The days are getting longer and the clocks are about to change, which must mean that the Forum’s Annual meeting in Seattle is coming right up!

Annual Meeting

And it is! Please register now for the Forum’s Annual meeting in Seattle, Washington on April 22-24, 2020: “20/20 Foresight: Effective Project Management & Strategies”. The Annual Meeting this year will be focused entirely on project management, and will explore key elements of successful projects - both large and small - from the perspective of all stakeholders in the process. The evolving and comparative roles of project managers in the United States and Canada also will be explored, and we also will take an in-depth and comparative look at the use of public-private partnerships in the US and Canada. We’re very excited about both our keynote speaker Edward W. Merrow and our diversity and inclusion speaker Tewanee Joseph!

Book of the Month!

Each month, we feature a particular book on construction law, and this month, we encourage you to check out “Construction Defects” which provides an analytical guide to the non-uniform construction defects law in the United States!

Who’s In Charge Anyway?

The Forum’s Governing Committee and the Forum’s Chair, Kristine Kubes (kristine@kubeslaw.com) continue to
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! Registration is now closed.

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

Please join our esteemed panel from the ABACLG and National Association of Women in Construction (NAWIC), who will be presenting later this week on February 27, 2020 (1 PM to 2:30 PM ET) as they discuss industry documents and custom construction contracts which contain provisions that shift or limit 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 often establish the maximum liability or exposure of an owner, contractor or designer/engineer. One issue that comes up all the time is whether or not such clauses are 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 reply to all questions (that’s reasonable questions, people). Keep those emails coming!

A Real Website

If you have not looked at our website www.ambar.org/constructionlaw in 2020, you haven’t looked at our website! New bells and whistles and a new look! Please email your best comments and ideas to the Forum’s website and technology gatekeeper, Ted Laperouse ted.laperouse@laperuselaw.com, or the Forum's Technology Committee Chair and wizard, Keith Bergeron at kbergeron@deutschkerrigan.com

Searchable Knowledge Database

We know it’s crazy but it’s true: you can search every topic from the first construction law project on the planet (which of course resulted in claims and lawsuits) from the beginning of time through today!

Forum Podcasts

There continues to be buzz about the Forum’s new podcast: Construction Law Today, which covers current topics in construction law in half hour episodes and is hosted by the Forum’s own Buzz Tarlow. (Did you see what we did there?) Each episode focuses on a topic directly relevant to the
damages due to a LoL clause in the contract).

Register Now ⟷

**Act Naturally: Ethics in Construction Contract and Witness Preparation - "Meet to Empower" Series**

Please save the date of **March 12, 2020**. This program will explore various ethical issues that construction attorneys face when negotiating contracts and representing their clients in contract negotiations, including whether it is acceptable to lie in negotiations, whether there is a duty of candor/honesty and what if the business/sales team wants to take on risks that are detrimental to the clients’ interests? Our esteemed panel will examine the lawyer’s duty in all of these and other circumstances.

Register Now ⟷

**Arizona Law 2020: The Last Decade in Review**

Please save **March 13, 2020** from 9:00 am to 4:15 pm for a review of Arizona law at the Embassy Suites Scottsdale, 5001 N Scottsdale Rd, Scottsdale, AZ 85250, where Michael J. Holden, Holden Willits PLC and Barry A. Willits, Holden Willits PLC 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, Statutory changes impacting indemnity and lien law and prompt pay developments.

Learn More ⟷

**When the Feds Come Knocking: Anatomy of an Internal Investigation & Managing Risk Under the FCA**

On **March 31, 2020**, panelists will discuss recent developments under the False Claims Act that drive procurement fraud prosecutions and related investigations, including courts’ application of the Supreme Court’s Escobar decision. Panelists will also discuss the anatomy of an internal investigation, commencing with a target’s receipt of a Civil Investigative

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Forum Calendar

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Register Now ⟷

**Nominating Committee Report**

In accordance with the Forum's Bylaws, the Nominating Committee met at the Midwinter meeting and is pleased to have issued its report! Hearty congratulations are in order to:

- Chair – Elect: Wm. Cary Wright of Tampa, Florida

Governing Committee:

- Tracy T. James of Charlotte, North Carolina;
- Anthony D. Lehman of Atlanta, Georgia;
- Nicholas D. Siegfried of Coral Gables, Florida; and
- Andrea G. Woods of Conway, Arkansas.

Learn More ⟷

**Under Construction**

Please then click below to find the latest issue of *Under Construction*. Editor Tom Dunn (rdunn@PierceAtwood.com) and Associate Editor Neal J. Sweeney (nsweeney@joneswalker.com) are always on the lookout for ideas for publication. Stay calm and be published. There’s an article in you!

Click Here ⟷

**Construction Lawyer**

Please check out one of the Forum’s main publications, *Construction Lawyer*. Please keep sending your best ideas for articles to both Editor John Foust at jfoust@rallsgruber.com and Associate Editor Lauren Catoe at Lauren.catoe@aecom.com. It’s time to be published, people!

Click Here ⟷

**Division Highlights**

As is clear at every meeting, including the midwinter meeting that just took place in Tucson, the divisions drive the Forum! In addition to the Young Lawyers Division, there are 13 divisions to choose from and if you are not already a member of one or more, you definitely 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 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!

Learn More ⟶

Building for Good

Many of you are now familiar with Building for Good (“B4G”) and we encourage you to explore the Forum’s latest charitable endeavor! B4G is a national, web-based platform linking nonprofits and charities with skilled, volunteer construction lawyers. B4G will help organizations in need of construction law assistance find qualified, local attorneys to provide pro bono construction law services. We already have launched programs in Massachusetts, Florida, New Jersey, and Minnesota.

Click Here ⟶

Food Bank

Through your generous contributions, $3,139. was raised at the Tucson midwinter meeting and donated to the Community Food Bank of Southern Arizona. We are at $99,229. across 24 meetings. Thank you for making this a Forum giving tradition!

Health and Wellness
Each month, we offer suggestions in our Health and Wellness corner to help make you a more well-rounded, healthier attorney! This month, we reach back to 2016 when Professor Scott Rogers offered guidance in response to an attorney’s question on the one piece of advice he would offer a stressed out, overworked young lawyer. His advice is relevant today and works for seasoned attorneys as well! Please keep those comments coming. We’re glad to highlight the issues you suggest!

Click Here ⟷ Forum Photos

President Judy Perry Martinez, Keith Bergeron and Kristine Kubes at the midwinter Meeting