



Alternative Dispute Resolution & Construction

LITIGATION

Committees CLE Seminar

November 9-11, 2005
Green Valley Ranch Resort & Spa
Henderson, NV

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CLE Seminar Co-Chairs

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Hartford, CT

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Greenberg Traurig
Miami, FL

Richard J. Tyler
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New Orleans, LA

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Coral Gables, FL

Construction Litigation

James H. Landgraf
Cureton & Caplan P.C.
Delran, NJ

Patricia H. Thompson
Carleton Fields
Miami, FL

Viva Las Vegas! Like a high-stakes poker game, construction disputes involve multiple parties, changing information, shifting odds, and significant dollars. Do you know when to fold, raise, or go "all in"? Whether your card skills are basic, intermediate, or advanced, join the Alternative Dispute Resolution and Construction Litigation Committees as they explore utilizing ADR in construction cases.

The program will open with a plenary session that will set the stage with a discussion of the significant construction and ADR issues faced in recent high-profile casino projects. Explore these issues in more depth in your choice of eight breakout sessions, which will provide guidance on drafting better ADR clauses, resolving insurance issues, presenting claims and damages, and practical advice on making ADR work. The program will close with a lively plenary session that puts all the chips in play as we explore the perils and pitfalls in mediating a complex case.

We are proud to be presenting this important program at a prime venue with exciting opportunities for attendees and guests. The program schedule allows ample opportunity to take advantage of the attractions Las Vegas has to offer. Please join us in Las Vegas for this timely and informative program -- and some fun!



Dear Colleagues

Alternative Dispute Resolution & Construction Litigation Committees CLE Seminar “Hedging Your Bets Using Alternative Dispute Resolution to Resolve Construction Disputes”

Wednesday, November 9, 2005

3:00pm – 6:00pm

Registration

6:00pm – 7:30pm

Welcome Reception

Thursday, November 10, 2005

7:30am – 5:00pm

Registration

7:30am – 8:30am

Continental Breakfast

8:30am – 8:40am

Welcome from the Committee Co-Chairs

8:40am – 8:45am

Opening Remarks and Announcements

Thursday, November 10, 2005

8:45am – 10:45am

Plenary 1: The Past is Prologue: Overview of the Nightmare Project

Every night, gamblers wager thousands on high stakes poker games on the Strip. But that’s nothing compared to the stakes involved in the litigation over the construction of the casinos themselves, or other complex projects. Join us as we set the stage for the Program with war stories about the legal disputes that can arise in a large scale, multi-party construction project, and how they can be resolved.

Speakers: Leon F. Mead, II, Lindborg Mead Drill & Pezzillo, LLP, Las Vegas, NV; J. Stephen Peek, Hale Lane Peek Dennison & Howard, Las Vegas, NV; D. Lee Roberts, Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, Las Vegas, NV; Georlen K. Spangler, Kolesar & Leatham, Chartered, Las Vegas, NV

11:00am – 12:15pm

Breakout 1: Drafting Alternative Dispute Resolution Clauses: Plan to Succeed

When arbitration clauses are not well drafted or coordinated among the project participants, dispute resolution may proceed along separate tracks – litigation, mediation and arbitration. A properly drafted clause can go a long way toward ameliorating these issues. Learn what to look for and what to avoid as our panel discusses discovery, evidentiary issues, applicable law, and procedural rules.

Speakers: Robert S. Peckar, Peckar & Abramson, P.C., River Edge, NJ; Stanley P. Sklar, Bell Boyd & Lloyd LLC, Chicago, IL

Breakout 2: Understanding and Resolving Insurance Issues with ADR

Most project participants are unaware of the extent to which insurance coverage may provide relief on a project. To the extent there might be a dispute over the scope of coverage, more and more policies are requiring the use of alternative dispute resolution in order to solve those coverage issues. This timely program will discuss insurance coverage for construction defects and additional insured issues. This program will also consider the unique aspects of alternative dispute resolution in the insurance context, discussing such issues as choice of law and effective claim presentation.

Speakers: Greg E. Bundschuh, Ames & Gough, Roswell, GA; Tracy Alan Saxe, Saxe Doernberger & Vita, P.C., Hamden, CT

12:15pm – 2:15pm

Luncheon Program: When Bankruptcy and Construction Collide: Preserving Rights and Getting the Job Done

Speakers: Kimberly A. Ashby, Akerman Senterfitt, Orlando, FL; Denise D. Dell-Powell, Akerman Senterfitt, Orlando, FL

2:15pm – 3:30pm

Breakout 3: ADR During Construction: How to Make it Work

Most large and complex projects today require participation in an alternative dispute resolution process during construction, the most popular of which is a dispute review board. Learn about the challenges associated with the use of these alternative dispute resolution processes in construction cases, choose the most effective vehicle, and how to maximize its benefits.

