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Los Angeles, CA
Dear Colleagues:

We invite you to trade the cold and gray of winter in January for the blue skies and warm breezes of Tinseltown. Yes, the Forum is finally coming to Los Angeles, and on no less than the eve of the Super Bowl of movies—the Academy Awards. Our program, “Public Construction Projects: Not Always a Hollywood Ending,” celebrates the town’s creativity and vitality while exploring the ins and outs of the backbone of much of our national construction industry: public construction. For where would the movies be without airports, roads, bridges, museums, water treatment plants, and filled potholes to support them? Our program is designed to answer questions about public construction law and even more importantly, to teach smart lawyers what questions to ask.

We will begin our program by answering the question practitioners and their clients ask at the start of every new year—what does the immediate future hold for public construction? We have invited exciting speakers with knowledge and expertise to answer this question, followed by two days of substantive, interesting, and hopefully entertaining sessions designed to address large issues, intricate questions, and ethical conundrums specific to the fascinating, challenging area of public construction law. From top ten issues every construction lawyer must be aware of when dipping their legal toes into the murky waters of government contracting, to seeking payment for claims from government entities and then learning the intricacies of having to litigate with them, to the fast paced, rule based world of bid protests, our program will run the gamut of public construction law, from both a local and national perspective. There are different rules and different strategies to employ on public jobs, and our program will offer both new and experienced public construction lawyers tips and advice on how to succeed—or at the very least how to avoid a box office bust.

We have also managed to secure incredible speakers for a practicum on legal writing that will be worth the trip itself. In addition to our fantastic program and practicum, we will be staying at the historic and beautiful Millennium Biltmore Hotel, in a downtown area surrounded by museums, shopping, great restaurants, and fantastic night life. We are so excited about our program, its people, and the venue, and are looking forward to seeing you at a very special midwinter meeting in a very special town. See you on the red carpet!
**PROGRAM SCHEDULE**

**WEDNESDAY, JANUARY 30**

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

**1:00 P.M. – 5:00 P.M.**  
Advocacy Practicum–Advocacy in Writing the Perfect Brief: Tips From Expert Writers

**Advanced Registration Only! Separate Registration Fee Required:**  
*R practicum Only* - $325  
*If registering for the meeting* - $200

The Forum is thrilled to be able to present an advocacy practicum dedicated to the elusive but laudatory goal of every construction lawyer—effective and crisp legal writing.


The second half of the Practicum shall be a panel discussion of leading legal writers who will discuss best practices for lawyers on how to present the most persuasive arguments and evidence to a court or arbitration panel. Anticipated panelists include the country’s preeminent legal writing instructor, a federal judge and a leading construction lawyer. Since this program is a special event with limited seating, attendees must register for it separately.

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

**5:30 P.M. – 6:00 P.M.**  
First Time Attendee Welcome and Kickoff
## PROGRAM SCHEDULE

### THURSDAY, JANUARY 31

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<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:00 A.M. – 5:00 P.M.</td>
<td>Registration and Exhibit Hall Open</td>
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<tr>
<td>7:30 A.M. – 8:30 A.M.</td>
<td>Continental Breakfast</td>
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<tr>
<td>8:15 A.M. – 8:30 A.M.</td>
<td>Welcome from the Chair: Opening Remarks and Announcements</td>
</tr>
<tr>
<td>8:30 A.M. – 9:45 A.M.</td>
<td>Plenary 1: Back to the Future: Economic Outlook &amp; Challenges in Construction</td>
</tr>
<tr>
<td>9:45 A.M. – 10:00 A.M.</td>
<td>Break</td>
</tr>
<tr>
<td>10:00 A.M. – 11:15 A.M.</td>
<td>Plenary 2: You Just Got a Call on a Public Project: Top 10 (plus Bonus) Tips and Traps for the Uninitiated</td>
</tr>
<tr>
<td>11:15 A.M. – 11:30 A.M.</td>
<td>Break</td>
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**Plenary 1**

**Back to the Future: Economic Outlook & Challenges in Construction**

This session will cover modern economic issues like labor shortages, changing political climate, changing climate, aging infrastructure, uncertain immigration policies, foreign unrest, and construction lending trends. Our speakers will also look at major infrastructure—America’s next big investment. What plans are there for infrastructure improvements, including funding, prioritization, private-sector involvement, technology integration, and the extent of federal influence on state and local infrastructure initiatives? This session will also focus on the impact of these events on the lawyer’s role in advising a client about how to confront the many legal issues impacted by the changes and challenges faced by the industry.

