Construction Law

Increase Your Odds of Holding a Winning Hand

NEW LITIGATION SKILLS WORKSHOP
Examination of the Expert at Trial  See page 2 for details

The construction law industry is changing—don’t get left behind!

- What keeps construction clients up at night? Learn how to help.
- What is wearable technology, and how can we use it?
- Strategies for defending building product manufacturers
- Using statistics to attack damages claims
- Relieving the stresses of a busy practice through mindfulness

April 10-12, 2019
Caesars Palace
Las Vegas, NV
The construction industry is rapidly being confronted by unprecedented changes—shortages of skilled workers, new technologies, and economic pressures caused by recent geopolitical events are all forcing stakeholders to adapt rapidly to the changing climate. Those who cannot adapt to these changes risk falling behind, or becoming obsolete. All attendees—construction professionals, attorneys, and insurance professionals alike—will benefit from the educational and networking opportunities presented at this year’s seminar.

Diana L. Winfrey  
Program Chair

Diana M. Gerstberger  
Committee Chair

Andrew R. Ferguson  
Program Co-Vice Chair

David L. Jones  
Committee Vice Chair

Mark D. Shifton  
Program Co-Vice Chair

Glenn M. Zakaib  
Law Institute

What You Will Learn

- The important changes facing the construction industry, from a renowned panel
- Skills for resolving construction cases with ADR
- The use of wearable technology on construction sites
- The use of statistical analysis in construction cases
- Incorporating mindfulness to relieve stress and increase productivity

PRESENTED BY DRI's Construction Law Committee

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Register online now at dri.org or complete the form in the back.
Members Get More

- Access to LegalPoint™ at dri.org: Committee newsletters, seminar course materials, and other publications.
- Access to the DRI Construction Law Committee Committee Community: Share articles, post blogs, and connect with others on the latest trends in your area of practice.
- Access to dri circles, where lawyer-to-lawyer connections happen. Search dri circles in your app store:

Use dri™ Dividends Points to reduce your registration fee:

- Recruit a member
- Attend a seminar
- Participate on a committee
- ...and more!

Visit dri.org, go to My DRI and click on DRI Dividends to see your balance.

Get engaged, get recognized, and get rewarded.

Stay updated on DRI’s events—follow us on social media:
PROGRAM SCHEDULE

WEDNESDAY, APRIL 10

10:00 a.m. “Dig This Las Vegas” Event! (see page 1)

12:30 p.m. Litigation Skills Workshop Registration

PROGRAM SCHEDULE

2:00 p.m. Construction Law Seminar Registration

3:00 p.m. How to Develop Business and Keep Clients
A panel of in-house counsel and an insurance professional will discuss what they look for in selecting counsel, what they like, what they don’t like, and most importantly, what makes them look for new counsel.

Moderator | Joshua A. Bennett, Rogers Townsend & Thomas PC, Columbia, SC

Michele O. Blais, CHUBB Insurance, San Francisco, CA

Sean M. Piccola, D.R. Horton Inc., Conyers, GA

Kenya Thacker Pierre, ARUACO North America, Atlanta, GA

4:00 p.m. Effective Tips for Mediation and Arbitration
Hear tips from a well-known mediator, an insurance professional, and an experienced attorney on how to achieve a successful ADR outcome.

Ryan T. Chancey, PhD, PE, Nelson Forensics, Plano, TX

Jon Anders Hammerbeck, Ford Walker Haggerty & Behar LLP, Long Beach, CA

William C. Turner, Mediation and Dispute Resolution Inc., Henderson, NV

4:50 p.m. Adjourn

6:00 p.m. Welcome Networking Reception
Sponsored by MDD Forensic Accountants

7:30 p.m. Young Lawyers Dine-Around Dinner
Details to be provided. Please contact Joshua A. Bennett at Joshua.bennett@rtt-law.com with any questions.

THURSDAY, APRIL 11

7:00 a.m. Registration

7:00 a.m. Continental Breakfast
Sponsored by Exponent

7:00 a.m. Diversity Breakfast (all attendees welcome)

8:00 a.m. Welcome and Introductions
Diana Lee Winfrey, Tressler LLP, Los Angeles, CA

Glenn M. Zakaib, Borden Ladner Gervais LLP, Toronto, ON

LITIGATION SKILLS WORKSHOP

Examination of the Expert at Trial featuring one-on-one and small group exercises

Successful trial attorneys know that a properly prepared or cross-examined expert witness can decide a construction case. The DRI Litigation Skills Committee is excited to present DRI’s new Litigation Skills Workshop, designed to provide attendees with the tools necessary to shape the expert’s preparation and to cross-examine opposing experts at trial. One-on-one and small group exercises will assure that you are ready to defend your client at this crucial stage of the trial. Act now to make a significant investment in your career. Space is limited and spots will go fast!

