

Minutes for Division 1's Monthly Steering Committee Meeting

Monday, February 14, 2022 @ 3PM ET via zoom

<https://americanbar.zoom.us/j/8035484597?pwd=bld1YysxL25ibWxYZTQ5L29OTmYrdz09>

Meeting ID: 803-548-4597

Steering Committee Members (2021/2022)

Tom Dunn, Chair	
Cassidy Rosenthal (Immediate Past Chair)	
	Rob Ruesch
	Jason Rodgers - Da Cruz

Liaisons (2021/2022)

	Governing Committee
Lexie Pereira	Young Lawyers Division
	In-House Counsel
Marissa Downs	Membership
	Technology
	SPEC (Special Programs and Education)
	Diversity + Inclusion
Rebecca Takacs	Publications
	Marketing

Friends

Patricia Thompson	Laura Brazil
Trevor Arnold	Kate Hull
Felipe Gutierrez	Thanh Do
Joe Hellenbrand	Benesm (?)

Agenda

1. Chair's Report

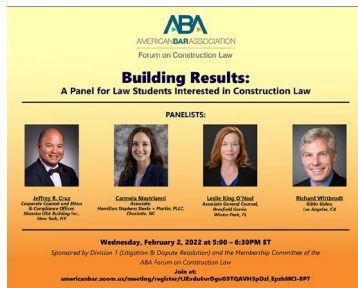
- a. Law Student Outreach Program – February 2nd

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Great event. 200+ signed up and approx. 70 attended.

Lexie and Tom will reach out to registrants with recording and find other ways to encourage them to join us.

- b. Use of Division funds from prior event (\$457.13) towards MWM social event.
Thanks Mike Lane for keeping account of these funds over the years.

2. Planning for [MWM 22](#) – [Register](#) – Feb. 23-25

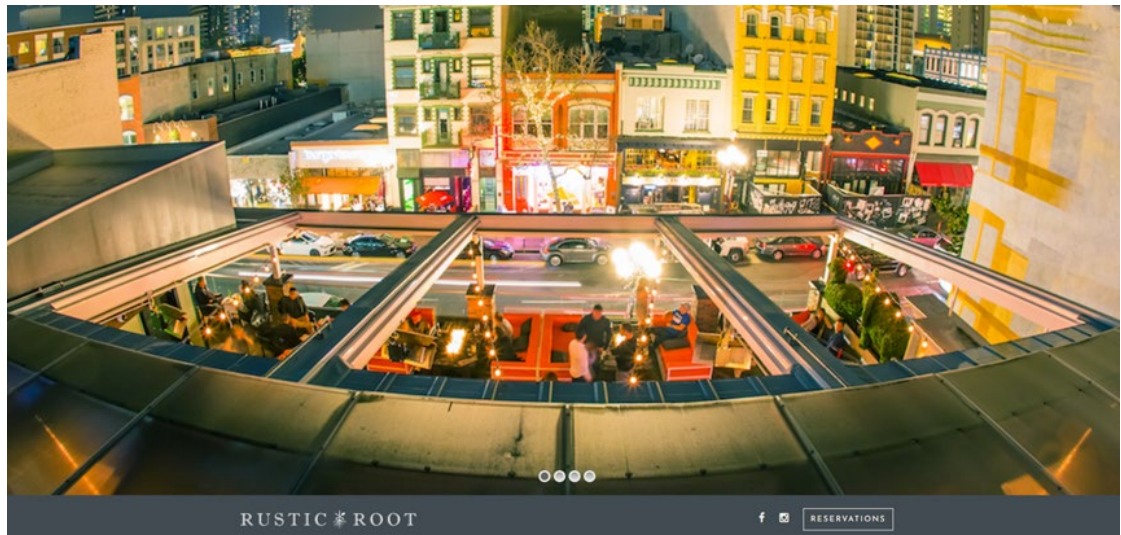
- a. Practicum: Advanced Advocacy in Mediation (Brenda Radmacher) – Feb. 23rd at 1PM. On-site registration is available. **DON'T MISS THIS PRACTICUM!!**
- b. [Social Event](#): Janie Winning. Rooftop deck at [Rustic Root](#) in the Gas Lamp District on 2/24 at 8PM. Thanks to our great sponsors **Lighthouse Consulting Group (Chris Sullivan)** and **LitCon (Michael Martin)** for allowing a reduced cost of this social event with Division 7. We are sold out but contact Jason Quintero (jquintero@carltonfields.com) to be placed on a waiting list.

