



Infrastructure From the Ground Up: Civil Works Projects for Lawyers.

American Bar Association,
Forum on Construction Law
2018 Regional Program

November 9, 2018

Atlanta, GA

Columbus, OH

San Francisco, CA

Washington, DC

Infrastructure From the Ground Up: Civil Works Projects for Lawyers.

On November 9, 2018, in four convenient locations across the country, the ABA Forum on Construction Law will present “Infrastructure From the Ground Up: Civil Works Projects for Lawyers.”

Taught by leading industry professionals in each location, this one-of-a-kind program provides a unique opportunity for both new and seasoned construction lawyers, as well as other construction industry participants, to gain a fundamental understanding of the key engineering and construction issues that govern major civil works projects or “horizontal” construction. The range of projects covered includes transportation (highways, bridges and railroads), water and wastewater (treatment, drainage and runoff), environmental and solid waste (hazardous waste investigation and remediation, and landfills), power (electrical generation) and geotechnical (site investigation and testing). The program format is modeled on the Forum’s very popular “Sticks and Bricks” program, which focuses on building technologies for “vertical” construction.

Designed to be both affordable and convenient, the Infrastructure program provides an exceptional training opportunity for law firms and other construction industry professionals and businesses. Those new to infrastructure and horizontal construction will acquire the knowledge necessary to comprehend complex technical concepts, identify and anticipate legal risks, counsel their clients more competently, and deliver greater value when engaged on civil projects. The Infrastructure program is a vital educational credential for construction lawyers whose practice includes such projects, and who need to understand the key considerations that drive civil projects.

Tuition includes a copy of the Forum book, *Infrastructure from the Ground Up: Civil Works for Lawyers* as well as lunch and a full day of CLE instruction.

Governing Committee Liaison

John Marshall Cook

Smith Pachter McWhorter, PLC
Tysons Corner, VA

Program Co-Chairs

Ian H. Frank

Frantz Ward LLP
Cleveland, OH

Catherine Bragg

TRC Companies, Inc.
New York, NY

Program Schedule

November 9, 2018

8:15 – 8:45 am | Registration

8:45 – 9:00 am | Opening Remarks

9:00 – 10:40 am | Transportation - Highways / Bridges / Rail

This session will provide a comprehensive discussion of the risks and liabilities associated with three principal types of transportation projects. With respect to highway construction projects, issues around the government’s procurement of land for the project and condemnation filings will be discussed, as well as responsibility for materials testing failures and other important subjects. The segment on bridge construction projects will include topics such as delay claims, liquidated damages and long-term structural integrity monitoring. Lastly, among others, the segment on rail construction will look at site access issues and disputes involving specialty trade contracts, including mechanic’s liens.

10:40 – 10:50 am | Break

10:50 am – 12:00 pm | Water / Wastewater

Construction of water facility projects involves deep vertical construction as well as substantial horizontal construction, which often gives rise to differing site conditions claims. This segment will include a discussion of differing site condition clauses typically seen in a construction contract, including discussion of Type I conditions and key issues litigated in those claims. The segment on wastewater will focus on Type II differing site condition claims, as well as the overlap between administrative investigations and pending litigation when wastewater projects go wrong.

12:00 – 1:15 pm | Lunch

1:15 – 2:30 pm | Geotechnical

Because project owners contract directly with geotechnical engineers, negligence claims brought by other project participants (designers, contractors & subcontractors) are difficult to pursue. Learn how the economic loss rule applies in these cases, the growing exceptions to that rule, and the legal theories that may be used to overcome the challenges in these types of cases. Also hear a discussion of the typical contract disputes an owner may have with its geotechnical engineer.

