Building a Better Construction Industry through Inclusion, Diversity, & Professionalism

Forum on Construction Law Fall Meeting
October 23-25, 2019  |  Philadelphia, PA
The Philadelphia Marriott Downtown Hotel
**Thanks to our Co-Sponsors:**

Commission on Women in the Profession  
Coalition on Racial and Ethnic Justice  
Commission on Hispanic Legal Rights and Responsibilities  
Commission on Racial and Ethnic Diversity in the Profession  
Commission on Sexual Orientation and Gender Identity  
Commission on Disability Rights  
Council for Diversity in the Educational Pipeline

### LEADERSHIP

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<tr>
<td>Chair</td>
<td>Kristine A. Kubes</td>
<td>Kubes Law Office, PLLC</td>
<td>Minneapolis, MN</td>
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<tr>
<td>Chair-Elect</td>
<td>Arlan D. Lewis</td>
<td>Blueprint Construction Counsel LLP</td>
<td>Birmingham, AL</td>
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<td>Immediate Past Chair</td>
<td>Thomas L. Rosenberg</td>
<td>Roetzel &amp; Andress</td>
<td>Columbus, OH</td>
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<td>Jackson Lewis PC</td>
<td>Albuquerque, NM</td>
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<td>Kristen L. Sherwin</td>
<td>Winstead PC</td>
<td>Dallas, TX</td>
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<td>Cathy L. Altman</td>
<td>Carrington Coleman</td>
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<td>Lori Y. Baggett</td>
<td>Carlton Fields</td>
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<td>Keith J. Bergeron</td>
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<td>John Marshall Cook</td>
<td>Smith Pachter McWhorter, PLC</td>
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<td>Timothy C. Ford</td>
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<td>Nicholas K. Holmes</td>
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<td>Jaimee L. Nardiello</td>
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<td>Richard J. Wittbrodt</td>
<td>Gibbs Giden Et al LLP</td>
<td>Los Angeles, CA</td>
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**Marketing Committee Liaisons**

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<tr>
<td>Mary Jay Torres-Martin</td>
<td>Business Development Consultant</td>
<td>Philadelphia, PA</td>
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<tr>
<td>Michael D. Lane</td>
<td>Riess LeMieux</td>
<td>New Orleans, LA</td>
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Dear Colleagues:

Join us in the birthplace of our nation – Philadelphia, PA – for the first-ever summit focused on understanding the business implications of inclusion, diversity, and professionalism across the construction industry. With engaging debates among industry leaders and insights from legal experts, the Forum’s 2019 Fall Meeting offers unique perspectives on both risks and opportunities facing construction professionals.

Our program includes advice for litigators and transactional lawyers alike, as well as in-house and outside counsel. Leaders from the ABA, ACEC, AGC, and AIA will forecast cultural and demographic shifts and provide their assessments of the industry as a whole. They will explore the challenges posed by historical perception of the lack of diversity in the industry and compare progress by legal, construction, and design professionals. They will candidly examine and evaluate the effectiveness of initiatives to mitigate risks due to lack of diversity on the jobsite and in the office, while also increasing profitability.

Nationally-renowned speakers and authors, Kathleen Nalty and Lauren Stiller Rikleen, will address the impact of inclusion and multi-generational leadership in the workforce. The program will also focus on the industry’s workforce, discussing pay equity, immigration, DBE programs, and how cultural relations impact negotiation, project management, and dispute resolution. The program will close by exploring Model Rule of Professional Conduct 8.4 and its call for professionalism in the practice of law.

Attendees will depart armed with tools and insights to position their own practice for success, and to support their clients’ efforts to strengthen their businesses, through inclusion, diversity, and professionalism.

Only have half a day to commit to this topic? Attend our practicum focused on ethics and professionalism in advocacy. The practicum will address how to maintain lawyer ethics and civility amidst challenging circumstances. A stand-alone event, the practicum will offer ethics credit, and has separate registration.

Please join us at the Marriott Downtown Philadelphia, just steps away from historic Reading Terminal Market, one of America's largest and oldest public markets where we will host our Welcome Reception. Stay for the weekend and join in our history tours of Philadelphia and Valley Forge.