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- c. Lunch Program 2/24 at 12:30 PM PT / 3:30PM ET: **A Perfect Storm: The Engineering and Legal Lessons Learned in the 10-Year Anniversary of the Indiana State Fair Stage Collapse** (Marissa Downs). Partner with D7.
 - i. Join us via zoom - <https://americanbar.zoom.us/meeting/register/tJcvde6vrjMuH9a-PrUESEv1xB45cgIW0SS5>
 - ii. Marissa said the program is coming together nicely. We discussed reducing the engineer's presentation to 35-40 minutes to give time for the ADR neutrals time for their discussion.
3. Trial Advocacy Practicum Series. (Jason Rodgers – Da Cruz). Jason provided the overview of the 3-part series. Rob confirmed he is handling the midwinter practicum for next year. **WE NEED A VOLUNTEER FOR THE ANNUAL 2023 PRACTICUM on cross / objections and closings.** Email Tom Dunn (rtdunn@PierceAtwood.com) if you are interested.

Session 1 (Fall 2022) – Fundamentals of Jury Selection [Jason]

- Developing a theme that must be carried throughout the selection
- Understanding and communicating the law (Jury Instructions/Specialty Jury Instructions)
- Mock jury selection, such as questioning the jury, selecting the jury, exercising strikes, etc.

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- Preserving objections

Session 2 (Midwinter 2023) – Fundamentals of Presenting Evidence [Rob]

- Openings
- Direct examination techniques and introduction of evidence
- Objections to testimony, introduction of evidence, etc.

Session 3 (Annual 2023) – Fundamentals of Challenging Evidence and Closings []

- Cross examination techniques
- Objections
- Closings
- Preserving objections

4. D1 Jury Empanelment Virtual Program – March 9, 2022 @3PM (Jason). Register - <https://americanbar.zoom.us/meeting/register/tJYuduiopzMrEtxCpwLjURA2zjP-EPQXwzk5>. Jason talked about the event and the quality of the speakers. Please SPREAD THE WORD ON THIS EVENT. All are welcome . . . even if not D1 or ABA members. It is free to attend and there will be Q&A at the end.



jury select final.pdf

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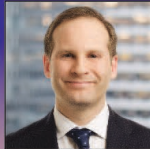

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ABA
AMERICAN BAR ASSOCIATION
Forum on Construction Law

Navigating Jury Selection in a Construction Case

Speakers:			Moderated by:	
				
Galina Davidoff, Ph.D. Davidoff Consulting	Oliver Morales, Esq. Miami-Dade Public Defender's Office	Stuart Sobel, Esq. Siegfried Rivera	Joseph T. Imperiale, Esq. Troutman Pepper	Jason M. Rodgers-da Cruz, Esq. Siegfried Rivera

Planned by Division 1 (Litigation & Dispute Resolution) of the ABA Forum on Construction Law

Free Meeting
Wednesday, March 9, 2022 - 3:00 P.M. ET

Join at: americanbar.zoom.us/meeting/register/tJYduiopzMrEtXcpwLJURA2zjP-EPQXwzk5

5. D1 Toolbox Talk Series - Jade Davis, Scott Griffith, David Ponte, Jennifer Millender, Daya Naef, Patricia Thompson, Sakib Khan, Laurens Wilkes
 - a. Recap of past session – January 27th on Design Delegation with D3 (Design) (Sakib Khan). They did a great job. Was mostly a discussion between them with a powerpoint, but we can continue the discussion once the video is available. I will circulate the video when it is ready.