2:30 – 2:40 pm | Break

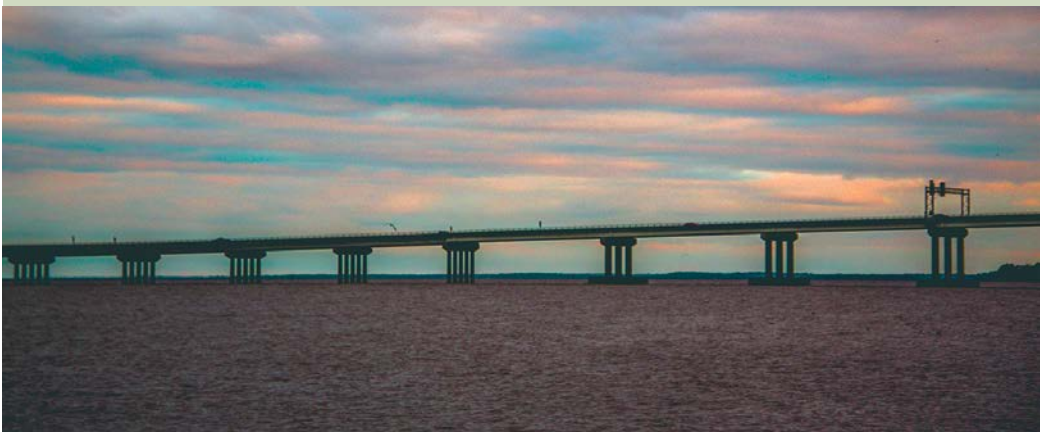
2:40 – 3:40 pm | Power

Power plant projects involve unique legal issues. Whether it is the installation of owner-provided equipment, contractor-furnished connections or fundamental design issues, contractual provisions should be written that address the rights and remedies of the parties. This session will discuss some of the issues when these types of problems arise, and also cover some unique remedies available to equipment suppliers and other power project participants.

3:40 – 3:50 pm | Break

3:50 – 5:00 pm | Environmental / Solid Waste

The environmental segment of this session will discuss the effect of CERCLA and other federal statutes on how contract provisions are drafted and how to address environmental issues arising on a site. The segment will also cover discovery or disturbance of an environmental problem during construction and how it can enlarge the scope of responsibility beyond the owner. During the solid waste segment, the reliance on accurate site information of existing conditions will be discussed, as well as appropriate methods of supporting delay claims. Also covered will be the role of specialty trade contractors and legal remedies available to them to obtain payment for work.



ATLANTA

King & Spalding LLP
1180 Peachtree Street
Atlanta, Georgia 30309

Sponsor:
FTI Consulting
Atlanta, GA

Regional Coordinators:

Gregory K. Smith

Smith, Gambrell & Russell, Atlanta, GA

Jessica Sabbath (Site Coordinator/Speaker)

King & Spalding LLP, Atlanta, GA

Speakers:

Luis Babler

Geo-Hydro Engineers, Inc.,
Kennesaw, GA

Teresa Crisp, PE

Jacobs, Atlanta, GA

R. Kent Nilsson, PE

TRC Companies, Inc.,
Greenville, SC

Peter Crofton

Smith, Gambrell & Russell,
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Jonathan J. Hunt

MARTA, Atlanta, GA

Terry Yeager

Berkeley Research Group,
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COLUMBUS

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Columbus, OH 43215

Sponsor:
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Cincinnati, OH

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McDonald Hopkins, LLC, Columbus, OH

Donald B. Leach

Dinsmore & Shohl, LLP, Columbus, OH

Speakers:

Frank Aransky, PE

American Structure Point,
Columbus, OH

Mark L. Drotar, PE

SEA Limited, Stow, OH

Michael J. Soller, PE

Bowen Engineering,
Indianapolis, IN

Chris Bettinger, PE

American Structure Point,
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Consultants, Akron, OH

Kenneth G. Sislak

AECOM, Cleveland, OH



SAN FRANCISCO

Bechtel Conference Center
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San Francisco, CA 94111

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Austin, TX

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Aaron P. Silberman

Rogers Joseph O'Donnell,
San Francisco, CA

Speakers:

Mark E. Alpert, PE

Water Design-Build Council,
Denver, CO

Terry L. Dunlap

Webcor Builders,
Burlingame, CA

Christi Fu, PE

Arcadis, Los Angeles, CA

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Sergei Terzaghi

Arup, Los Angeles, CA



WASHINGTON, DC

AIA District Architecture Center
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**Thornton Tomasetti
Group, Inc.**
Washington, DC

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Jones Day, Washington, DC

Elizabeth Walsh (Site Coordinator/Speaker)

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Christopher F. Tierney

Kenrich Group, LLC,
Washington D.C.

