Winter is almost half over, the Midwinter meeting in Tucson is in the rearview mirror (what a great meeting!), and the Annual meeting in Seattle is straight-ahead! (And please note it’s a quick trip from Tucson to Seattle in case you never left Tucson!)

Annual Meeting

Please save the date for our Annual meeting in Seattle,
Washington on **April 22-24, 2020.** Registration will open soon!

**Limitation of Liability Clauses in Construction Contracts: Is the Sky the Limit? Enforcement and Exceptions to Limitation of Liability Clauses**

Join our esteemed panel from the ABACLG and National Association of Women in Construction (NAWIC) on **February 27, 2020** (1 PM to 2:30 PM ET) as they discuss industry form documents and custom construction contracts which 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 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).

Check our website for updates. →

**Who's In Charge Anyway?**

The Forum’s Governing Committee and the Forum’s Chair, Kristine Kubes (<kristine@kubeslaw.com>) continues to make part of her daily Forum regimen replying to all questions that you have (within reason as always, folks – she did not, for example, respond to the recent question asking her to solve the Pythagorean theorem (although she could have)).

**A Real Website**

When is the last time you poked around **www.ambar.org/constructionlaw.** If you haven’t done so in 2020, you’re missing all the new bells and whistles! Once you’ve moved around the site, please email your best 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**.

**Trial Academy**

Please also save the date and register for our upcoming Trial Academy, in Dallas, Texas on **March 4-7, 2020.** The Trial Academy is a Forum tradition where you will receive real-time
substantive and practical advice from 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!

Register Now ⟷

Diversity Fellowship Applications

The Forum’s fellowship program encourages diverse construction lawyers to join the ranks of active, long-term Forum members, and 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 amazing 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 only days away on Friday, January 31, 2020! For more information, please contact Lori Baggett at lbaggett@carltonfields.com. Please see the attached link for all details.

Click Here ⟷

Under Construction

Please click here to find the latest issue of Under Construction. Editor Tom Dunn (rtdunn@PierceAtwood.com) and Associate Editor Neal J. Sweeney (nsweeney@joneswalker.com) are seeking new ideas for publication. Be published! There's an article in each of you!

Click Here ⟷

Construction Lawyer

Please then click below to see one of the Forum's main publications, Construction Lawyer. Please keep sending 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 a new year and finally time to write that article you've been pondering!

Click Here ⟷

Searchable Knowledge Database

Just like the Greatest Showman on Earth, with one click (one click!), you can search every topic from the very first construction project in the universe (which definitely resulted in litigation) from the beginning of time through today related to construction law!

Click Here ⟷

Forum Podcasts

The Forum is very excited about its new podcast, which is getting rave reviews: Construction Law Today. The podcast covers current topics in construction law in half hour episodes and is hosted by the Forum’s own Buzz Tarlow. Each episode focuses on a topic directly relevant to the construction law practitioner with specific emphasis placed on how issues affect the various parties in the construction process including owners, contractors, subcontractors, suppliers, architects, engineers, and lenders.

Click Here ⟷

Forum Social Media

Like us on Facebook, follow us on Twitter and Instagram and join our LinkedIn page! The Forum is everywhere!

Forum Calendar
**Division Highlights**

The divisions are the Forum! There are fully 13 divisions to choose from in addition to the Young Lawyers Division. If you are not already a member of one or more you should be! Please check out the homepage for all thirteen Divisions and YLD right here.

Click 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. 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! It is said that as many as 80% of us already have broken our New Year’s resolutions! So to curb that tide, attached please find a short clip on how to keep them! And, as always, guaranteed or your money back.

Click Here ⟷

**Goal III Diversity and Inclusion ABA Presidential Appointments Process**

Please click on the link below for the Goal III Diversity and Inclusion Appointments Process. Please note that ABA President-
Elect Patricia Lee Refo is now seeking individuals to fill vacancies on ABA Standing and Special Committees, Commissions, Working Groups, Task Forces, and other ABA entities for the FY 2020-21 bar year! She will be assisted by an Appointments Committee. In furtherance of ABA Goal III, the Diversity and Inclusion Center is seeking to help strengthen diversity and inclusion in ABA leadership. For presidential appointments, it accomplishes this goal by creating a diverse presidential nominee list that it will support and share with the Appointments Committee. Certain appointments are more competitive than others, so jump on in now! (The Appointments Committee will send a letter to everyone who applied even if they do not ultimately receive an appointment.)

Click Here ⟶

**Arizona Construction Law 2020: The Past Decade in Review**

**Date and Time:** March 13, 2020 | 9:00 a.m. – 4:15 p.m

**Location:** Embassy Suites Scottsdale, 5001 N Scottsdale Rd, Scottsdale, AZ 85250

**Program Chairs:** Michael J. Holden, Holden Willits PLC and Barry A. Willits, Holden Willits PLC

**Price:** Construction Law Section Member rate $249

**MCLE Hours (Arizona):** 6 general CLE hours and 1.5 ethics hours

**Description:** This year’s program will look back at Arizona construction law cases and statutory changes that stood out during the 2010s. From the AIA 2017 documents to equitable subrogation to the Economic Loss Doctrine, the past decade has seen significant developments in Arizona construction law. The faculty of experienced construction lawyers will cover a wide range of topics, including:

- Changes to the Purchaser Dwelling Act
- Revised Uniform Arbitration Act
• Flagstaff Affordable, Pulte and the evolution of the ELD
• Statutory changes impacting indemnity
• Lien law and prompt pay developments

Click here to register

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