Speakers: William B. Baker, Calistoga, CA; Stephen D. Butler, Bechtel Corporation, San Francisco, CA; Charles E. Schaub, Jr., Hinckley Allen Snyder LLP, Boston, MA

Breakout 4: Measuring Damages: Pricing Construction Claims

This program will discuss the calculation and presentation of damages including direct damages, indirect damages, consequential damages, delay, inefficiency and acceleration. Advocates and neutrals alike will want to make time for this program, as the panel will discuss the effective presentation of damages, and the use of experts during mediation and arbitration.

Speakers: Bruce Charles King, Carlton Fields, P.A., Miami, FL; Stephen P. Lechner, PricewaterhouseCoopers, LLP, San Francisco, CA; David W. Rudy, Just Accord, Inc., Black Forest, CO

3:45pm – 5:00pm

Breakout 5: Where's the Logic: Presenting Delay Claims

Join us for a lively discussion of approaches to claim analysis and presentation, and the most compelling ways to frame delay analysis that will persuade insurance adjusters, client representatives and neutrals.

Speakers: Kenneth R. Baker, P.E., Trauner Consulting Services, Inc., San Diego, CA; Albert Bates, Jr., IV, Reed Smith, LLP, Pittsburgh, PA; Paul A. Sandars, III, Lum, Danzis, Drasco & Positan, LLC, Roseland, NJ

Breakout 6: A Dialogue: How Lawyers and Mediators Can Help Each Other Resolve Cases

This informative program will feature an open and frank discussion about issues mediators have with lawyers, and vice versa. The program will help you understand the perspectives of each participant in the mediation process and possible strategies for improvement. This program will also consider the various ethical standards regulating mediators and lawyers in the mediation setting.

Speakers: Robert E. Benson, Holland & Hart, LLP, Denver, Co; John G. Bickerman, Bickerman Dispute Resolution, PLLC, Washington, DC; Neil M. Eiseman, Goetz Fitzpatrick LLP, New York, NY; Richard H. Lowe, Duane Morris LLP, Philadelphia, PA; Mary A. Salamone, Peckar & Abramson, P.C., Los Angeles, CA

6:00pm – 7:30pm

Networking Reception

Join program attendees and featured speakers for this complimentary networking reception.

Sponsored by: PricewaterhouseCoopers, LLP



7:30am – 12:00pm

Registration

7:30am – 8:30am

Continental Breakfast

8:30am – 9:45am

Breakout 7: Construction 101 for ADR Practitioners

New to construction ADR? Make time for Construction 101 and get an overview of the construction process, including the project participants, their roles, and the basic forms of project delivery systems. The program will provide insight into the most common issues that can lead to lawsuits.

Speakers: JoAnne B. Coleman, Warner Construction Consultants, Inc., Rockville, MD; Candace R. Duff, Greenberg Traurig, P.A., Miami, FL

Breakout 8: ADR 101 for Construction Lawyers

Unfamiliar with ADR? Make time for ADR 101 and get an overview of the different ADR processes available in the construction setting, how each works, and the advantages and disadvantages of each.

Speakers: Robert L. Byman, Jenner & Block, LLP, Chicago, IL; Raymond A. Garcia, Garcia & Milas, P.C., New Haven, CT; Catherine E. Shanks, American Arbitration Association, East Providence, RI

10:00am – 12:00pm

Plenary 2: Structuring and Formatting the Mediation of Complex, Multi-Party, Multi-Issue Construction Disputes

Incorporating and expanding upon the ideas presented in the plenary and breakout sessions, this program will serve as the capstone for the seminar. Designed for litigators and neutrals involved in complex cases, the session will cover the organizational process necessary to resolve disputes involving numerous parties. Our panel will explore, and provide recommendations on, the plethora of issues that arise when an attempt is made to settle a major construction project at all levels with all participants.

Specific topics will include: Formatting the mediation sessions; appropriate timing; facilities; "top down" vs. "bottom up" negotiating plans; presentation formats; caucus procedures; coordinating with courts and other ADR forums.