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TOOLBOX TALK
SERIES BY D1
CONSTRUCTION LITIGATION & DISPUTE RESOLUTION

Not My Job:
Litigating & Avoiding Delegated Design Disputes

Sakib Khan, Esq.
Khan Law PLLC
Division 1

Joelle Jefcoat, FAIA, Esq.
Perkins & Will
Division 3

REGISTER HERE
When? Thursday, 1/27 at 12-12:30 PM ET
Where? Via Zoom

Learn & Discuss for 30 mins!

ABA
AMERICAN BAR ASSOCIATION
Forum on Construction Law

#1
THE
DIVISION: LITIGATION &
DISPUTE RESOLUTION

Questions?
Tom Dunn
rtdunn@pierceatwood.com

- b. Planning Out TTS for 2022 – if you have any interest in these topics and would like to be considered as a discussion leader, contact Tom Dunn (rtdunn@pierceatwood.com) or any of the TTS leaders below. We hope to have a handout advertising these programs at the meeting next week.

Date	Topic	TTS Leader	Discussion Leaders	Division
3/24	Cross-Examination	Scott Griffith	Kendall Woods and Lance Currie	7
4/28	Negotiation and neuroscience	Daya Naef	Nancy Greenwald	
5/26	Med/Arb + Arb/Med	Jen Millender	Neal Eiseman	13 (possibly)

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Date	Topic	TTS Leader	Discussion Leaders	Division
6/23	Prejudgment strategies	Sakib Khan		7 or 9 possibly
9/22	Rules and remedies for mediation misconduct	Patricia Thompson	Gill Freeman and someone from D11	D11
10/27	Design-Build Litigation Traps	David Ponte		D4
12/8	Prevailing Party Attorney Fees: Offensive and Defensive Strategies	Jade Davis	Catherine Delorey	TBD

6. [The Dispute Resolver Blog](#)

- a. Update (Catherine Delorey). Catherine provided her report in advance as she had a conflict with the meeting time. Here is her update:

The Dispute Resolver is going steady. Kanita published her second podcast summary last week. Marissa will post Wendy's neutral profile this week. I have draft submissions that I am working on with Juan Pablo Sandoval and George McLaughlin (for his series). Laura Brazil is also interested in contributing again and we are discussing topics. I believe Patrick McKnight is working on the next installment of his termination series.

- b. Neutral Series (Marissa) – update directory? Marissa and Tom will talk about this next week at the meeting so we can update the directory. She posted the ADR Neutral Feature of Wendy Venoit this morning!!
- c. Podcast review (Kanita) – she posted a new review of the postcast within the last couple of weeks. Thanks!
- d. New column ideas ?

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i. Law student opportunities ?

e. Under Construction ? – Catherine reported that she has not heard from UC about the running *The Dispute Resolver* column.

7. Liaison Reports

a. MJ – Marketing. MJ gave her report in writing ahead of the meeting as she had a conflict. Her update is below:

We still have some open opportunities for sponsorships for our Fall 2022 meeting. Please see below

- Platinum
- Silver
- Exhibitor: MWM, Annual, Summer Conference
- Keycard: MWM
- Keycard: Summer Conference
- Women's Networking Event: MWM
- Women's Networking Event: Annual
- Women's Networking Event: Summer Conference
- Gaslamp Tour (up to 2 available)
- 1-Catamaran Excursion
- Blackjack Clinic
- All publications

National Meeting Marketing Liaison Assistant Volunteers:

We still do need to assemble a listing of non-attorney member/Sponsor-Exhibitor "roster" of people interested in being National Meeting Assistant Marketing Liaisons—send an email to Lisa Heard with your interest in helping out as we will have Liaison needs into 2022-23, including for the Summer 2022 Meeting in Lake Tahoe!

b. Ed – In-House. No report

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- c. Lexie – YLD. No report.
- d. Marissa – Membership. No report
- e. Brett – Technology. Brett developed the attached PDF for ABA Communities. Please reach out to him if you have comments about it.