- **Dr. Christopher F. Thornberg**, Beacon Economics, LLC | Los Angeles, CA
- **Julian Anderson**, Rider Levett Bucknall | Phoenix, AZ

**Plenary 2**

**You Just Got a Call on a Public Project: Top 10 (plus Bonus) Tips and Traps for the Uninitiated**

Lawyers who dabble in public federal or state construction or who represent contractors who do, will learn much about top line issues that arise in public construction in this session. Learn about the Christian doctrine, obligations and laws built into the IFBs and RFPs, challenging past performance determinations, bid protests, who has “authority” to bind a public agency, how to determine if the agency has money to pay for a job, government inspection and acceptance issues, state and local rules, prompt payment issues, change orders, government duties of good faith and fair dealing, pass through claims, and much more.

- **Paul A. Varela**, Varela, Lee, Metz & Guarino, LLP | Tysons Corner, VA
- **Barbara G. Werther**, Troutman Sanders LLP | Washington, D.C.
- **Ty D. Laurie**, Laurie & Brennan LLP | Chicago, IL

[ambar.org/constructionlaw](http://ambar.org/constructionlaw) | 4
Program Schedule (Thursday, January 31 continued)

11:30 A.M. – 12:30 P.M.  Workshop A
The Subcontracting Game: From Flirting with Disaster to Happy Marriages on Public Projects

The prime contractor/subcontractor relationship is like any relationship—bidders and potential subcontractors first must get to know each other. This panel will explore issues in the “dating” phase, such as disadvantaged business outreach requirements and preferences, and potential pitfalls in subcontractor bids. This panel also will explore greater ‘commitments’ between prime contractors and subcontractors, such as teaming agreements and obligations requiring prime contractors to use only those subcontractors identified in their bids. Finally, this panel will discuss issues where the relationship may break down, such as mistakes in subcontractor bids, remedies for non-performing subcontractors, and minimizing the damage when disputes arise.

Aaron P. Silberman, Rogers Joseph O’Donnell | San Francisco, CA
Jennifer L. Dauer, Diepenbrock Elkin Gleason LLP | Sacramento, CA

11:30 A.M. – 12:30 P.M.  Workshop B
Creative Collateral Claims Against Public Entities and their Agents

Most lawyers already know that losing bidders often target the owner and winning bidder when they believe that bid criteria or due process requirements were not followed. But what about advisors to the owner, such as architects, construction managers, and owner’s reps? Can they be liable to the losing bidder on theories like defamation, tortious interference, and other creative claims? This session explores theories of liability of those parties for the consequences of their advice, including a discussion of defamation and other potential claims for an architect’s recommendations on bid selection.

Kevin J. Gleeson, Sullivan, Ward, Asher & Patton, P.C. | Southfield, MI
Mark L. McAlpine, McAlpine, PC | Auburn Hills, MI
Jaimee L. Nardiello, Zetlin & De Chiara | New York, NY

12:45 P.M. – 2:00 P.M.  Division Lunches

2:00 P.M. – 2:15 P.M.  Break
时程表

2:15 P.M. – 3:30 P.M.  |  Plenary 3

When Federal Laws Affect Local Projects

当一个本地的公共工程项目发现自己受到联邦法律和法规的影响时，会发生什么情况，比如《Buy America Act》、《Davis-Bacon Act》和其他工资和劳动法律要求，不提经济上的要求，比如弱势企业参与目标？或者，当额外的合规要求压在上面，包括网络安全、记录访问和记录保留？发现确保工作队记录（例如，电子核实计划）的方法。了解非遵守的可能后果，包括违约终止和禁止。

Gretchen M. Ostroff, Vandeventer Black LLP | Norfolk, VA
Patricia A. Meagher, Rogers Joseph O’Donnell, PC | San Francisco, CA
John P. Carpenter, Balfour Beatty Construction | San Francisco, CA

3:30 P.M. – 3:45 P.M.  |  Break

3:45 P.M. – 5:00 P.M.  |  Workshop C

Pay it Forward: Social Programs, Preferences, and Incentives for Federal and State Projects

