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The Fundamentals Of Construction Contracts In Ontario: *Understanding The Issues*

This one-day seminar is designed for project managers, lawyers, construction managers, presidents, vice presidents, engineers, controllers, accountants, contract managers, architects, facilities managers, maintenance managers, office managers, operations managers, developers, estimators, insurance professionals and other construction professionals.

Toronto, ON
April 26, 2006

Jeffrey A. Armel

Goldman Sloan Nash & Haber LLP

Joseph Cosentino

Goodmans LLP

Anne C. McNeely, B.A., LL.B.

Blake, Cassels & Graydon, LLP

Brian D. Nicholson, B.A., LL.B.

Movat & Eccleston

John Royle, B.A., M.Sc.

Southeastern Construction Appraisals

Continuing education credit:

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See inside for details.

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Critical Issues On The Agenda

9:00 a.m. - 9:15 a.m.

I. Overview

— *Brian D. Nicholson, B.A., LL.B., and John Royle, B.A., M.Sc.*

9:15 a.m. - 10:15 a.m.

II. How The Choice Of Procurement Affects The Construction Process

— *John Royle, B.A., M.Sc.*

- A. Project Deliveries And The Appropriate Choice Of Procurement
- B. Design Build, Project Management, And Time And Expense Contracts
- C. System Complacency And The Incumbency Multiplier

10:15 a.m. - 10:30 a.m.

Break

10:30 a.m. - 11:15 a.m.

III. Contract Issues

— *Anne C. McNeely, B.A., LL.B.*

- A. Penalty And Bonus Clauses
- B. Liquidated Damages vs. General Damages
- C. Limitations Of Liability And Exclusion Clauses

11:15 a.m. - 12:15 p.m.

IV. Basic Contract Principles

— *Brian D. Nicholson, B.A., LL.B.*

- A. Contract Formation
- B. Enforceability
- C. Remedies

12:15 p.m. - 1:15 p.m.

Lunch (On Your Own)

1:15 p.m. - 2:15 p.m.

V. Alternative Dispute Resolution

— *Joseph Cosentino*

- A. Overview Of ADR
- B. Mediation
- C. Mediation And Construction Disputes
- D. Arbitration
- E. Private ADR
- F. Arbitration vs. Litigation

2:15 p.m. - 2:30 p.m.

Break

2:30 p.m. - 3:40 p.m.

VI. Trust Provisions Of The CLA

— *Jeffrey A. Armel*

- A. Extent Of Personal Liability
- B. The Mandatory Trust Account
- C. Available Remedies In The Event Of A Breach Of Trust
- D. Collecting Upon A Trust Judgment
- E. Update On Recent Case Law

3:40 p.m. - 4:30 p.m.

VII. Questions And Answers

— *Jeffrey A. Armel, Joseph Cosentino, Brian D. Nicholson, B.A., LL.B., and John Royle, B.A., M.Sc.*

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