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ABA Communities R

- f. George – SPEC. No report
- g. Jessica – Diversity. No report
- h. Rebecca – Pubs. No report as the meeting was cancelled.

8. Upcoming Meetings – advance planning for programs & volunteers

- a. May 2022: Annual Meeting: May 4-7, 2022 – NYC (original 2021 Annual Meeting)
 - i. Practicum: In-House Counsel (Cassidy). Cassidy has the speakers for the practicum signed up as well as a YLD rep and Sakib Khan to help coordinate. She has a call scheduled for Friday of this week to plan it out. It will be designed to be more of a in-house counsel bootcamp, but we will try to find ways to tie-in outside counsel too.
 - ii. Social: George Fink locked this in for us. It will be Friday early afternoon.
 - iii. Lunch Program: Blockchain (Rob) with D2/D4/D6. There was a call last Thursday to advance the planning for this lunch program. Rob will follow up with the speakers and report back at the next meeting.
- b. July 2022: Summer Meeting: July 26-28, 2022 – Hyatt Regency Lake Tahoe Resort (Incline Village, NV)
 - i. Practicum (Tuesday, July 26, 2022): Doing Good and Doing Well in Negotiation: Managing Bias (Catherine Delorey). Catherine provided her update ahead of the meeting as she had a conflict. She is working with the Summer meeting planning team on the practicum. The current draft of the description is below:

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This highly interactive practicum features Michele Ruiz, a former Los Angeles TV news anchor and co-founder and CEO of BiasSync, including a rare opportunity to preview the high tech materials she developed for companies like Microsoft to assess and mitigate bias. The practicum also features Clark Freshman, a professor of law who frequently teaches negotiation and lie detection, including the pervasive role of bias, to federal judges, state judges, leading law firms and public interest groups, and top negotiators at firms like Genentech and Blackrock. Scholarly research confirms one undeniable truth, and one often overlooked truth about bias and negotiation. The research points to an undeniable truth that those from historically disadvantaged groups, such as women, Blacks, and other minorities, often achieve lesser results at specific types of negotiation. The often-overlooked truth is that bias holds back even the most privileged in society because they may leave money at the table in negotiations or unknowingly miss opportunities to reach an agreement because of their own bias. The highly interactive session will teach you:

- How do we know bias affects negotiation?
- What types of bias may affect many types of groups, and what types may affect distinct groups in distinct ways?
- How can one recognize bias in oneself and others in negotiation?
- What strategies does research suggest may work for bias?
- Why might different types of mindfulness and other meditation reduce bias? (Optional practice!)

Attendees will have the opportunity to share their experiences, which may be done anonymously, and to participate in small group discussions to practice ways to respond to bias in oneself and others and build upon their negotiation skills.

- ii. Social: Rebecca Takacs said she has inquiries out about sponsorship for the social event. If we get sponsors, we can lock in a venue (which requires a contract to be signed).
- iii. Lunch: Katie Kohm is planning this program.

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c. Sept. 2022: Fall Meeting September 28-30, 2022 – Memphis, TN

- i. Practicum: Trial Advocacy I (Jason Rodgers–Da Cruz)
- ii. Social: Mike Lane
- iii. Lunch: Confronting Behavioral Biases in Construction Claims (Brett Hensen)

***** VOLUNTEER OPPORTUNITIES BELOW *****

d. Jan/Feb 2023: Midwinter Meeting, Date TBD – Puerto Rico

- i. Practicum: Trial Advocacy II (Robert Ruesch)
- ii. Social: _____
- iii. Lunch: Gary Welch

e. April/May 2023: Annual Meeting, Date TBD / Location TBD

- i. Practicum: Trial Advocacy II (_____)
- ii. Social: _____
- iii. Lunch: _____

f. Sept/Oct 2023: Fall Meeting, Date TBD / Location TBD

- i. Practicum: Trial Advocacy III (_____)
- ii. Social: _____
- iii. Lunch: _____

9. Next Steering Committee Meeting

Monday, March 14, 2022 at 3PM ET