2020: A Focused Look at Risk Management in the New Decade

Forum on Construction Law 2020 Midwinter Meeting
January 22-24, 2020 | Tucson, AZ
El Conquistador Tucson, A Hilton Resort
Dear Colleagues:

A new decade is upon us! As we enter 2020, we realize that we don’t do business like we used to. Hindsight shows us how the practices of design, construction, and law have changed in the last ten years. In addition to the advantages of these new methods, we have a whole host of new risks we need to manage for ourselves and our clients.

Join us in sunny Tucson, AZ, for an in-depth discussion of the risks in this new era and future trends. With engaging discussion among industry leaders and insights from legal experts, the Forum’s 2020 Midwinter Meeting offers unique perspectives on the challenges facing construction professionals now and those likely to be faced in the future.

Our program will offer advice for litigators and transactional lawyers alike, as well as in-house and outside counsel. Experienced lawyers and industry leaders in cybersecurity and technology will explore the role of expanding technology in construction and design, and resultant changes in risk assessment and management. Sessions will examine the risks raised by using tech tools such as augmented reality, artificial intelligence and blockchain/e-contracting. Presenters will also outline the risks related to new trends in litigation management, including management of E-discovery and risks related to labor and employment developments. We will close by examining ethical issues presented by technology risk that did not exist for attorneys on such a frequent basis ten years ago, featuring insight from the Hon. Christopher Staring from the Arizona Court of Appeals.

We are honored to welcome three national speakers to our program: Futurist Simon J. Anderson will open the program with a thought-provoking look at trends that will transform the future of design, construction, and construction law. ABA President Judy Perry Martinez will address the Forum and be available for a visit with attendees. Then Vicki O’Leary, ENR’s 2019 Award of Excellence recipient, will be our keynote speaker for our diversity and inclusion breakfast. O’Leary is an ironworker and an influential national advocate for overcoming workplace harassment.

Attendees will depart armed with tools and insights to position their own practice for success, and to support their clients’ efforts to manage risk and strengthen their businesses in the new decade.

Please join us at the luxurious El Conquistador Tucson, A Hilton Resort, a desert oasis, surrounded by the foothills of the Santa Catalina Mountains. Stay through Friday and join us in a group tour of the University of Arizona’s “Biosphere 2,” which is one of the most unique facilities in the world dedicated to the research and understanding of global scientific issues.

See you in Tucson!
## PROGRAM SCHEDULE

### WEDNESDAY, JANUARY 22

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
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</thead>
<tbody>
<tr>
<td>12:00 P.M.</td>
<td>Registration Opens</td>
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<tr>
<td>5:00 P.M.</td>
<td>New Attendee Meet &amp; Greet</td>
</tr>
<tr>
<td>6:30 P.M.</td>
<td>Young Lawyer Division Social Event</td>
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### THURSDAY, JANUARY 23

<table>
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<tr>
<th>Time</th>
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<tbody>
<tr>
<td>7:30 A.M.</td>
<td>Registration and Exhibit Hall Open</td>
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<tr>
<td>7:30 A.M.</td>
<td>Continental Breakfast</td>
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<tr>
<td>8:15 A.M.</td>
<td>Welcome, Opening Remarks and Announcements</td>
</tr>
<tr>
<td>8:30 A.M.</td>
<td><strong>WELCOME TO THE FUTURE:</strong> Where We Were, Where We Are, and Where We Are Going**</td>
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<td></td>
<td>Join Futurist Simon J. Anderson for an entertaining and thought-provoking look at the emerging technologies and trends transforming the future of construction and construction law. This eye-opening presentation brings attention to important industry advancements and offers new approaches for anticipating the opportunities and challenges that these advancements could create for our clients as well as for lawyers. Lastly, learn proven methods to help navigate these changes and to better position yourself and your organization to survive and thrive in the future.</td>
</tr>
<tr>
<td>9:45 A.M.</td>
<td>Break</td>
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<tr>
<td>10:00 A.M.</td>
<td>ABA President Judy Perry Martinez addresses the Forum</td>
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<tr>
<td>10:30 A.M.</td>
<td><strong>THE NEW TOOLBELT:</strong> Artificial Intelligence, Wearable Technology, Virtual and Augmented Reality, and Collaborative Design**</td>
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<td></td>
<td>With every new technology in the construction industry comes a new set of risks. Yes, these tools help our clients work faster and smarter, but what are associated risks and how can you plan for them and manage them? This Plenary will discuss these issues and more.</td>
</tr>
<tr>
<td>11:30 A.M.</td>
<td>Division Lunches</td>
</tr>
<tr>
<td>1:00 P.M.</td>
<td>Break</td>
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### 1:15 P.M. – 2:15 P.M.