See you in Philadelphia!
WEDNESDAY, OCTOBER 23

12:00 – 3:00 P.M. Advance Registration Opens

1:00 – 5:00 P.M. Practicum: Ethics & Professionalism in Advocacy
Do you need ethics or professionalism credit? Please join us for the 2019 Forum Fall Practicum, focusing on ethics and professionalism challenges in depositions, the courtroom, and the practice of law.
Topics include:
• Recent trends and developments from the perspective of a trial court judge
• Ethical predicaments in dealing with aggressive “Rambo” litigators
• Unique complexities for intergenerational and diverse lawyers
• Contemporary challenges with civility and professionalism
• The impact of the #MeToo movement on the legal profession
• Consequences of the use of technology by lawyers and judges

The Practicum will be divided into two panels, both including an interactive segment with attendees. The Practicum will conclude with a meet-and-greet with the presenters to facilitate more discussion of these important topics. Registration for the Fall Meeting is not required to register for the Practicum.

Panelists:
Timothy C. Ford | Hill Ward Henderson, Tampa, FL
Harper Heckman | Nexsen Pruet, Greensboro, NC
Jennifer Leonard, J.D. | Univ. of PA Law School, Assoc. Dean for Professional Engagement & Dir. of Center on Professionalism
Judge Gene E. K. Pratter | U.S. District Court for the Eastern District of PA
Jason M. Rodgers-da Cruz | Siegfried Rivera, Coral Gables, FL
David A. Scotti | Scotti Law Group, Pittsburgh, PA
Moderator: Michael D. Lane | Riess LeMieux, New Orleans, LA

Presented by: Division 1 – Litigation and Dispute Resolution and Young Lawyers Division

3:00 – 5:00 P.M. On-Site Registration Opens

5:15 – 6:00 P.M. New Attendee Meet and Greet

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

THURSDAY, OCTOBER 24

7:15 – 5:15 P.M. Registration and Exhibit Hall Open

7:30 – 8:15 A.M. Continental Breakfast

8:00 – 8:15 A.M. Opening Remarks and Announcements

8:15 – 9:45 A.M. Plenary 1
What You Don’t Know CAN Hurt You
Biases are created and reinforced by our environments and experiences. In this engaging session, we will tie these issues to our industry and discuss techniques for identifying systemic issues, outsmarting...
unconscious behavior and mitigating its effects on the bottom line of our businesses and those of our clients.

Kathleen Nalty  |  President, Kathleen Nalty Consulting, LLC, Denver, CO

9:45 – 10:00 A.M.  Break

10:00 – 11:15 A.M.  Plenary 2

Where does the Construction Industry Stand:
A Candid Conversation with Industry Leaders about Inclusion, Diversity, & Professionalism

How are the legal profession and the construction industry actually doing in their efforts toward inclusion, diversity, and professionalism? This panel of distinguished industry leaders will have a candid conversation about the results of inclusion and diversity efforts, the negative effects of eroding professionalism in business and the law, the historic barriers various segments of the industry face to achieving inclusion and diversity, and ways the industry has and will continue to address inclusion, diversity, and professionalism challenges head-on.

Emily Grandstaff-Rice, FAIA  |  AIA 2019 President, Pittsburgh, PA
Linda Bauer Darr  |  President and CEO, American Council of Engineering Companies (ACEC), Washington, DC
Brynn Huneke  |  Director, Diversity & Inclusion, Member Engagement, Associated General Contractors of America, Arlington, VA
Linda A. Klein  |  Senior Managing Shareholder, Baker Donelson Past President of the American Bar Association, Atlanta, GA

11:15 – 12:15 P.M.  Plenary 3

Inclusion, Diversity, Professionalism and Risk Management

Limited workforce diversity has been recognized as a top 20 risk for companies globally by a leading risk management group. How can the construction industry address this risk? Drawing from their practical experiences in the construction and risk-mitigation industries, this session’s panelists will identify unique issues related to respect and professionalism in the workplace, and ways in which inclusion and professionalism can assist companies in the construction industry to mitigate risk on the jobsite and in the office, help retain top talent, and maximize staff engagement. The conversation will also focus on the reputational risk a company may suffer when the company, or the industry of the company, is perceived by the public as not being inclusive, diverse, or professional in its dealings.

