

Registration Information

Location

OBA Conference Centre, Suite 200 – 20 Toronto St., Toronto (just north of the King Edward Hotel). Wheelchair access via 33 Victoria Street (between Adelaide and King street).

Registration Policy

Registrations must be prepaid. Registrations will be accepted by FAX at (416) 642-0424 and at the Ontario Bar Association address shown on the Registration Form. A credit card number must accompany all faxed registrations. Walk-in registrations will be accommodated only if accompanied by credit card or cheque. Seating and meal preference, if applicable, will be given to prepaid registrants.

Refunds and Cancellations

Course fee is refundable (less \$50.00 plus \$2.50 GST) **if notice is received in writing five business days before the course.** We reserve the right to cancel or reschedule courses, refuse admission, or change speakers, location or content at any time. No refunds will be made if notification is received after November 7, 2008. Please note that a CBA member in the same category may attend in your place. If the delegate is not a CBA member s/he will be required to pay the difference in fee. The OBA GST registration number is R100760495.

Fee Categories

CBA Member - A member in good standing of the Canadian Bar Association

CBA Student Member - CBA Law Student OR Articling and Bar Admission Candidate

Non-Member

CAN'T ATTEND THE PROGRAM?

ORDER THE PUBLICATION

Materials for CLE courses are available either in binder format or electronic format (downloadable).



Registration

Hot Topics in Construction Law
for the Commercial Solicitor

Friday, November 14, 2008 - 9:00 a.m. to 12:30 p.m.

Name: _____

CBA #: _____

Firm: _____

Address: _____

City: _____

Postal Code: _____

Bus. Tel. #: () _____

Fax #: () _____

E-mail: _____

REGISTRATION *Please circle fee category.*

Live Program (includes course materials)*	CBA Member	CBA Student Member	Non-Member
<input type="checkbox"/> In person	\$195	\$95	\$295

I am unable to attend the program. Please send me:

EDUCATIONAL MATERIALS ONLY

Available 3-4 weeks post-program

Publication	CBA Member	Non- Member
<input type="checkbox"/> Publication (binder)	\$75	\$120
<input type="checkbox"/> Publication (download)		

Sub Total: _____ Add GST (5%): _____ Total: _____

Payment (registrations must be prepaid)

Cheque (payable to Ontario Bar Association) or please charge

Visa Mastercard

Credit Card #: _____

Exp. Date: _____

Signature: _____

CONTACT INFORMATION CONSENT

The OBA's programs may be supported by preferred suppliers, sponsors and exhibitors. Subject to the following paragraph, I understand that the provision of contact information on this registration form constitutes my consent to such information being disclosed to the preferred suppliers, sponsors, exhibitors, speakers or attendees of this program. For further information about the CBA's and OBA's treatment of contact information, see Members Privacy Policy at www.cba.org or www.oba.org.

By checking this box , I do not wish my contact information disclosed to the preferred suppliers, sponsors, exhibitors, speakers or attendees of this program.

www.oba.org

**Can't Make
the course?**

**Order the
course material!**

Order the course material! Concise, practical and well-focused course materials and/or precedents written by the faculty. (topic may vary slightly from presentation.)

www.oba.org/pd

Co-Chairs:



Brendan D. Bowles,
Glaholt LLP



Timothy J. Murphy,
McMillan LLP

OBA Professional Development

Hot Topics in Construction Law for the Commercial Solicitor

Friday, November 14, 2008
9:00 a.m. to 12:30 p.m.

OBA Conference Centre
200 - 20 Toronto St., Toronto

Focus: Hot topics for lawyers advising clients on the "front-end" of construction projects

Highlights will include:

- The six purposes for the written construction contract
- Alternative project delivery models
- Public-private partnerships
- Procurement issues
- High risk projects
- Insurance and bonding
- Dispute resolution

Hot Topics in Construction Law for the Commercial Solicitor

Friday, November 14, 2008 - 9:00 a.m. to 12:30 p.m.

This half-day seminar is specifically tailored for lawyers who advise construction industry clients on the front-end of a project before the work starts. Seven leading practitioners will guide you through the hot topics that you must be conversant with in order to help your clients mitigate and manage the significant risks encountered in large construction projects.

Co-Chairs: **Brendan D. Bowles**, Glaholt LLP
Timothy J. Murphy, McMillan LLP

9:00 a.m. Introductory Remarks

9:05 a.m. **Six Purposes for the Written Construction Contract**

- From “record of the deal” to “codification of industry best practices”: the multiple roles which the written agreement plays in the construction process
- How the written agreement is viewed by the owner/ construction executive client
- Issues and concerns with standard forms

Geza R. Banfai, Blaney McMurtry LLP

9:30 a.m. **Alternative Project Delivery Methods and Public-Private Partnerships**

- Construction Management: key attributes, advantages and disadvantages vs. contractor relationship, drafting tips
- Engineering, procurement and construction contracts: key provisions, EPC contracts in the Ontario energy market
- P3 arrangements: risk allocation, risk transfer, differences with CCDC stipulated price contracts, contractor as consortium/lead participant, subcontractors, design risk, key differences in role of architect/consultant

Jody K. Becker, Counsel, EllisDon Corporation - Mississauga
Timothy J. Murphy, McMillan LLP

10:20 a.m. **Procurement Issues**

- The growing importance of limiting and exclusionary clauses in bid documents
- Key relationships and duties among owners, contractors, subcontractors and others involved in the process
- How to deal with non-compliance and the “fairness” obligation in procurement

Glenn W. Ackerley, WeirFoulds LLP

10:45 a.m. Break

11:00 a.m. **Risk Allocation in High Risk Projects**

- Shifts in the risk tolerance of major contractors
- New and more expansive limits of liability
- Applicability of standard form contracts to the new limits

D. Robert Beaumont, Osler, Hoskin & Harcourt LLP

11:25 a.m. **Insurance and Bonding**

- Performance Bonds, Labour & Material Payment Bonds, Bid Bonds
- Alternatives to bonding – contractor and subcontractor default insurance
- Exclusions from coverage – faulty work, materials or design

Ian J. Houston, Borden Ladner Gervais LLP

11:50 a.m. **Dispute Resolution**

- Arbitration clauses
- Mediation
- Dispute Resolution Boards (“DRB’s”)
- Adjudication

Duncan W. Glaholt, Glaholt LLP

12:15 p.m. Questions

12:30 p.m. Program Concludes

This CLE program has been approved for a LAWPRO CLE Premium Credit. To obtain your \$50 LAWPRO insurance premium reduction, please visit their website: www.lawpro.ca/clecredit



This program has been accredited by the Law Society of Upper Canada towards the professional development requirement for certification. Construction Law - 3 Hours



Upcoming OBA Fall Programs

Operation Update	October 3
The Art of Title Searching	October 17
Privilege, Confidentiality and Conflicts of Interest: Traversing Tricky Terrain	October 23
Insurance Law: What You Need to Know	October 28
Clients, Clients, Everywhere: Essential Tips for Aspiring Rainmakers	November 5
Your First Collection II: Deadbeat Dilemmas.....	November 19
3rd Annual Ministry of Environment Update	November 20
The Business of Farming (Ever Green)	November 24
8th Annual Franchise Law Conference: Putting Principles into Practice	November 25
Ready, Set, Go! New Insolvency Reforms to the BIA and CCAA.....	December 1
Divine Discoveries III: Building a Great Case	December 2
When Health and Labour/Employment Law Collide	December 4
The Ultimate Review of Legal Due Diligence	December 8
Offers to Settle	December 10