**THE NEW TOOLBELT:**

**BIM and Block Chain Technology/E-Contracts**

Tech tools for designers, contractors, and lawyers are supposed to make life easier and the process smoother. But are you and your clients ready for the risks those tools bring to your respective practices? Join this panel to take a deep dive into the risks of BIM, Blockchain, and E-Contracting.

**Nancy Greenwald**, Executive Director Construction Institute, University of Hartford | Hartford, CT  
**Erik Sanford**, VDC/BIM Director, Dimeo Construction Company – Providence, RI

### 2:15 P.M. – 2:30 P.M.

**Break**

### 2:30 P.M. – 3:30 P.M.

**CYBERSECURITY FOR DESIGN AND CONSTRUCTION PROFESSIONALS (AND THEIR LAWYERS!)**

Construction professionals are not immune from the risks of cyberliability, but may be largely unaware of potential risks and exposures. This Plenary will explore (a) what obligation does a contractor have to protect information/documents when working on a government or private project?; (b) what is the potential liability in the event it fails to protect sensitive information/documents?; (c) what to do when there is a hack/when private or project information is sacrificed?; and (d) policies/good practices for preventing breaches.

**April Doss**, Partner, Saul Ewing Arnstein & Lehr LLP | Baltimore, MD  
**Jim Halpert**, Partner, DLA Piper | Washington, DC  
**Robert Olsen**, Senior Managing Director, Ankura | Baltimore, MD

### 3:30 P.M. – 3:45 P.M.

**Break**

### 3:45 P.M. – 4:45 P.M.

**IT’S SO HOT RIGHT NOW:**

**Recent Trends in Construction and Design Risk Management**

This Plenary will provide an in-depth review of recent trends in construction risk management and a review of traditional risk management tools still used on construction projects. Topics include (a) insurance (OCIPs and CCIPs, the current law on coverage for construction defects, insurance trends with respect to cyber security and pollution, builder’s risk and other property insurance related to construction, professional liability insurance, excess and umbrella coverage, surety bonds), (b) managing risk through project finance, (c) managing risk through contractual risk transfer, and (d) managing risk through good project management, including proactive counseling and education.

**Nancy Inman**, General Counsel, Arco Business Services | St. Louis, MO  
**Matt Ninneman**, Member, Hall & Evans, LLC | Denver, CO  
**Moderator: Gregg Hutt**, Shareholder, Trenam Law | Tampa, FL