Speakers: Larry F. Delmore, The Dispute Resolution Board Foundation, Needham, MA; L. Tyrone Holt, The Holt Group LLC, Denver, CO; Hon. Joel Rosen, U.S. Magistrate Judge, D.N.J., Camden, NJ; Lawrence M. Watson, Jr., Upchurch Watson White & Max, Maitland, FL

12:00pm

Meeting Adjourns

Thank You

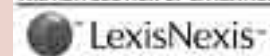
The Alternative Dispute Resolution and Construction committees would like to extend their gratitude to PricewaterhouseCoopers, LLP for their generous support of this 2005 CLE Seminar.

A special thank you goes to LexisNexis and PricewaterhouseCoopers, LLP for their continued support of the Section of Litigation.

The Committees would also like to thank Kim Ashby, Rob Remington, and Paul Sandars for their hard work in helping to make this seminar possible.



PricewaterhouseCoopers LLP is pleased to be the Litigation Advisory Services sponsor of the ABA Section of Litigation.



General Information

REGISTRATION

The registration fee covers admission to all CLE programs, course materials, continental breakfast, a luncheon, and admission to the Wednesday and Thursday evening receptions. The deadline for advance meeting registration is **Wednesday October 26, 2005**. After that date, all registrations will be considered onsite registrations. For information regarding registration, please contact Karen Kasparaitis at (312) 988-6245.

To register online please visit our website at: <http://www.abanet.org/litigation/committee/adconstruction/>

REGISTRATION CANCELLATION

Requests for registration fee refunds must be made in writing and received in the ABA Section of Litigation office **on or before October 26, 2005**. You may fax your request to Karen Kasparaitis at (312) 988-6234. An administrative fee of \$50 will be deducted from the refund. **After October 26, 2005, cancellation requests will not be processed.** The Section will accept substitutions for those unable to attend. The ABA reserves the right to cancel any programs and assumes no responsibility for personal expenses. Refund requests will be processed 30 days after the meeting concludes.

AIRLINE INFORMATION

The ABA Online Travel can be accessed at www.abanet.org/mtd/online/travel.html. You can automatically receive ABA discounts from a variety of carriers, as well as view and purchase other low fare options including web fares.

Reservations can also be made with ABA Travelocity Business at (866) 321-8403. Please provide the following ABA discount codes when making your reservation with your own travel agent.

Airline	Phone	Acct #/Star File
American Airlines:	(800) 433-1790	#17715
Delta Airlines:	(800) 241-6760	US324453037
US Airways:	(877) 874-7687	#65163236

McCarran Airport is the main airport serving Las Vegas and Clark County. For further information please visit the McCarran International Airport website at <http://www.mccarran.com>.

Green Valley Ranch offers a complimentary shuttle service to and from McCarran Airport and the Las Vegas Strip. This is a white, ten-passenger van with the Green Valley Ranch logo. It is available to the first ten people at each destination.

The shuttle picks up and drops off guests at the Zero Level. The Zero Level is located down the escalators behind the Baggage Claim Information Desk. The shuttle will pick up and drop off across the driveway (to the right) across from stalls #21 and #22.

HOTEL INFORMATION

All programs will take place at the beautiful Green Valley Ranch Resort & Spa located at 2300 Paseo Verde Parkway, Henderson, Nevada. Registrants can make their reservations by calling (866) 782-9487 toll free or (702) 617-7777. To receive the special ABA negotiated rate of \$199 plus tax, per night, attendees must indicate that they are attending the ABA Section of Litigation ADR/Construction Litigation Committees CLE Seminar. The deadline for reservations is **Monday October 10, 2005**. Please note that by waiting until this deadline to secure reservations does not guarantee room availability. After this date, rates are subject to availability. Hotel reservation cancellations must be received by 3:00 pm, 48 hours prior to the scheduled day of arrival, to avoid a one-night cancellation charge.

SERVICES FOR THE DISABLED

If special arrangements are required for an individual to attend this program, please contact Karen Kasparaitis at (312) 988-6245.

MCLE CREDIT

Accreditation has been requested for this program from every state with mandatory continuing legal education requirements for attorneys. Please check with your state agency for confirmation of approval for any program.

ACTIVITIES

GOLF

1:00pm Start Time (Shuttle Departs at 12:30pm)
The Revere Golf Club, just 10 minutes from the Green Valley Ranch Resort & Spa, presents a blend of beauty and challenge unlike any other in Southern Nevada.

Created by legendary PGA Tour player Billy Casper and architect Greg Nash, this 36 hole golf course will test your skills, challenge your nerve, and inspire your soul. For more information on Revere Golf Club visit their website at www.reveregolf.com.