了解DBEs, MBEs, SBA（8(a））企业，少数族裔企业，退伍军人计划，“Buy American”法案，以及欺诈和滥用问题。本节也将涵盖宪法规则和实施本地优先时所面临的实际问题。

Rhonda K. Levinson, Perry & Trent, LLC | Bonner Springs, KS
Brenda K. Radmacher, Gordon Rees Scully Mansukhani, LLP | Los Angeles, CA
Timothy D. Matheny, Peckar & Abramson PC | Dallas, TX

3:45 P.M. – 5:00 P.M.  |  Workshop D

Show Me the Money! Help Me, Help You Get Paid on Public Jobs

我们都知道“你好。”本研讨会将考察所有实践者必须了解关于其一般承包商、分包商或材料供应商客户付给的公共项目。在提供一个关于公共工作的基本概述后，研讨会还将在遵守联邦和州法律下支付的复杂问题上探索一些，包括通常被误解的法定前提和程序性要求，以及索款索赔，何时支付法定，虚假索赔，以及其它问题，这些问题往往涉及昂贵的诉讼。

Christopher E. Ng, Gibbs Giden | Los Angeles, CA
Asha A. Echeverria, Bernstein Shur | Portland, ME

6:30 P.M. – 8:30 P.M.  |  Welcome Reception

OUE Skyspace LA | 633 West 5th Street (70 stories above LA)
## PROGRAM SCHEDULE

### FRIDAY, FEBRUARY 1

<table>
<thead>
<tr>
<th>Time</th>
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<tr>
<td>7:00 A.M. – 5:00 P.M.</td>
<td>Registration and Exhibit Hall Open</td>
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</table>

### Diversity Breakfast

**Speaker:** Phillip Washington  
Please see Mr. Washington’s biography in the Special Events section on page 9.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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| 9:00 A.M. – 10:00 A.M. | Plenary 4  
**Federal and State False Claims Acts—Be Aware, Be Wary, Be Ready** |

Understanding the federal False Claims Act (FCA) and how it is enforced is essential for contractors and subcontractors who work on government funded projects. This session will provide background information regarding the federal FCA and similar state FCAs. Additionally, the session will address how Qui Tam cases evolve, how fraud allegations percolate, and what construction contractors and subcontractors should be aware of to avoid problems and address them when they arise. This session will also highlight frauds in Disaster Assistance programs, which typically involve both state and federal funding.

**Lynn Patton Thompson,** Biggs, Ingram & Solop, PLLC | Jackson, MS  
**Claire M. Sylvia,** Phillips & Cohen | San Francisco, CA  
**Sam Hadley, CPA,** Cotton & Company | Alexandria, VA

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<tr>
<th>Time</th>
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<tbody>
<tr>
<td>10:00 A.M. – 10:15 A.M.</td>
<td>Break</td>
</tr>
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</table>
Program Schedule

10:15 A.M. – 11:15 A.M.  Plenary 5
Litigating Public Construction Cases: You Can Handle the Truth!

Litigating claims on public projects involves different procedures and risks, including notice provisions, substantiation requirements, waivers of claims, exhaustion of administrative remedy requirements, statutes of limitations and repose, government tort claims statutes, and pass-through claims. Learn about these from experienced trial lawyers who explore the differences to expect and overcome when litigating, mediating, or trying a public construction dispute.

Kelli E. Goss, Conner Gwyn Schenck PLLC | Raleigh, NC
L. Tyrone Holt, The Holt Group LLC | Denver, CO
James F. Butler, III, Smith, Currie & Hancock | Atlanta, GA

11:15 A.M. – 11:30 A.M.  Break

11:30 A.M. – 12:30 P.M.  Plenary 6
Are Your Ethics in Jeopardy?

Employing the Forum’s most gifted actors, this session will model the popular game show Jeopardy! to present ethical issues in an entertaining, educational, and sometimes interactive way. This is a ‘can’t miss’ presentation.