Seminar attendees pay only $300 ($475 to attend only the workshop). Sign up on registration page. All registrations are non-refundable.

Take advantage of this valuable opportunity to practice techniques with highly skilled trial attorneys:

John P. Cahill, Jr., Lanza Law Firm PC, Bellaire, TX
John C.S. Pierce, Sirote & Permutt PC, Mobile, AL
Jeffrey K. Suess, Ryne arson Suess Schnurbusch & Champion LLC, Saint Louis, MO

Wednesday, April 10, 1:00 p.m.–5:30 p.m.

View Workshop flyer
8:10 a.m. **Where Do We Go From Here? How the Construction Industry Is Reacting to a Changing World**

These distinguished panelists will share their thoughts on how the construction industry should be reacting to worker shortages, tariffs, and other changes in the economy.

**MODERATOR | David L. Jones, Wright Lindsay & Jennings LLP, Little Rock, AR**

**David S. Jaffe, National Association of Home Builders, Washington, DC**

**Ashley Kramer, Comfort Systems USA, Houston, TX**

**Karen B. Rice, AXA XL, Los Angeles, CA**

9:30 a.m. **Game Changing Trends Affecting Construction Litigation**

Advances in technology, design and construction processes, and emerging theories of liability and risk transfer will be dissected. Learn practice pointers on avoiding litigation perils and achieving a successful resolution.

**MODERATOR | Steven J. Henning, Wood Smith Henning & Berman LLP, San Francisco, CA**

**Steven E. Lokus, Navigators, Irvine, CA**

**Phyllis A. Modlin, Markel Corporation, Woodland Hills, CA**

**Linda Pretzel, RiverStone, Mission Viejo, CA**

10:25 a.m. **Refreshment Break**

**SPONSORED BY Williams Leininger & Cosby PA**

10:45 a.m. **What Are You Wearing to Work Tomorrow? The Use of Wearable Technology in the Construction Industry**

Wearable technology is becoming increasingly prevalent on construction sites. Learn how the data collected can be used to manage construction site risks, investigate and defend claims, and the privacy and security issues such data presents.

**MODERATOR | Kathy R. Davis, Carr Allison, Birmingham, AL**

**Dean Cola, Turner Construction Company, New York, NY**

11:40 a.m. **Lunch (on your own)**

1:00 p.m. **Breakouts (see page 4)**

3:00 p.m. **Refreshment Break**

**SPONSORED BY ESI**

3:20 p.m. **Before You Use It: A Practical Guide to Construction Methods**

5:00 p.m. **Adjourn**

5:00 p.m. **Construction Law Committee Meeting (open to all)**

5:30 p.m. **Women’s Networking Reception**

**SPONSORED BY Carr Allison Murchison Cumming LLP**

6:00 p.m. **Networking Reception**

**SPONSORED BY Pronet Group Inc.**

7:30 p.m. **Dine-Arounds | Join colleagues and friends at selected restaurants for dinner. More details will be emailed in advance of the seminar.**

10:00 p.m. **Late Night Happy Hour Networking Event**

Details to be provided in advance.

**FRIDAY, APRIL 12**

7:00 a.m. **Continental Breakfast**

7:00 a.m. **SLG Meetings (open to all)**

8:00 a.m. **Announcements**

**Andrew R. Ferguson, Coughlin Betke LLP, Boston MA**

**Mark D. Shifton, Seiger Gfeller Laurie LLP, Princeton, NJ**

8:10 a.m. **Construction Case Law and Insurance Coverage Update**

Hear from seasoned practitioners about the most significant cases over the last year affecting the landscapes of both construction law and insurance coverage.

**John L. McCants, Rogers Lewis Jackson Mann & Quinn LLC, Columbia, SC**

**Mary E. McPherson, Tressler LLP, Irvine, CA**
9:10 a.m.  **Defending Building Product Manufacturers**
Hear from experienced defense counsel, an insurance professional, and an expert with a background in building products about the unique issues presented in building product claims.