### 5:00 P.M. – 6:00 P.M.

**Women’s Networking Reception**

### 6:00 P.M. – 8:00 P.M.

**Welcome Reception**
### PROGRAM SCHEDULE

**FRIDAY, JANUARY 24**

<table>
<thead>
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<th>Time</th>
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<tbody>
<tr>
<td>6:00 A.M.</td>
<td>Racing for Good – A benefit for the Forum’s 501(c)(3) charity: Building for Good, Inc. Separate registration required: <a href="http://www.building4good.org/racing4good">www.building4good.org/racing4good</a></td>
</tr>
<tr>
<td>7:30 A.M. – 1:00 P.M.</td>
<td>Registration and Exhibit Hall Open</td>
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<tr>
<td>8:00 A.M. – 9:00 A.M.</td>
<td>Diversity &amp; Inclusion Breakfast Keynote Speaker: Vicki O’Leary, ENR Excellence Award Recipient 2019</td>
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<td>Opening Remarks and Announcements</td>
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<td>9:10 A.M. – 10:10 A.M.</td>
<td>E-DISCOVERY - MANAGING THE RISKS TO GET THE REWARD: Best Practices for Construction Lawyers and their Clients E-discovery is out of control. The rules have been revised, so we know what we have to do, but do we know how to do it? This Plenary will discuss how trial counsel can efficiently manage review and production of E-discovery with the goal toward effective use of information in depositions and at trial. The panel will discuss pros and cons regarding use of vendor vs. trying to manage in-house, and best practices for intake, sorting, and coding of information. The panel will review recent developments on the E-discovery rules and laws, including how E-discovery rules have been applied in State and Federal courts, with a focus on decisions that raise ethical issues. Melissa Beutler, Senior Vice President and General Counsel, Big-D Construction Corp.</td>
</tr>
<tr>
<td>10:10 A.M. – 10:20 A.M.</td>
<td>Break</td>
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<td>10:20 A.M. – 11:20 A.M.</td>
<td>LABOR &amp; EMPLOYMENT RISK IN THE REAL WORLD: A Practical Guide to Recent Trends and Laws Intersecting the Construction Industry This Plenary will discuss various risks arising in labor and employment law, including OSHA concerns, in a hypothetical format to assist with a practical understanding of managing these issues.  Erin Ebeler Rolf, Partner, Woods &amp; Aitken LLP</td>
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<td>Break</td>
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<td>11:30 A.M. – 12:30 P.M.</td>
<td>SAY WHAT? A Discussion of the Interplay among Modern Communication Tools and a Lawyer’s Ethical Obligation E-mail, text, and social media are the new normal for communication by and to lawyers. This Plenary will discuss questionable conduct by lawyers that may violate ethical rules (or at a minimum constitute poor client service), including a discussion of the many challenges with communicating and marketing through social media. Judge Christopher Staring, AZ Court of Appeals, Div. 2</td>
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<td>12:30 P.M.</td>
<td>Closing Remarks, Thank you, &amp; Adjourn</td>
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### SPECIAL EVENTS

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<td>New Attendee Meet &amp; Greet Join other new and young lawyers for food, drinks, and networking! The YLD has reserved space at the Culinary Dropout, 2543 E Grant Rd, Tucson, AZ 85716, starting at 8pm. Dutch treat.</td>
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<td>6:30 P.M.</td>
<td>Young Lawyer Division Social Event 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.</td>
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<td>Exhibitors’ Tech Show: Given the focus of the Midwinter Meeting on risk related to technology, all exhibitors are invited to exhibit their wearable technology and latest and greatest tech gadgets and tools for the program attendees! Special Guest: ABA President Judy Perry Martinez  The Forum is honored to welcome ABA President Judy Perry Martinez to the Midwinter Meeting to address the group and meet attendees.</td>
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### Other Events

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

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  - 6:30 P.M. Young Lawyer Division Social Event
SPECIAL EVENTS

FRIDAY, JANUARY 24

Racing for Good | 6:00 A.M.

Join Forum colleagues in the beautiful desert morning to help raise funds for Building for Good, Inc., an independent 501(c)3 non-profit corporation connecting charities/nonprofits with skilled construction lawyers who provide pro bono construction law services. Pilot services launched in Florida, Massachusetts, Minnesota, and New Jersey. www.building4good.org. Separate registration required. www.building4good.org/racing4good Note: Don’t let the name fool you! This event is for “fun” – participants of all abilities are welcome on this one to three-mile course on the Resort grounds!

Keynote Speaker at Diversity & Inclusion Breakfast: Vicki O’Leary
8:00 A.M. – 9:00 A.M.

Join us in welcoming Vicki O’Leary, ENR 2019 Excellence Award recipient for her work developing the “Be that One Guy” initiative promoting site safety for iron workers. She passionately strives for equal opportunity for all minorities and women within the building trades as well as the safety and health for all ironworkers. O’Leary joined the Ironworkers International in January 2016. Since that time she became Chair of the North American Building Trades Union (NABTU) Tradeworkers’ Committee. She is a 34-year member out of Local #1 in Chicago. She holds a B.A. in Union Leadership & Administration, Labor Education & Labor Studies from the National Labor College; an M.A. in Organizational Leadership from Gonzaga University; graduated from the Harvard Trade Union Program; and completed the Cornell National Labor Leadership Initiative (NLLI). O’Leary is a General Organizer for Safety/Diversity.