Dean B. Thomson, Fabyanske Westra Hart & Thomson | Minneapolis, MN
Robert J. MacPherson, Gibbons P.C. | Newark, NJ
G. Edgar “Eddie” James, Polsinelli, PC | Kansas City, MO
Jessica R. Bogo, Pillsbury Winthrop Shaw Pittman LLP | San Francisco, CA

12:30 P.M. – 12:40 P.M.  Closing Comments and Adjorn
SPECIAL EVENTS

WEDNESDAY, JANUARY 30

FIRST TIME ATTENDEE WELCOME AND KICKOFF RECEPTION
5:30 P.M. – 6:00 P.M.

This special event welcomes those attending their first Forum meeting, and welcomes back any who are attending for the first time in five or more years. Come meet other first-timers and the leadership of the Forum.

THURSDAY, JANUARY 31

WOMEN’S NETWORKING RECEPTION
5:00 P.M. – 6:00 P.M.

Enjoy cocktails in the Biltmore Hotel’s elegant Tiffany Room, network and socialize with many of the best-known women in construction law. This reception is a great opportunity to meet colleagues and talk about how we got here, where we are, and what the future holds for women in the profession.

WELCOME RECEPTION
6:30 P.M. – 8:30 P.M.

Come enjoy the fantastic views of Los Angeles at OUE Skyscape, 70 stories above the streets of Los Angeles, just one block from the hotel.

Feeling bold? Come and take a ride in the outside glass “slide,” 1,000 feet above L.A.

FRIDAY, FEBRUARY 1

DIVERSITY BREAKFAST
7:30 A.M. - 8:45 A.M.

We are honored to have LA Metro CEO Phillip Washington address the Forum. As LA Metro CEO, Mr. Washington manages an annual operating budget of $1.6 billion, is responsible for overseeing $15 billion in capital projects, and providing oversight of an agency that transports 1.4 million boarding passengers on an average weekday, riding on a fleet of 2,000 clean-air buses and six rail lines.

LA Metro also is the lead transportation, planning, and programming agency for LA County. As such, it is a major construction agency that oversees bus, rail, highway, and other mobility-related building projects – together representing the largest modern public works program in North America.

Washington was a leader in the successful effort to pass a new half-cent sales tax in LA County, which garnered 71.15% voter approval. Measure M will build 40 major highway and transit projects in its first 40 years, create 778,000 jobs through construction and various programs, and provide $133.3 billion in economic impact.

Originally from the south side of Chicago, Washington is a 24-year veteran of the United States Army where he held the rank of Command Sergeant Major, the highest non-commissioned officer rank an enlisted person can achieve. He retired from active duty being awarded the prestigious Defense Superior Service Medal (DSSM) for exceptional service to his country.
SPOUSE & GUEST EVENTS

THURSDAY, JANUARY 31

SPOUSE AND GUEST BREAKFAST
8:30 A.M. – 10:30 A.M.
Limited seats available
Separate Ticketed Event: $40

In LA with a meeting attendee? This breakfast is for you! Join Forum spouses and guests for good food, networking, and conversation.

J. PAUL GETTY MUSEUM TOUR
11:30 A.M. – 4:00 P.M.
Separate Ticketed Event: $65

Enjoy the J. Paul Getty Museum’s collection of European drawings, paintings, illuminated manuscripts, sculpture, and decorative arts, and American and European photographs from the 19th century to the present, as well as selections from the special collections of the Research Library at the Getty Research Institute.

FRIDAY, FEBRUARY 1

PARAMOUNT STUDIO SECRETS TOUR
1:00 P.M. – 4:30 P.M.
Separate Ticketed Event: $80

Designed for all Forum members and guests, especially the movie buff. Attendees will take a guided tour behind the scenes at Paramount Studios. Guests will be chauffeured, in comfort, to numerous spots around the lot by a knowledgeable guide in a shaded tour cart.

Time to explore sound stages, the back lot, iconic Hollywood landmarks, and more! All guests will gain exclusive VIP access to the archive facilities and receive a hands-on look at props and set items from past productions.
SPONSORS AND EXHIBITS
Visit Forum Sponsors and Exhibitors in the Exhibit Hall! The Forum Exhibits Hall brings a variety of companies together in one place with capabilities fitting the unique needs of construction lawyers. The exhibits area will be open Thursday, January 30th, 7:00 A.M.–5:00 P.M. and Friday, January 31st, 7:00 A.M.–1:00 P.M..
Thank you to all of the Forum Sponsors for their continued support of the Forum!