Lance Currie  |  Carrington, Coleman, Sloman & Blumenthal, L.L.P., Dallas, TX
Amy Iannone  |  DPR Construction, Redwood City, CA
Claudia Mandato  |  Executive Vice President, Lockton Companies, Kansas City, MO

12:15 – 1:45 P.M.  Roundtable Lunches

Lunch provided. Join us for facilitated discussions with other division members. Don’t have a division yet? That’s okay – pick any lunch room and we will include you in the conversation.

1:45 – 2:00 P.M.  Break

2:00 – 3:00 P.M.  Plenary 4

Pay Equity in the Construction Industry

Surveys suggest that construction is one industry where compensation rates between the genders is closer to equitable as compared to other industries. Part of this trend may be related to the landmark Supreme Court Case of Lilly Ledbetter vs. Goodyear Tire & Rubber, as well as the
resulting 2009 passage of the Lilly Ledbetter Fair Pay Act. The panelists will discuss the rapidly changing area of gender equity in pay and fascinating local trends related to “Fair Pay for Women” statutes and local ordinances.

Anne Bibeau | Vandeventer Black LLP, Norfolk, VA  
Michael J. Frantz, Jr. | Frantz Ward LLP, Cleveland, OH  
Kristin Protas | VP and Senior Legal Counsel, Gilbane Building Company, Washington, DC

3:00 – 4:00 P.M.  
Plenary 5  
Immigration Issues in the Construction Industry

The U.S. is dealing with an ever-increasing labor shortage in the construction industry due to the current construction boom and recent, significant efforts by the U.S. Government to crack down on illegal immigration and non-compliant employers. This panel will cut through the immigration regulatory visa options and compliance interaction with agencies such as ICE, E-Verify, and USCIS, and provide real insight on this topic from their perspectives as advisors to construction and design companies, as well as industry groups.

Neena Dutta | Dutta Law Firm, P.C., New York, NY  
Nici Kersey | Kersey Immigration Compliance, LLC, St. Petersburg, FL  
Chris Montez (Moderator) | The Law Firm of Christopher D. Montez, PLLC, Dallas, TX

4:00 – 4:15 P.M.  
Break

4:15 – 5:15 P.M.  
Plenary 6  
Building a Successful DBE Program Team

DBE programs have been used for years by local, state, and federal governments in the construction arena in an attempt to spur economic development for diverse, small, and economically disadvantaged businesses. While these programs have provided a great deal of opportunity, the rules related to DBE subcontracting and vendor agreements are not always understood or used in a compliant manner to create value for both the Project and DBE and subcontractor. The panelists for this session will discuss lessons learned from on-the-job experience, DBE compliance requirements, Good Faith Efforts toward the recruitment of qualified DBEs, challenges of meeting DBE Goals, how the fraudulent use of DBEs hurts prime contractors, subcontractors, owners, projects, and other DBEs, and how the use of joint ventures and other affiliations can create a mutually-beneficially relationship on projects.

John Cavallaro | Corporate Counsel/Corporate Compliance Officer Skanska USA Civil Inc., New York, NY  
Lorraine D’Angelo | LDA Compliance Consulting, New York, NY  
Rosa Navejar | President, The Rios Group, Fort Worth, TX

5:30 – 7:00 P.M.  
Women’s Networking Reception

7:00 – 9:30 P.M.  
Welcome Reception at Reading Terminal Market

FRIDAY, OCTOBER 25

7:15 – 1:00 P.M.  
Registration and Exhibit Hall Open

7:30 – 8:15 A.M.  
Continental Breakfast

8:10 – 8:15 A.M.  
Opening Remarks and Announcements
8:15 – 9:15 A.M.  **Plenary 7**

**Multi-Generational Issues in the Workplace: Leadership for Every Age and Stage**

Employers often form judgments based on stereotypes about the different generations in the workplace. This presentation will challenge these stereotypes and discuss generational issues from a nuanced and research-based perspective. In the construction industry, in particular, there is incredible potential to facilitate teamwork, and foster cross-generational mentorship and apprenticeship relationships. Attendees will receive concrete tips and strategies that foster respect in the workplace, promote institutional excellence, strengthen workplace teams, and ultimately enhance the bottom line.

*Lauren Stiller Rikleen | President, Rikleen Institute For Strategic Leadership, Wayland, MA*


9:15 – 9:30 A.M.  **Introducing Building For Good – www.building4good.org**

Introducing the Forum-created independent 501(c)(3) non-profit volunteer lawyer network, pairing Forum construction lawyers with the charities and nonprofits that need their help.