**MODERATOR | Jayne Ann Skrzysowski-Pittman, Conroy Simberg, Orlando, FL**

**Kurt Ahlich, PE, ARCCA Inc., Oakland, CA**

**Rinaldo J. Cartaya III, Quintairos Prieto Wood & Boyer PA, Orlando, FL**

**Traci A. McGuire, AmeriTrust Group Inc., Westerville, OH**

**Michael Steven (Mike) Moore, PE, CCIS Construction Consultants, Matthews, NC**

10:10 a.m.  **Refreshment Break**

10:30 a.m.  **Because (Sample) Size Matters: The Use of Statistical Analysis in Attacking Unreliable Extrapolation Opinions**
Expert reports often conclude, based on limited inspection, that extensive repairs are needed. A forensic statistician and a construction expert will discuss the vulnerability of these reports and strategies for attacking these opinions.

**Aron J. Frakes, Fredrikson & Byron PA, Minneapolis, MN**

**Justin T. Kestner, PE, HAAG Engineering Co., Irving, TX**

**Benjamin S. Wilner, PhD, Alvarez & Marsal, Chicago, IL**

**BREAKOUTS**

<table>
<thead>
<tr>
<th>1:00 p.m.</th>
<th>Retaining and Working with Experts</th>
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<tr>
<td></td>
<td>Learn how to select, vet, and work with experts to keep them on task, and hear from experts on what they need to know to help you.</td>
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<td><strong>John P. Cahill, Jr., Lanza Law Firm PC, Bellaire, TX</strong></td>
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<td><strong>Thomas C. Easley, PhD, S-E-A Ltd., Columbus, OH</strong></td>
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<td><strong>Ryan L. Harrison, Paine Bickers LLP, Austin, TX</strong></td>
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<tr>
<th>2:00 p.m.</th>
<th>From Order to Chaos: Using Experts to Navigate the Minefields of Litigation</th>
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<td>This panel will discuss how an early and proactive expert review can optimize results at ADR or trial.</td>
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<td>**MODERATOR</td>
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<td></td>
<td><strong>Robert A. Plichta, AIA, NCARB, CPP, Engineering Systems Inc., Aurora, IL</strong></td>
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<td></td>
<td><strong>Hakim Boudia, PE, PhD, Walter P. Moore, Houston, TX</strong></td>
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**Thursday, 1:00 p.m.–3:00 p.m. (choose one)**

<table>
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<tr>
<th><strong>The Basics of Risk Transfer</strong></th>
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<tbody>
<tr>
<td>An experienced construction attorney and an insurance professional will discuss the whys, whens, and hows of risk transfer.</td>
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<tr>
<td><strong>Eileen R. Fullerton, Fullerton Beck, White Plains, NY</strong></td>
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<tr>
<td><strong>James J. (Jim) McGuire, Great American Risk Solutions, Cincinnati, OH</strong></td>
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<th><strong>They Didn’t Cover This in Law School: Collecting on a Judgment</strong></th>
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<td>Once a judgment is obtained, what do you do next? Learn the nuts and bolts of collecting on a judgment.</td>
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<tr>
<td><strong>Robert V. (Bob) Fitzsimmons, Rumberger Kirk &amp; Caldwell, Miami, FL</strong></td>
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<th><strong>He’s Not My Guy: The Joint-Employer Doctrine</strong></th>
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<tr>
<td>This panel will discuss the latest developments in the joint-employer doctrine.</td>
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<tr>
<td>**MODERATOR</td>
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<tr>
<td><strong>Jeffrey (Jeff) Koonankeil, CapSpecialty, Glastonbury, CT</strong></td>
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<tr>
<td><strong>Alyssa N. Pianelli, Beazley Group, Farmington, CT</strong></td>
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**Denotes the DRI CLIENT CONNECTION: In-house and claims professional speakers**

**Denotes expert**
11:30 a.m. Emerging Trends by the Plaintiffs’ Bar
A distinguished plaintiffs’ attorney addresses new trends and strategies being employed by the plaintiffs’ bar in construction litigation.

Duane E. Shinnick, Shinnick & Ryan NV PC, Las Vegas, NV

12:20 p.m. How Mindfulness Supports the Ethical Practice of Law
Learn to employ mindfulness in the practice of law, to reduce levels of stress, improve productivity and efficiency, and to promote a healthy and ethical practice.

