

Agenda for Division 1's Monthly Steering Committee Meeting

Thursday, January 12, 2023 @ 3PM ET via zoom

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

Meeting ID: 803-548-4597

Steering Committee Members (2022/2023)

Tom Dunn, Chair	Brett Henson
Cassidy Rosenthal (Immediate Past Chair)	Joe Imperiale
Catherine Delorey	Katie Kohm
Marissa Downs	Mike Lane
Kelsey Funes	Jason Rodgers - Da Cruz
Kanita Williams	

Liaisons (2022/2023)

Tony Lehman	Governing Committee
Lexie Pereira	Young Lawyers Division
Jessica Sabbath	In-House Counsel
Marissa Downs	Membership
Jessica Knox	Technology
Jen Millender	SPEC (Special Programs and Education)
Gaela Normile	Diversity + Inclusion
Rebecca Takacs	Publications
Jade Davis	Marketing

D1 Friends (2022/2023)

Tom Nocar	Matt Argue
Twanda Turner-Hawkins	David Ponte
Gary Welch	Gen
Mark Johnson	Thanh Do
Andrew Vicknair	Patrick DeLangis
Andrew Atkins	Silvia Zurita
Pasha Ameli	Marcus Quintanilla
Michael Martin	<i>Sorry if I missed someone – had a hard time taking roll today!</i>

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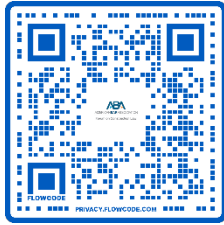
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Minutes

1. Chair's Notes

- a. [Midwinter 2023 Meeting Registration Open.](#)
 - i. REGISTER AND ATTEND D1'S SOCIAL EVENT ON FEB 1!!! Info is below
- b. Law School Outreach – [sign up here](#). Virtual Event on 3/29/23. *Tom reported that he, Lexie, and Chris Cabrera are reinstituting the law school outreach program. Sign up through this QR Code or the link above to visit the law school near you to promote construction law and the Forum!*



- c. Forum News
 - i. *Tom reminded everyone that the nominating committee meets at the midwinter meetings. This is a fun time to welcome new Division Chairs, Steering Committee members, and other Forum leadership!*
 - ii. *Division 1's Protocols were circulated amongst the "Friends of Division 1". If you have any comments (or want to view them), please contact Tom Dunn by January 17th. After that, Tom Dunn will forward the protocols to the persons leading up the effort to make sure they are compliant. Thanks to all of those who have made comments already.*
 - iii. *MAKE SURE YOU CHECK YOUR PASSPORT FOR THE ANNUAL MEETING IN VANCOUVER IN APRIL!!! Renew if you have to.*
 - iv. *Diversity Fellowship Application Deadline is January 30th – more information can be found [HERE](#). 4 SPOTS ARE OPEN.*
 1. *Great opportunity!!*
 - v. *Trial academy registration is opening tomorrow (1/13). Program is in Dallas in March 8-11.*
 - vi. *Tom/Tony Lehman talked about Forum's financial focus to raise revenues and reduce costs. Any creative ideas along those lines are welcome. Contact Tom or Tony!*

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2. Division 1 Liaison reports

- a. Jade – Marketing. *Promote Midwinter Meeting on social media. ENR Team is looking for content. If you have content, contact Jade or Erin Ebler Rolf. They will be working on their protocols as well.*
- b. Jess – In-House. *Next meeting is next week. We are partnering with Division 11 for the midwinter meeting. Jess will report next month regarding opportunities for further division 1 collaboration.*
- c. Lexie – YLD. *No report.*
- d. Marissa – Membership. *Tom promoted the law school outreach event. If interested, fill out the form on page 1 or email Tom. Tony talked about preparing the protocols and guide/explorer program.*
- e. Jessica – Technology. *Jessica reported there is a meeting scheduled for next week. Brett / Jessica will find out status of the future of ABA Communities.*
- f. Jen – SPEC
 - i. *January event: BIM And Its Legal Implications was postponed and will be rescheduled, hopefully in April*
 - ii. *February 27th : In the Trenches with Construction Experts held with ABA WLD - Matt Peng and Kacey Joyce*
 - iii. *March 22nd: Discovery Best Practices with John Bulman, Wendy Venoit and Mike Marra*
 - iv. *May (date not yet set) – 2 part program on Construction Defects*
 1. *Claims*
 2. *Insurance Coverage*
 - v. *Rest of years events are still in planning stage*
 - vi. *Trial Academy will be 3/8-11 in Dallas, Tx. Registration email to go out 1/13.*
- g. Gaela – Diversity + Inclusion. *The Forum is now accepting applications for diversity fellowships for 2023. The Forum will award up to four (4) fellowships this year. Benefits include waiver of all registration fees for the Annual, Fall, and Midwinter meetings; reimbursement of certain travel and accommodation expenses; reimbursement of Forum membership dues; and reimbursement of ABA membership dues in the following amounts: 100% in Year 1; 66% in Year 2; and 33% in Year 3. Fellows also have the opportunity to join a Steering Committee for one of the Forum's Divisions, and if desired, can be paired with a mentor. Additional information and the application itself are available from the Forum's*

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homepage: Forum on Construction Law (americanbar.org). Applications are due Monday, January 30, 2023.

