 Team registration** \$800
 Golf club and shoes rental \$55

* As defined on page 5.

** Team registration option designates you as team captain. Submit names of the four team members to bwong@dsvlaw.com no later than February 10.

PAYMENT METHOD

- My check for _____ (USD) is enclosed.
 Please charge my VISA MasterCard American Express.

3400-0050-21
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Card # Exp. Date -

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Signature _____

Please remit payment by **MAIL** to:

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Please remit payment by **COURIER** to:

JP Morgan, Attn: DRI LBX 72225

131 S. Dearborn, 6th Floor, Chicago, IL 60603

EMAIL: seminars@dri.org | WEB: dri.org



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+ Committee Participation
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- Connect through the discussion list
- Learn through blog posts
- Stay current through the community calendar
- Share resources in the community library
- Network using the member directory
- Learn about volunteer opportunities

Log on now at <http://community.dri.org/home>