Laura Mahr, Conscious Legal Minds, Asheville, NC

1:20 p.m. Adjourn
Community Service Event: Spread the Word Nevada
Books will be collected throughout the seminar. Please bring new and gently used books for all ages (no encyclopedias, comic books, coloring books, or text books) to help support Spread the Word Nevada, a children’s literacy nonprofit dedicated to advancing early childhood literacy within Nevada’s at-risk, low income communities. Contact Rosary Hernandez at rah@tblaw.com with any questions.

Before You Use It: A Practical Guide to Construction Methods
Thursday, 3:20 p.m.–5:00 p.m.
Join industry experts from Rimkus Consulting. Attendees will learn some of the common methods of properly installing window flashing and building envelope waterproofing. To allow maximum participation, the topic is divided into two sessions that will be repeated.

<table>
<thead>
<tr>
<th>3:20 p.m.</th>
<th>Session A—Window Flashing</th>
<th>Session B—Building Envelope Waterproofing</th>
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<tbody>
<tr>
<td>MODERATOR</td>
<td>David V. Wilson II, Mehaffy Weber, Houston, TX</td>
<td>Duncan E. Doss, PE, Rimkus Consulting Group Inc., Houston, TX</td>
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<td>♦ Kenneth L. (Ken) Homfeld, PE, Rimkus Consulting Group Inc., Houston, TX</td>
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<tr>
<th>4:10 p.m.</th>
<th>Session B—Building Envelope Waterproofing</th>
<th>Session A—Window Flashing</th>
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<tr>
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<td>David V. Wilson II, Mehaffy Weber, Houston, TX</td>
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Diversity and Inclusion in DRI: A Statement of Principle
DRI is the largest international membership organization of attorneys defending the interests of business and individuals in civil litigation.

Diversity is a core value at DRI. Indeed, diversity, which includes sexual orientation, is fundamental to the success of the organization, and we seek out and embrace the innumerable benefits and contributions that the perspectives, backgrounds, cultures, and life experiences a diverse membership provides.

Inclusiveness is the chief means to increase the diversity of DRI’s membership and leadership positions. DRI’s members and potential leaders are often also members and leaders of other defense organizations. Accordingly, DRI encourages all national, state, and local defense organizations to promote diversity and inclusion in their membership and leadership.

Harassment and Discrimination
DRI is committed to the policy of equal opportunity regardless of race, color, religion, sex, sexual orientation, gender, national origin and disability in all of its programs and activities, as well as maintaining an environment in our programs and activities which is free from all forms of harassment or discrimination of any kind. Pursuant to this policy, if any person who attends our programs or activities experiences unlawful discrimination or harassment, this should be reported to the Executive Director so that appropriate action may be taken.
In-House Counsel

In-house counsel are eligible for free registration to DRI seminars. In-house counsel are defined as licensed attorneys who are employed exclusively by a corporation or other private sector organization for the purpose of providing legal representation and counsel only to that corporation, its affiliates, or its subsidiaries. To qualify for free registration, in-house counsel must be a DRI member and a member of the DRI Corporate Counsel Committee or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember in-house counsel may utilize this offer only once. This offer excludes the DRI Annual Meeting and the DRI Business Management Principles for Lawyers Seminar.

Claims Executives

Claims professionals are eligible for free registration to DRI seminars. Claims professionals are defined as any individuals employed by a corporation or insurance company, who spend a substantial portion of their professional time hiring or supervising outside counsel in the representation of businesses, insurance companies or their insureds, associations, or governmental entities in civil litigation. To qualify for free registration, the claims professional must be a DRI member under a corporate membership or be sponsored by a DRI member who is both registered and has paid for the seminar. Nonmember claims professionals may utilize this offer once per calendar year. This offer excludes the DRI Annual Meeting.

CLE/Claims Adjusters Accreditation

This seminar has been approved for MCLE credit by the State Bar of California for up to 15.50 hours, including 1 hour of ethics credit. Accreditation has been requested from every state with mandatory continuing legal education (CLE) requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Application has been made for continuing education for claims adjusters. Credit availability and requirements vary from state to state; please check the DRI website at dri.org for the latest information for your state.