M. Derya Thompson

Thornton Tomasetti,
Los Angeles, CA



PROGRAM INFORMATION

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 contact Patricia Harris patricia.harris@americanbar.org or **312.988.6086** by 5pm CT 11/2/2018 to confirm space is still available. Failure to call in advance may result in not being admitted to a sold-out program.

Tuition

Tuition includes admission to the program, lunch, program course materials and the book titled *Infrastructure from the Ground Up: Civil Works for Lawyers*.

Cancellation Policy

No refunds will be granted for cancellations received after 10/12/18.

To receive a refund, minus a \$60 administrative fee, cancellations must be made IN WRITING and RECIVED by tamara.harrington@americanbar.org. 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

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify up to 6.25 general credit hours of CLE credit for this program in 60-minute states and 7.5 general credit hours of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to approval from each state's approval and credit rounding rules. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/construction_industry or contact Patricia.Harris@americanbar.org.

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 Tres. Reg 1.162-5) (Coughlin vs. Commissioner 203 F 2d 307).

Scholarship

Please contact Tamara Harrington by email at tamara.harrington@americanbar.org or by phone at **312.988.5674** for non-diversity scholarship information.

Diversity Scholarship Information

The Forum has Diversity Scholarships for the cost of registration for this program at each venue for women and minority construction lawyers, construction lawyers with disabilities, and construction lawyers from the LGBT community. Individuals wishing to be considered for a scholarship should submit a copy of their resume and a letter describing their construction law practice, along with reasons why they want to attend the Regional Meeting. Applications are due no later than October 8th. If selected, candidates must commit to attend the program. The scholarships are not transferable. Applications for the scholarships should be sent to the Forum's Diversity Committee Chair, David J. Theising, at dtheising@harrisonmoberly.com. If you have any questions, please contact Mr. Theising by email or by calling him at **317.639.4511**.

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PROGRAM REGISTRATION

Advanced Registration Deadline: **September 28, 2018**

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Three Ways to Register

- 1** Online: **ambar.org/constructionlaw**
- 2** Fax: **(312) 988-5850**
- 3** Mail: **American Bar Association**
Attention: Service Center - Meeting/Event Registration CI1118
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 FEES

	Before 9/28/2018	After 9/28/2018
Forum Member	<input type="checkbox"/> \$325	<input type="checkbox"/> \$375
ABA (Non-Forum) Member*	<input type="checkbox"/> \$375	<input type="checkbox"/> \$425
Non-ABA Member	<input type="checkbox"/> \$450	<input type="checkbox"/> \$500
Law Student	<input type="checkbox"/> \$75	<input type="checkbox"/> \$75

Please choose which city you will attend:

Atlanta Columbus San Francisco Washington, D.C.

Cancellation Policy

No refunds will be granted for cancellations received after 10/12/18

PAYMENT INFORMATION

- Check (made payable to **ABA-Forum on Construction Law CI1118**)
 Credit Card: MasterCard | American Express | Visa | Discover

CREDIT CARD #	EXPIRATION DATE	CVV
NAME ON CARD		
SIGNATURE		



American Bar Association
321 North Clark Street MS 18.2
Chicago, IL 60654



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SAVE THE DATE FOR FUTURE PROGRAMS!

2019 Midwinter Meeting

January 31 - February 1, 2019

Los Angeles, CA

2019 Annual Meeting

April 25 - 27, 2019

Hollywood, FL

