It’s almost the holidays! For your gift, we have arranged for the days to start getting longer as of this weekend, 12/22!

**Book of the Month!**

Each month, we feature one book to add to your bookshelves. Trying to figure out the damages component of your latest case? We have the perfect...
Midwinter Meeting

If you haven’t already, please register for our Midwinter meeting in Tucson, Arizona on January 22-24, 2020: “2020: A Focused Look at Risk Management in the New Decade.” The practices of design, construction and law all have changed dramatically in the last 10 years, and business is no longer done the way it used to be. Please join us in warmly inviting Tucson, Arizona (this is in January, kids!) for an in-depth discussion of the risks in this new era and a discussion of future trends. Experienced attorneys and leaders in the industry will explore topics including the role of expanding technology and cyber security, and changes in risk assessment and management related to such changes. Plenary sessions will include cutting-edge topics such as the risks raised by using high-tech tools including augmented reality and artificial intelligence, and risks related to new trends in litigation management, e-discovery and labor and employment developments. We are thrilled to welcome three national speakers: Futurist Simon J. Anderson, ABA President Judy Martinez, and ENR’s 2019 Award of Excellence recipient Vicki O’Leary. Litigators, transactional lawyers, in-house counsel and outside counsel will all benefit from this meeting. Tucson in January – you can’t go wrong, you can only get warm!

Who's In Charge Anyway?

The Forum’s Governing Committee and the Forum’s Chair, Kristine Kubes (kristine@kubeslaw.com) will reply to any and all questions you have! Keep them reasonable, people, or you too may have to testify as part of the impeachment proceedings!

Announcement of Forum Nominating Committee for 2019-2020

Purchase Now →

“Construction Damages and Remedies” presents key principles of damages in the construction context and the remedies that support them, all distilled into a readable and accessible format with summaries of applicable law and practical advice. It’s time to get rid of those books that have been collecting dust in your office and replace them with this!
Early Bird Registration ends 12/27 and the hotel room block closes 12/30. Click here to view the brochure.

Register Now ⟷

**Limitation of Liability Clauses in Construction Contracts: Is the Sky the Limit? Enforcement and Exceptions to Limitation of Liability Clauses**  
Thursday, February 27, 2020 | 1:00PM - 2:30PM ET

Speakers: Brianna Kostecka, King & Spalding, New York, NY  
Elizabeth Rosado, Manafort Brothers Incorporated, Plainville, CT  
Monica L. Freeman, HDR, Omaha, Nebraska

Join our esteemed panel from the ABACLG and National Association of Women in Construction (NAWIC) as they discuss: Many industry form documents and custom construction contracts contain provisions shifting or limiting the respective parties’ risks. One of the main risk-limiting provisions seen primarily in the terms and conditions of construction or professional services agreements is the “limitation of liability” clause (“LoL” clause). These clauses generally establish the maximum liability or exposure of an owner, contractor or designer/engineer if there is a claim. When dealing with a limitation of liability clause a frequent legal issue that is often disputed, is whether or not the clause is actually enforceable. The panel will discuss key cases, such as Zirkelbach Construction, Inc. v. DOWL, LLC, 389 Mont. 8 (Montana 2017) (capping design firm’s liability at $50,000 where Contractor alleged over $1 million in damages due to a LoL clause in the contract).

Registration opening soon!

Check our website for updates. ⟷

Forum Chair Kristine Kubles is pleased to announce the following Forum Members have been appointed to the Nominating Committee: Karen Denys, Peter Hahn, Arlan Lewis (Chair), Deborah Mastin, George Meyer, Jaimee Nardiello, Wendy Venoit, and Fred Wilshusen!

Our Nominating Committee is charged with nominating one Forum Member for Chair-Elect, and four Forum Members for positions on the Governing Committee. If you wish to be considered, please submit your expression of interest/self-nomination to the Chair of the Nominating Committee, Arlan Lewis (contact information below), by Wednesday, January 8, 2020.

Nominations can be made by the candidates themselves or by third persons on their behalf, and should include a resume and a written submission detailing the candidate’s activities in the Forum, the ABA and the legal profession. The committee is interested in why the candidate wishes to serve in this role, and of any proposed initiatives or practices if elected. (Any nominee for Chair-Elect must have served at least two years on the Governing Committee.)