Registration Policy

Save $100 when you register by March 12, 2019. (See the registration form for pricing.) The registration fee includes course materials, continental breakfasts, refreshment breaks, networking receptions, and access to the DRI App. If you wish to have your name appear on the registration list distributed at the conference and receive the course materials in advance, DRI must receive your registration by March 19, 2019 (please allow 10 days for processing). Registrations received after March 19, 2019, will be processed on-site.

Refund Policy

The registration fee is fully refundable for cancellations received on or before March 19, 2019. Cancellations received after March 19 and on or before March 26, 2019, will receive a refund, less a $100 processing fee. Cancellations made after March 26 will not receive a refund, but a $100 certificate good for any DRI seminar within the next 12 months will be issued. All cancellations and requests for refunds must be made in writing, Fax (312.795.0747) or email (seminars@dri.org) to DRI’s Accounting Department. Processing of refunds will occur within four weeks after the date of the seminar. All refunds will be processed in the same method that the payment was received. Substitutions may be made at any time without charge and must be submitted in writing.

Discounts

Group Discount The first and second registrations from the same firm or company are subject to the fees outlined previously. The registration fee for additional registrants from the same firm or company is $775, regardless of membership status if received on or before March 12, 2019. After March 12, the group rate is $875. All registrations must be received at the same time to receive the discount.

Travel Discounts DRI offers discounted meeting fares on various major air carriers for DRI Construction Law Seminar attendees. To receive these discounts, please contact Direct Travel, DRI’s official travel provider, at 800.840.0908. As always, to obtain the lowest available fares, early booking is recommended.

Hotel Accommodations

A limited number of discounted hotel rooms have been made available at Caesars Palace, 3570 South Las Vegas Blvd, Las Vegas, NV 89109 (click here to view hotel photos). Take advantage of the group rate of $229 single/double with a $30 per room, per night resort fee in one of two ways:

1) Reserve online: Click here or visit dri.org and go to the DRI Construction Law Seminar page and click on the “Book hotel” button.

2) Or contact the hotel directly at 866.227.5958 and mention the DRI Construction Law Seminar.

The hotel block is limited and rooms and rates are available on a first-come, first-served basis. You must make reservations by March 12, 2019, to be eligible for the group rate. Requests for reservations made after March 12 are subject to room and rate availability.
FACULTY  

Click on any name to view bio.

♦ Kurt Ahlich, PE, ARCCA Inc., Oakland, CA
Joshua A. Bennett, Rogers Townsend & Thomas PC, Columbia, SC
♦ Michele O. Blais, CHUBB Insurance, San Francisco, CA
♦ Hakim Bouadi, PE, PhD, Walter P. Moore, Houston, TX
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♦ Ryan T. Chancey, PhD, PE, Nelson Forensics, Plano, TX
♦ Dean Cola, Turner Construction Company, New York, NY
Kathy R. Davis, Carr Allison, Birmingham, AL
♦ Duncan E. Doss, PE, Rimkus Consulting Group Inc., Houston, TX
♦ Thomas C. Easley, PhD, S-E-A Ltd., Columbus, OH
Stephanie U. Eaton, Spilman Thomas & Battle PLLC, Winston-Salem, NC
Andrew R. Ferguson, Coughlin Betke LLP, Boston, MA
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♦ Traci A. McGuire, AmeriTrust Group Inc., Westerville, OH
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Linda Pretzel, RiverStone, Mission Viejo, CA
Karen B. Rice, AXA XL, Los Angeles, CA
Mark D. Shifton, Seiger Gfeller Laurie LLP, Princeton, NJ
Duane E. Shinnick, Shinnick & Ryan NV PC, Las Vegas, NV
Jayne Ann Skrzyszowski-Pittman, Conroy Simberg, Orlando, FL
♦ William C. Turner, Mediation and Dispute Resolution Inc., Henderson, NV
Benjamin S. Wilner, PhD, Alvarez & Marsal, Chicago, IL
David V. Wilson II, Mehaffy Weber, Houston, TX
Diana Lee Winfrey, Tressler LLP, Los Angeles, CA
Andrew (Drew) Youpel, STSC, CRIS, Lockton Companies, Chicago, IL
Glenn M. Zakaib, Borden Ladner Gervais LLP, Toronto, ON

View faculty bios on the Construction Law Seminar webpage; click on “View speakers” button.
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Construction Law Seminar
April 10–12, 2019
Caesars Palace
Las Vegas, NV

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The Construction Law Seminar is a great place to grow your network and earn valuable CLE.

Maximize your business development and education needs at DRI Seminars.