*Robert J. MacPherson | Director, Gibbons P.C., Newark, New Jersey*

9:30 – 10:30 A.M.  **Plenary 8**

**Strategies for Successfully Navigating Cultural Differences in Business Negotiations, Project Relations, and ADR**

A lack of knowledge about the culture and identity of one’s business partners can create difficulties on construction projects from the negotiation of the contract and performance of the work on a project site, to resolving issues as they arise. This same lack of awareness can create issues in mediation, or when presenting cases to judges, arbitrators, and juries. This session will explore how identity and cultural background impact leadership and decision-making, and provide strategies for breaking down cultural barriers that potentially serve as obstacles in the construction Industry.

*Adrian L. Bastianelli, III | Peckar & Abramson, P.C., Washington, DC*

*Wayne DeFlaminis | Director, HKA, Washington, DC*

10:30 – 10:45 A.M.  **Break**

10:45 – 12:00 P.M.  **Plenary 9**

**Perspective from the Bench: Model Rule 8.4(g) and a Return to Professionalism**

Rule 8.4(g) of the ABA’s Model Rules of Professional Conduct prohibits discrimination and sexual harassment in conduct related to the practice of law. What does this actually mean for construction attorneys? How can in-house and outside attorneys help set the proper professional tone for the construction industry as a whole? The panel for this session includes an experienced construction lawyer and the distinguished Hon. Bernice Donald of the U.S. Court of Appeals for the Sixth Circuit who will provide advice for professionalism inside and outside the courtroom and discuss the consequences for lawyers’ failure to do so.

*The Honorable Bernice B. Donald | United States Court of Appeals for the Sixth Circuit, Memphis, TN*

*Shiva S. Hamidinia | Odin, Feldman & Pittleman, P.C., Reston, VA*

12:00 – 12:15 P.M.  **Closing Remarks, Thank You, and Adjourn.**
Special Events

WEDNESDAY, OCTOBER 23

1:00 - 5:00 p.m.
Practicum: Ethics & Professionalism in Advocacy
See page 3 for more details.
Separate registration fee: $75

5:15 - 6:00 p.m.
New Attendee Meet & Greet
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 5:30 p.m. All attendees at this event are invited to attend the Exhibitors’ Reception immediately thereafter.

6:30 p.m.
Young Lawyer Division Social Event
Kick Axe Throwing, a Lodge-Themed Axe Bar. Join other new and young lawyers for food, drinks, and networking! The YLD has reserved indoor space for hospitality – and guided axe throwing – in the heart of Old City Philadelphia. Address: 232 Market Street, less than a mile from the hotel.

THURSDAY, OCTOBER 24

5:30 - 7:00 p.m.
Women’s Networking Reception
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.

7:00 - 9:30 p.m.
Welcome Reception
We are pleased to welcome you to the historic Reading Terminal Market for our opening reception! Bring your spouse or guest, gather with friends and colleagues for drinks and dinner, socializing, visiting the local vendors, and making new friends.

FRIDAY, OCTOBER 25

1:30 - 5:00 p.m.
History Tour of Philadelphia: Join us for fascinating guided tours through our nation’s history, including: The Carpenter’s Hall, built in 1771 and home to critical meetings leading up to the American Revolutionary War, including the Continental Congress, (www.carpentershall.org); the highly-acclaimed Museum of the American Revolution, (www.amrevmuseum.org); and the City Tavern, established 1772 and served as the unofficial meeting place of the delegates before and after sessions of the first Continental Congress, with guests including George Washington, Thomas Jefferson, and John Adams (www.citytavern.com). Separate registration required.

SATURDAY, OCTOBER 26

9:00 a.m. - 2:00 p.m.
Valley Forge Tour: Join us for a moving tour of Valley Forge, President George Washington’s winter camp during the Revolutionary War with plenty of lunch options on site. Now a national park, Valley Forge “honors the ability of citizens to pull together and overcome adversity during extraordinary times.” (www.nps.gov/vafo/index.htm). Bus tour departs hotel at 9 a.m., returns by 2 p.m. Separate registration required.
GUEST ACTIVITIES

Thursday, October 24
Guest and Spouse Breakfast
8:15 - 9:45 a.m.
Come and enjoy breakfast and conversation with Forum spouses and guests.