h. Rebecca – Pubs. *No report.*

3. Toolbox Talk Series

- a. Toolbox Talk Series 2023 Team – Kanita Williams. *Kanita reported on the status of the TTS 2023 Team. Members of the team are Kanita Williams (leader/chair), Marcus Quintanilla, Manuel del Valle, Stephen Swart, Andrew Vicknair, David Ponte, Jen Millender, Jessica Knox, Mike Martin, Patricia Thompson, Tom Dunn. They are planning 7 events in 2023 starting in February. Two programs are already reserved. If you have a topic or want to be involved, contact Kanita at kwilliams@mwc-law.com.*

4. **The Dispute Resolver** –Marissa Downs. *Tom reported that Catherine Delorey is rotating off as Editor in Chief of The Dispute Resolver. THANKS CATHERINE FOR YOUR LEADERSHIP AND WORK ON TDR!! Marissa is taking over and has some very interested new team members. Be on the lookout for new material and approaches from TDR in 2023!!!*

5. Upcoming Programs/Meetings

- a. Feb 1-3, 2023 – **Midwinter 2023** – Caribe Hilton, San Juan, Puerto Rico
- i. Social – Marissa (partner with D7 and D11). On Wednesday, February 1st **REGISTER HERE**. Sponsor is Construction Discovery Experts (CDE).



- ii. Lunch – none planned (no division lunches)

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- iii. Practicum – Joe Imperiale – Trial Advocacy – Direct Examination. *Joe said that he needs a new expert witness for the practicum. If you are interested in serving as a mock expert witness, email Joe at joseph.imperiale@troutman.com. He said his team is ready for the program and it is going to be great. If you are attending the midwinter meeting and want “hands on” learning for opening statements and direct examination, register for the practicum.*
- b. April 12-14, 2023 – **Annual 2023** – Vancouver, British Columbia, Canada (Katie Kohm Co-Chair). *GET / RENEW YOUR PASSPORTS!!! Katie did a fantastic sales pitch for this meeting. If you want to know how wonderful it is going to be, contact Katie and she will make you sign up as soon as it is available 😊*
 - i. Social – Pasha (with D8). *Pasha reported that we will do a dinner between D8/D1. Amy Phillips normally plans the D8 dinners. Katie Kohm will give us the best places soon so we can make reservations!*
 - ii. Lunch – Pasha (with D8). Arbitration panel. Looking for a Division 1 Arbitrator who is interested in joining this panel regarding the domestic perspective. If you are interested, contact Tom Dunn or Pasha (pameli@thinkbrg.com).
 - iii. Practicum – Ashley Sherwood – Trial Advocacy – Cross & Closings. Current draft of the program is below. *Tom reported that this program is doing well. We are changing the time from 1-5 to 1-4pm.*

WEDNESDAY, APRIL 12

1:00 – 2:30 P.M.

Practicum (part 1)

Practicum: Effective Cross-Examination and Delivering a Winning Closing Argument

The final part in the three-part series on construction trial skills will focus on the latter half of the trial life-cycle: cross-examination and closing arguments. By this time in trial, the team can sometimes be running on fumes and not be as prepared as they were for opening statements and direct examination. But an effective cross-examination and closing statement can often help seal a victory.

Meghan A. Douris, Seyfarth Shaw LLP | **Seattle, WA**

Justice (ret.) Robert (Bob) Jenkins Supreme Court of British Columbia | **Vancouver, BC**

Christopher C. Whitney Pierce Atwood LLP | **Providence, RI**

2:30 – 2:45 P.M.

Networking Break

2:45 – 5:00 P.M.

Practicum (part 2)

This program will offer views from both the bench and the practitioner and will give participants an opportunity to practice their skills in small groups.

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- c. Sept 27-29, 2023 – Fall -Washington DC (Catherine Delorey Co-Chair)
 - i. Social – Kanita / Lexie. *No report yet.*
 - ii. Lunch – Gary Welch (View from Arbitrators' Bench). *Gary reported that we have an energetic and active panel of expert arbitrators for this and Mike Marra from the AAA on best practices in arbitration.*
 - iii. Practicum – Lisa Colon – Bid Protests. *Lisa reported that the speakers are all set for this program. Joe Kovars and Judge Marion Horn are the speakers with Lisa Colon. Judge Horn said she may even have attendees attend a bid protest in her court if it is happening that week.*
- d. Midwinter 2024 - _____
 - i. Practicum: ? depends on location. *Tom reported that he is talking with the Co-Chairs of the program on whether to have it (likely in Vegas). It is likely that we will NOT do a practicum. Division 1 attendees did not express a preference one way or the other during the call. This will be an open question (perhaps decided next month at the midwinter meeting).*
- e. Annual 2024 - _____ (Joe Imperiale and Brenda Radmacher are Co-Chairs)
 - i. Practicum: ? *Joe said they are working under the assumption that we will have a practicum. The overall program is on the Art and Science of Construction Trials. Joe suggested that we think about **dispute avoidance** or **pre-trial skills** (an idea that had been raised previously) for this practicum. If there are any D1 members interested in leading this practicum (likely in NOLA), please contact Tom Dunn to express your interest and an idea for a practicum.*

6. **Open Business** – *None other than Happy New Year and Lets Go Division 1 in 2023!!!*

7. **Next Steering Committee Meeting -- Thursday, February 9, 2023 at 3PM ET**