HOTEL INFORMATION
The conference will be held at the Millennium Biltmore Hotel, 506 S. Grand Avenue, Los Angeles, CA 90071. Room rates start at $249/night plus tax. The deadline for reservations is January 7, 2019 at 5:00 p.m. (CST) or until the room block is exhausted. PLEASE NOTE THAT YOU MUST REGISTER FOR THE CONFERENCE PRIOR TO MAKING YOUR HOTEL RESERVATION TO RECEIVE THE BLOCK RATE. You will receive a weblink to reserve your hotel room once you register. You will not be able to book a hotel room by calling the hotel directly unless you have a registration confirmation number.
CONFERENCE INFORMATION

HOUSING: You must register for the conference prior to making your hotel reservation. The conference will be held at the Millennium Biltmore Hotel, 506 S. Grand Avenue, Los Angeles, CA 90071. To reserve a hotel room call the hotel directly Monday-Friday 9AM-5PM (PDT) to (213) 612-1575 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 January 7, 2019 5:00 pm (CST) or before if the block is exhausted. Room rates start at: $249/night (plus tax). Please reference the ABA Forum on Construction Law 2019 Midwinter Meeting.

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 for more information.

PROGRAM REGISTRATION: Online at ambar.org/FCLMID19 or complete and return the attached registration form with your payment before January 7, 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 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, 2019. To receive a refund, minus a $65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.

CLE CREDIT: The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. 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. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. 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.

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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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.)

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, 2019 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.
# PROGRAM REGISTRATION

## 2019 MidWinter Meeting
**ABA Forum on Construction Law**

### PUBLIC PROJECTS
**NOT ALWAYS A HOLLYWOOD ENDING**

## Four Ways to Register
- Online at [ambar.org/FCLMID19](http://ambar.org/FCLMID19)
- Fax your form to (312) 988-5850
- Call 1.800.285.2221
- Mail the completed registration form to the American Bar Association
  
  **Attention: Service Center - Meeting/Event Registration CI0119**
  
  321 N. Clark St. - FL 19, Chicago, IL 60654

### REGISTRANT INFORMATION (Please Print)

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<thead>
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<th>LAST NAME</th>
<th>FIRST NAME</th>
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**NAME AS YOU WISH IT TO APPEAR ON ATTENDEE LIST AND NAME BADGE**

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<td>[State]</td>
<td>[Zip]</td>
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**ADDRESS**

**CITY**

**STATE**

**ZIP**

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**REGISTRATION CATEGORY**

<table>
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<tr>
<th>Non-ABA Member</th>
<th>Early Bird (before 12/27/2018)</th>
<th>Regular Price (after 12/27/2018)</th>
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<tr>
<td></td>
<td>$800</td>
<td>$880</td>
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<tr>
<td>ABA Member</td>
<td>$700</td>
<td>$760</td>
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<tr>
<td>Forum Member</td>
<td>$580</td>
<td>$640</td>
</tr>
<tr>
<td>First Time Attendee, New Member, and YLD (Email for Discount.)</td>
<td>$490</td>
<td>$540</td>
</tr>
<tr>
<td>In-House/Government/Academic (Special Rate)</td>
<td>$460</td>
<td>$520</td>
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<tr>
<td>Past Forum Governing Committee (Email for Discount.)</td>
<td>$385</td>
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| Law Student | $65 | $65 |
| Practicum Only | $325 | $450 |
| Practicum Rate for Conference attendees | $200 | $250 |
| Welcome Reception (Guest Tickets) | $65 | $65 |
| Paramount Secrets Studio Tour | $80 | $80 |
| Guest and Spouses Breakfast | $40 | $40 |
| Guest Tour - Getty Museum Tour | $65 | $65 |

- 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
- Enroll me as a member of the Forum on Construction Law (Law Student) $0

To receive the discount code or for registration questions please email Patricia.Harris@americanbar.org or Tamara.Harrington@americanbar.org

### PAYMENT INFORMATION

- Check (made payable to ABA-Forum on Construction Law)
- Credit Card: MasterCard | American Express | Visa | Discover

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### CANCELLATION POLICY:

No refunds will be granted for cancellations received after January 7, 2019. To receive a refund, minus a $65 administrative fee, cancellations must be made IN WRITING and RECEIVED by Tamara.Harrington@americanbar.org.