

Construction Law Symposium: ADR Best Practices and Current Market Trends

Construction Law



Live Webcast

Date: Wednesday, September 25, 2024 | 1:30 pm to 4:30 pm

Location: OBA Conference Centre
20 Toronto Street, 2nd Floor, Toronto

Agenda: 1:00 pm Registration
1:30 pm Program Commences
4:30 pm Program Concludes and Networking Reception



This program contains:
0hr 30m of Professionalism Content
2hr 30m of Substantive Content

The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Ontario.

Returning by popular demand, this year's symposium will feature candid perspectives from neutrals on how parties can best position themselves to resolve disputes quickly, efficiently, and fairly. The construction sector in Ontario is continuing to see the growing adoption of Alternative Dispute Resolution (ADR) procedures to avoid the costs and delays inherent in litigation. ADR is no longer viewed as an "alternative" as many construction contracts have mandatory dispute resolution processes outside of the Courts.

Join leading lawyers, arbitrators, and mediators across Ontario's construction projects sector to learn about current trends and best practices in the resolution of disputes outside of the Courts. Our seasoned practitioners will also review market trends on dispute resolution processes (DRPs) and drafting best practices when developing DRP clauses in construction contracts.

Program Chair(s): **Brian Kuchar**, WeirFoulds LLP
Ivan Merrow, McCarthy Tétrault LLP

Speakers: **Carol A. Albert**, ADR Chambers
Anna Esposito, Pallett Valo LLP
Annik Forristal, McMillan LLP
Duncan Glaholt, Glaholt Dispute Resolution Services Ltd.
Stephen Morrison, Stephen Richard Morrison ADR Inc.
Jessica Murphy, Infrastructure Ontario
Byron Shaw, McCarthy Tétrault LLP
John Westland, Ground Truth Engineering Ltd.

1:30 pm Welcome and Opening Remarks

1:35 pm **Construction and Infrastructure Arbitration: Best Practices, Current Issues and Trends**
Duncan Glaholt, Glaholt Dispute Resolution Services Ltd.
Carol A. Albert, ADR Chambers

- **Arbitration procedure:** market trends regarding *ad hoc*, institutional rule sets, and procedure adopted in Canadian arbitral proceedings
- **Best practices:** effective advocacy techniques for the arbitral context from the view of the tribunal, distinguished from court proceedings
- **Current issues:** review and discussion of current and anticipated "hot" topics in the field of construction and infrastructure arbitration

2:15 pm **Tiered Dispute Resolution: Mediation, Dispute Resolution Boards and More**

Stephen Morrison, Stephen Richard Morrison ADR Inc.
Anna Esposito, Pallett Valo LLP
John Westland, Ground Truth Engineering Ltd.

- **Dispute resolution toolbox:** review market trends and influences on dispute resolution methods being utilized on projects in Canada

- **Mediation best practices:** effective advocacy techniques to achieve resolution at mediation from the view of neutrals
- **Dispute resolution boards (DRBs):** in the context of increasing use of DRBs, review and discuss how to best advance a project and avoid disputes through the use of DRBs

3:15 pm **Health Break**

3:30 pm **Contract Drafting Perspectives: Dispute Resolution Procedure (DRP) Clauses and Processes**

- Annik Forristal**, McMillan LLP
Jessica Murphy, Infrastructure Ontario
Byron Shaw, McCarthy Tétrault LLP
- **DRP options and trends:** review spectrum of DRP options available on projects, and discuss current trends in the market
 - **Crafting DRP clauses and processes:** Technical drafting considerations for counsel and clients when preparing and negotiating DRP processes
 - **Negotiating DRPs:** Discuss considerations and best practices for counsel negotiating DRP provisions in construction contracts

4:30 pm Program Concludes and Networking Reception

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Questions? pd@oba.org