

AGENDA



Construction Law Forum 2020 *The Art of Commercial Arbitration: From A to Z*


January 24, 2020

Tennessee Bar Center - Nashville, Tennessee

Program Producers: Adam O. Knight, Law Office of Brad Scarbrough, PLC
Jason Shade, Ensley, Baker & Shade, PLLC
David K. Taylor, Bradley Arant Boult Cummings LLP

Total Credits: 5.25 General 1 Dual

Having a commercial construction dispute resolved via binding arbitration is fast becoming the norm, with litigation the exception. This seminar is for lawyers who are both new to this field of law and those who are experienced in Arbitration, and will cover all aspects of commercial arbitration from A-Z. This information-packed, full-day program will provide 6.25 CLE hours, including 1 hour of ethics credit.


8:30 - 9 a.m.		Registration & Breakfast
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9 - 10 a.m. **Introduction to Arbitration**
The Great Debate: Do You Advise Your Client to Arbitrate or Litigate?
1 General *Whether to arbitrate is not a "one-size-fits-all" decision. The decision to arbitrate depends upon a highly fact-driven analysis of a number of factors. Those factors will be discussed in this segment of the seminar.*

Todd Panther, Sherrard Roe Voigt & Harbison, PLC

10 - 10:30 a.m. **Drafting Arbitration Clauses**
.5 General *This topic will cover how to best draft Arbitration clauses to properly protect clients in construction projects.*

J. Brad Scarbrough, Law Office of Brad Scarbrough, PLC

10:30 - 10:45 a.m.		Break
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10:45 - 12 p.m. **The Arbitration Process – a Plenary Discussion of the Stages of Arbitration**
"The Good, The Bad and The Ugly"
1.25 General

- *Enforcement of an Arbitration Clause – What Do You Do If the Other Side Refuses to Arbitrate*
- *Selecting the Arbitrator: Avoiding the Pitfalls*
- *Private v. Administered Arbitration: The Pros and Cons of administered v. "ad hoc" arbitrations from the perspective of client, counsel and arbitrator*

Tim Crenshaw, Schulman LeRoy & Bennett P.C.
Beth Stengel, Evans Petree, P.C.
Tim Gibbons, Chambliss, Bahner & Stophel P.C.

12 - 12:45 p.m.



Lunch (Provided)

12:45 - 1:15 p.m.

Discovery in Arbitration and Preparation for the Hearing

.5 General

What discovery is available in arbitration? Where is the answer to this question? Once I know the answer, how do I use the information that I obtain. This section will cover discovery in arbitration and some do's and don'ts in discovery and utilizing the information obtained.

Adam O. Knight, Law Office of Brad Scarbrough, PLC

1:15 - 2 p.m.

Conducting an Arbitration Hearing: An Advocate's Perspective

.75 General

Since trying a dispute in arbitration is different than in a courtroom, what do lawyers have to consider when heading to an arbitration hearing. What are the mistakes that lawyers frequently make in arbitrations. This session will focus on advocacy tips from an experienced lawyer with more than 50 arbitrations and more importantly, what NOT to do in an arbitration.

David K. Taylor, Bradley Arant Boult Cummings LLP

2 - 2:45 p.m.

An Arbitrator's Perspective and Tips for Effective Representation

.75 General

Since arbitration is normally final, no appeal, what are the factors that an arbitrator takes into consideration when deciding a dispute, especially for presentation by counsel? This session will feature 3 of the most experienced Tennessee lawyers who have served over 300 times as an arbitrator. They will provide valuable advice and their perspective on what works and does not work for lawyers presenting their case in arbitration

John Blankenship, Blankenship & Blankenship
Jim Kay, Kay Griffin PLLC
David K. Taylor, Bradley Arant Boult Cummings, LLP

2:45 - 3:30 p.m.

Post-Hearing Procedures/Appealing Arbitration Awards

.75 General

The arbitration hearing is over. The award is delivered. Is the arbitration award truly final? Depending upon the facts and circumstances of the arbitration process, there may be grounds to challenge the arbitration award. This sessions covers the possible post-arbitration procedures that may be utilized to challenge and vacate an arbitration award.

Vic McConnell, Smith Cashion & Orr, PLC

3:30 - 3:45 p.m.



Break & Snack

3:45 - 4:45 p.m.

Ethical Considerations in Arbitration

1 Dual

While arbitration proceedings often do not follow all of the same formalities as a court trial, the Rules of Professional Conduct still apply. Just because counsel may dress casually for an arbitration that is no reason for counsel to forget their ethical obligations.

Jerry M. Martin, Attorney at Law