Guest/Spouse Event
10:00 - 1:00 p.m.

Art, History & Culture Tour: Join us and make new friends on a tour that includes the history of mapping the nation at the American Philosophical Society, (www.amphilsoc.org/museum/exhibitions/mapping-nation-shaping-early-american-republic); the largest collection of Rodin’s sculpture outside of Paris at the Rodin Museum, (www.rodinmuseum.org); a visit to the “Rocky” statue and the famous steps at the Philadelphia Museum of Art (https://en.wikipedia.org/wiki/Rocky_Steps) and more. Separate registration required.

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 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 September 3, 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@devinemilimet.com for more information.

Hotel Information
Rooms at The Philadelphia Marriott Downtown, 1201 Market St., Philadelphia, PA 19107 can be reserved at https://book.passkey.com/go/ABAForumOnConstructionLaw or by calling 215.625.2900. The deadline for reservations is October 1, 2019, 5:00 pm (CST) or when the block is exhausted. Room rates start at $299/night (plus tax and $30/resort fee). When registering for your hotel room please reference the ABA Forum on Construction Law 2019 Fall Meeting. You must register for the conference prior to making your hotel reservation.
1. **AIR TRAVEL:** Airfare and car rental discounts for ABA meetings are available through Egencia and Hertz. Go to [www.americanbar.org/membership/aba_advantage_discounts.html](http://www.americanbar.org/membership/aba_advantage_discounts.html) for more information.

2. **PROGRAM REGISTRATION:** Online at [ambar.org/Fall19](http://ambar.org/Fall19) or complete and return the attached registration form with your payment before October 4, 2019. 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 within 48 hours or by October 9, 2019, please call the ABA at 800-285-2221 to verify that your registration form and payment were received.

3. **ON SITE REGISTRATION:** On site 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 accepted.

4. **SCHOLARSHIP:** Scholarships may be available for a limited time. Attorneys who qualify will receive at least a 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.

5. **CANCELLATION POLICY:** No refunds will be granted for cancellations received after September 25, 2019. To receive a refund, minus a $65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.

6. **CLE CREDIT:** The ABA will seek up to 14 hours of CLE general credit in 60-minute states, and up to 16.8 hours of CLE general credit for this program in 50-minute states. Including 1.25 hours of CLE ethics credit in 60-minute states and 1.50 hours of CLE ethics credit in 50-minute states as needed. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit [www.americanbar.org/mcle](http://www.americanbar.org/mcle) for general information on CLE at the ABA.

7. **MEMBERSHIP:** To join the Forum for $60 go to ambar.org/constructionlaw. Save money on this conference and other CLE programs and books by joining the Forum.

8. **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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11. **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.)

12. **AMERICANS WITH DISABILITIES ACT:** If special arrangements are required for disabled individuals to attend this program, please contact the Forum in writing by September 25, 2019 at the American Bar Association, 321 N. Clark Street, Chicago, Illinois 60654. Fax: 312-988-5677. Email Patricia.Harris@americanbar.org.

13. **FOR ADDITIONAL INFORMATION:** If you have questions or require additional conference information, please call 312-988-5674 or email Tamara.Harrington@americanbar.org.
PROGRAM REGISTRATION

2019 Fall Meeting

Building a Better Construction Industry through Inclusion, Diversity, & Professionalism

Three Ways to Register

1. Online: ambar.org/constructionlaw
2. Fax: (312) 988-5850
3. Mail: American Bar Association Service Center - Meeting & Event Registration CI1019
   321 N. Clark St. - FL 19, Chicago, IL 60654

REGISTRANT INFORMATION (Please Print)

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REGISTRATION CATEGORY

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<td>$820</td>
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<td>In-House/Government/Academic (Special Rate)</td>
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- ☐ 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
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CANCELLATION POLICY: No refunds will be granted for cancellations received after September 25, 2019. To receive a refund, minus a $65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.
Please save these dates and join us for these upcoming Forum Meetings!

- **2020 Midwinter Meeting** - January 22-24, 2020 | Tucson, AZ
- **2020 Trial Academy** - March 4-7, 2020 | Dallas, TX
- **2020 Annual Meeting** - April 22-24, 2020 | Seattle, WA

**Forum on Construction Law**

October 23-25, 2019
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