Paul Sandars will coordinate the tournament, and tee times will be posted near the registration desk onsite. **Advance registration is required and must be completed by Thursday, October 20th. No refunds will be given after this date.** Box lunch is included in the fee as well as hotel shuttle service to and from the course. Please contact Paul at 973-228-6767 or send an email to psandars@lumlaw.com to set up your foursomes.

SPA

The Spa at Green Valley Ranch Resort offers a retreat from the desert sun and a place of relaxation in an awe-inspiring facility on the manicured grounds of the Green Valley Ranch Resort & Spa.

As an attendee of the ADR Construction Committees CLE Seminar, a 20% discount off of spa treatments during your stay will be honored. Please refer to the meeting name when making your appointment. For reservations, please call (702) 617-7570. Visit The Green Valley Ranch website at <http://www.greenvalleyranchresort.com> for a list of treatments.

Wednesday, November 9

6:00pm – 7:30pm

Welcome Reception

Thursday, November 10

8:30am – 8:40am

Welcome from the Committee Co-Chairs

8:40am – 8:45am

Opening Remarks & Announcements

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Breakout 2: Understanding and Resolving Insurance Issues with ADR

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Luncheon: When Bankruptcy and Construction Collide: Preserving Rights and Getting the Job Done

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Breakout 3: ADR During Construction: How to Make it Work

Breakout 4: Measuring Damages: Pricing Construction Claims

3:45pm – 5:00pm

Breakout 5: Where's the Logic: Presenting Delay Claims

Breakout 6: A Dialogue: How Lawyers and Mediators Can Help Each Other Resolve Cases

6:00pm – 7:30pm

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Sponsored by PricewaterhouseCoopers, LLP

Friday, November 11

8:30am – 9:45am

Breakout 7: Construction 101 for ADR Practitioners

Breakout 8: ADR 101 for Construction Lawyers

10:00am – 12:00pm

Plenary 2: Structuring and Formatting the Mediation of Complex, Multi-Party, Multi-Issue Construction Disputes



Reach Us Through the Web

For more information on the ABA Section of Litigation Alternative Dispute Resolution & Construction Committees CLE Seminar, or to register online, log on to the Committee's home page at: <http://www.abanet.org/litigation/committee/adrconstruction/>

Registration Form

2005 Alternative Dispute Resolution & Construction Litigation Committees CLE Seminar

November 9 – 11, 2005 • Green Valley Ranch Resort & Spa • Henderson, NV

Registration Options

Online Save \$50 when you register at:
www.abanet.org/litigation/committee/adrconstruction/

or Mail this form to:

Karen Kasparaitis
ABA Section of Litigation
321 North Clark Street
Chicago, IL 60610
Fax: (312) 988-6234

NAME _____ ABA MEMBERSHIP ID# _____
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(Providing your email allows you to receive communications and promotions from the ABA and its entities)

ACCOMPANYING SPOUSE/GUEST _____
(AS IT SHOULD APPEAR ON BADGE)

SPECIAL DIETARY NEEDS _____

REGISTRATION FEES

	Online	Mail/Fax
Section of Litigation Members	<input type="checkbox"/> \$545	<input type="checkbox"/> \$595
Government/Academic/Public Service	<input type="checkbox"/> \$385	<input type="checkbox"/> \$435
Law Students	<input type="checkbox"/> \$50	<input type="checkbox"/> \$75
Non-Members	<input type="checkbox"/> \$645	<input type="checkbox"/> \$695

TICKETED EVENTS

(Space is limited for all events. Please register to insure we can accommodate you).

	Event Fee	Qty.	Total
Wednesday, November 9 Welcome Reception	Free	_____	_____
Thursday, November 10 Networking Reception	Free	_____	_____
Luncheon	Free	_____	_____
Friday, November 11 The Revere Golf Club 1:00pm start time Golf tournament*	\$175	_____	_____

Includes Shuttle Service to and from hotel, Box Lunch, Green Fee, Cart, & Coordination Fee

*Please contact Paul Sandars to arrange a foursome at 973.228.6767 or psandars@lumlaw.com

Total Amount Enclosed \$ _____

METHOD OF PAYMENT

Charge to the Following Credit Card:

AMEX VISA MC

Card # _____

Expiration Date _____

Signature _____

Enclosed is a check made payable to the American Bar Association, Section of Litigation for \$ _____

*Registration will not be processed until payment is received.

For more information regarding the Section of Litigation, visit our Web site:
www.abanet.org/litigation/home.html