Biosphere 2 Tour | 1:30 P.M. – 5:00 P.M.

Join us for a fascinating, behind-the-scenes guided tour of the Biosphere 2, one of the world’s most unique facilities dedicated to the research and understanding of global scientific issues. The Biosphere 2 facility serves as a laboratory for controlled scientific studies, an arena for scientific discovery and discussion, and a far-reaching provider of public education. Separate registration required.

Sponsored by:

CONFERENCE INFORMATION

HOUSING: You must register for the conference prior to making your hotel reservation. The conference will be held at the El Conquistador Tucson, A Hilton Resort 10000 N. Oracle Rd., Tucson, AZ 85704. To reserve a hotel room call the hotel directly Monday - Friday 9AM- 5PM (PDT) to (520) 544-5000 to book through hotel reservations directly by mentioning American Bar Association/Forum on Construction Law 2019 Mid-Winter Meeting block. The deadline for reservations is December 30, 2019 5:00 pm (CST) or before if the block is exhausted. Room rates start at: $219/night (plus tax). Please reference the ABA Forum on Construction Law 2020 Midwinter Meeting.

TRAVEL: Travel discounts for ABA meetings are available through Egencia and Hertz. Go to www.americanbar.org/membership/aba_advantage_discounts.html for more information. For ABA negotiated airlines visit file:///C:/Users/harringt/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/TTEDXZZ/2020%20Airfare%20Discounts.pdf.

PROGRAM REGISTRATION: Online at ambar.org/MWM20 or complete and return the attached registration form with your payment before January 7, 2020. 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 by January 10th, please call the ABA at 800-285-2221 to verify that your registration form and payment were received.

ON SITE REGISTRATION: Onsite 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 are accepted.

SCHOLARSHIP: Scholarships may be available for a limited time. Attorneys who qualify will receive up to 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.

CANCELLATION POLICY: No refunds will be granted for cancellations received after January 7, 2020. To receive a refund, minus a $65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.

CLE CREDIT: This course is expected to qualify up to 16 CLE credit hours in 60-minute states, and 17.5 CLE credit hours in 50-minute states. Credit hours are estimated and are subject to each state’s approval and credit rounding rules. For more information about CLE accreditation in your state, visit www.americanbar.org/groups/construction_industry or contact Patricia Harris by email at Patricia.Harris@americanbar.org.

MEMBERSHIP: To join the Forum for $60 go to ambar.org/constructionlaw.

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GUEST ACTIVITIES

THURSDAY, JANUARY 23

Guest/Spouse Breakfast
8:15 – 9:45 A.M.

Come and enjoy breakfast, conversation, meet or reconnect with Forum spouses and guests. Separate registration required.

Guest/Spouse Event:
10:00 A.M. – 1:00 P.M.

Presidio San Agustín del Tucson Museum

The Presidio San Agustín del Tucson Museum is a re-creation of the Tucson Presidio built in 1775. Visitors travel back in time to learn about life as early Tucsonans would have lived it. Docent tours discuss life in the Santa Cruz Valley for early Native Americans, Presidio residents and Teritorial Period settlers. See the archaeological remains of a pit house, walk along the original Presidio wall and experience a 150 year old classic Sonoran Row house. Separate registration required.

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AMERICANS WITH DISABILITIES ACT: If special arrangements are required for disabled individuals to attend this program, please contact the Forum in writing by January 1, 2020 at the American Bar Association, 321 N. Clark Street, Chicago, Illinois 60654. Fax: 312-988-5677. Email: Tamara.Harrington@americanbar.org.

QUESTIONS: If you have questions or require additional conference information, please call 312-988-5674 or email Tamara.Harrington@americanbar.org.
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Please save these dates and join us for these upcoming Forum Meetings!

2020 Forum Trial Academy: Mar. 4-7, 2020 | Dallas, TX
2020 Forum Midwinter Meeting: Jan. 22-24, 2020 | Tucson, AZ
2020 Forum Fall Meeting: Oct. 21-23, 2020 | Memphis, TN