The Nominating Committee will meet at the Midwinter Meeting to be held on January 22-24, 2020 and an election to fill all open positions will be held at the business meeting of the Forum at the Forum’s 2020 Annual Meeting in Seattle, Washington.

All submissions should be addressed to the Nominating Committee Chair:

Arlan D. Lewis, Esq.  
Blueprint Construction Counsel, LLP  
420 North 20th Street, Suite 2200

Trial Academy

Please then save the date for our upcoming Trial Academy, in Dallas, Texas on March 4-7, 2020. A Forum tradition, you will receive real-time substantive and practical advice from some the country’s best construction trial attorneys and have the chance to participate in interactive teaching sessions on trial skills and tricks of the trade!

If you are a consultant, we have limited space for experts in the Trial Academy blah blah, please contact Patricia.Harris@americanbar.org for registration information. Click here to view the brochure.

Register Now ⟷

Diversity Fellowship Applications

The Forum’s fellowship program encourages diverse construction lawyers to join the ranks of active, long-term Forum members. We’re on the lookout for diverse construction lawyers who have demonstrated interest in the Forum to join the ranks of our leadership. The Forum awards up to six (6) three-year fellowships each spring. Fellows receive an incredible array of benefits including waiver of registration fees for the Forum’s three annual meetings, reimbursement of reasonable travel and accommodation expenses to attend the Forum’s Annual Meeting held each spring, and waiver of Forum membership dues. Additionally, Fellows are given the opportunity to join the steering committee of one of the Forum’s fourteen (14) divisions! You need to hurry though! The application deadline is Friday, January 31, 2020! For more information, please contact

A Real Website

When is the last time you looked at our website at www.ambar.org/constructionlaw. If it was more than 15 minutes ago, you’re missing all kinds of bells and whistles! Once you’ve checked out the site, please email any comments and ideas to the Forum’s website and technology gatekeeper, Ted Laperouse ted.laperouse@laperouselaw.com, or the Forum’s Technology Committee Chair and wizard, Keith Bergeron at kbergeron@deutschkerrigan.com.

Searchable Knowledge Database

It’s amazing, but true. With one click (one click, people!), you can search every topic that ever existed from the very first construction project in the universe (which probably resulted in litigation) from the beginning of time through today related to construction law!
Lori Baggett at lbaggett@carltonfields.com. Please see the attached link for all details.

**Construction Lawyer**

Click right here to see one of the Forum's other main publications, *Construction Lawyer*. Please send your great ideas for articles to both Editor John Foust and Associate Editor Lauren Catoe at jfoust@nixonpeabody.com and Lauren.catoe@aecom.com. It’s time to write that article you’ve been thinking about!

**Under Construction**

Please then click below to find the latest issue of *Under Construction*. Editor Tom Dunn (rtdunn@PierceAtwood.com) and Associate Editor Neal J. Sweeney (nsweeney@joneswalker.com) are waiting for your ideas. Be published! Put yourself on the tenure track!

**Division Highlights**

The divisions are what keep the Forum moving forward! There are no fewer than 13 divisions to choose from in addition to the Young Lawyers Division, and if you are not already a member you should be! Please check out the homepage for all thirteen Divisions and YLD right here.

**ABA Dispute Resolution Sections 13th Annual Arbitration Training Institute**

The Forum is very pleased to be a collaborating organization for the ABA Dispute Resolution Sections 13th Annual Arbitration Training Institute in Phoenix, Arizona on March 9-10, 2020. Please save the date!

**Building for Good**

Please check out the Forum’s latest charitable endeavor –
Building for Good! B4G is a national, web-based platform linking nonprofits and charities with skilled, volunteer construction lawyers. We have started by launching programs in Massachusetts, Florida, New Jersey, and Minnesota. B4G will help organizations in need of construction law assistance find qualified, local attorneys to provide pro bono construction law services. Find the link for the Racing for Good in Phoenix at our upcoming Midwinter meeting, sign up and join in the fun! Click below for more information!

Click Here ⟶

Health and Wellness

We continue to highlight health and wellness tips by popular demand in this corner of the Flash! Since many of us will be traveling this month, we have included a short video on exercising while traveling! This will help your overall well-being! And as always, guaranteed or your money back!

Click Here ⟶

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