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COVID-19



CONSTRUCTION IN THE WAKE OF THE COVID-19 PANDEMIC: THE NEW NORMAL

Co-Chaired by

John Logan, QC
Jenkins Marzban Logan LLP

David Mckenzie
Jenkins Marzban Logan LLP

July 28th, 2020 • Attend via Live Webinar

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CO-CHAIRS



John Logan, Managing Partner, Jenkins Marzban Logan LLP, Vancouver, B.C. John is a founding partner of Jenkins Marzban Logan LLP. He has tried his fair share of cases, and feels particularly suited to dispute work as he can recall only the victories. He represents a long list of companies involved in the construction industry, including many of the largest contractors in British Columbia and Canada. John frequently acts as an arbitrator, referee, or mediator in commercial and construction disputes. He has an “AV” rating from *Martindale Hubbell* in both construction and commercial litigation; has been included once in a while in the *LEXPERT ALM 500* as one of the top 500 lawyers in Canada; and is rated as one of British Columbia’s top construction lawyers by *Lexpert*, *Best Lawyers*, *Chambers and Partners*, and *Who’s Who Legal*. He is regarded by his mother as the best lawyer in the universe.



David McKenzie, Partner, Jenkins Marzban Logan LLP, Vancouver, BC. David’s practice is focused primarily on construction law. David has appeared before all levels of court in British Columbia and has been involved in numerous mediations and arbitrations. His practice includes a significant amount of construction-related solicitor work, and he has drafted and negotiated many construction contracts and tender packages. David is a member of the BC *Builders Lien Act* reform committee. He is also a contributing author and member of the editorial board for the *BC Builders Lien Practice Manual*. David is a regular speaker at events for the construction industry and the legal profession, and he has also taught legal courses to both aspiring architects and aspiring lawyers.

CONSTRUCTION IN THE WAKE OF THE COVID-19 PANDEMIC: THE NEW NORMAL

The COVID-19 pandemic has had deep and difficult impacts for the Canadian business community, and the construction industry has not been spared. What do construction projects look like in the wake of COVID-19? Join us for this half-day intensive conference where our expert faculty will discuss the impacts of the pandemic on both new and ongoing projects, and the future of the construction projects in this “new normal”.

KEY AREAS ADDRESSED:

- Front-end considerations, and what to think about when drafting new contracts
- Managing issues that have arisen in ongoing projects
- Resolving disputes in an online world

WHO SHOULD ATTEND:

- Lawyers
- Construction and development company owners and c-suite officers
- Construction managers, contractors, subcontractors, and suppliers
- Project control managers, prime contract managers and claims consultants
- Designers, engineers and architects
- Construction insurers and risk managers

AGENDA – JULY 28TH, 2020

9:00 Welcome and Introduction by PBLI

9:05 Chairs' Welcome and Introduction

John Logan, QC & David Mckenzie
Jenkins Marzban Logan LLP

9:15 Proactive Drafting: Where to Begin in the New Normal

Jana Mansour & Karen Martin
Dentons Canada LLP

- Options for acknowledging the reality of COVID-19 in your contracts
- Post-COVID best practices for *Force Majeure* clauses
- Addressing later disruptions and potential restructuring of the relationship

10:05 Questions and Discussion

10:15 Break

10:30 Troubleshooting Ongoing Projects

David Mckenzie
Jenkins Marzban Logan LLP

- Common issues in the wake of the pandemic

- Managing past and ongoing delays
- The insolvent client, subcontractor or supplier – what to be aware of and how best to address
- Elevated costs – who foots the bill?

11:20 Questions and Discussion

11:30 Dispute Resolution in a Virtual World

Laura Cundari
Blake, Cassels & Graydon LLP

John Logan, QC
Jenkins Marzban Logan LLP

- Current challenges with in-person dispute resolution
- How the construction industry is adapting
- Virtual Examinations for Discovery – best practices
- Virtual mediations. A recipe for success
- Virtual arbitrations. Lemonade out of lemons

12:20 Questions and Discussion

12:30 Chairs' Closing Remarks – Program Concludes

FACULTY



Laura Cundari, FCI Arb, Partner, Blake, Cassels & Graydon LLP, Vancouver, BC. Laura is an experienced advocate, appearing as lead counsel at all levels of court in Canada, as well as before arbitral and administrative tribunals, and has extensive experience litigating and arbitrating disputes relating to major projects in the construction industry.

Laura is a fellow of the Chartered Institute of Arbitrators (CI Arb) and a director of both the Canada Branch and the Vancouver Chapter of the Canadian Branch of the CI Arb. She is a director of the British Columbia International Commercial Arbitration Centre and an invited member of the Western Canada Commercial Arbitration Society. Laura is a member of her firm's COVID-19 litigation team, and has experience advising clients on contract suspensions and terminations as well as alternative dispute resolution in connection with the current crisis. Laura has been recognized as a leading lawyer in *Canadian Legal Expert Directory 2020* (Corporate/Commercial Litigation – Leading Lawyers to Watch); *The Best Lawyers in Canada 2020* (Corporate (Corporate and Commercial Litigation)); *Benchmark Canada: The Definitive Guide to Canada's Leading Litigation Firms and Attorneys - 2020, 2019 & 2018* Editions (Future Litigation Star - Litigation & Dispute Resolution); and *Benchmark Litigation, 40 & Under Hotlist – Canada, 2019 & 2018*. Laura is part of the legal team that has been recognized as "Arbitration Firm of the Year" by *Benchmark Litigation* in 2020, 2019 and 2018.



Jana Mansour, Partner, Dentons Canada LLP, Vancouver, BC. Jana Mansour is National Co-Chair of Dentons Canada's Infrastructure and PPP group, and is also a member of the Construction and Project Finance groups. He regularly advises investors, developers and contractors from early-stage consideration through financing, construction,

operation and disposition of large-scale infrastructure projects. Jana represents owners and contractors in the negotiation of project agreements, including complex multi-phased engineering, procurement and construction (EPC) contracts, operation and maintenance agreements and long-term service agreements. Jana has assisted clients in the preparation, review and clarification of requests for proposals and the preparation of compliant bids. Jana began his legal career in Montréal before moving to New York City, where he practised law for 17 years with two major international law firms. During 2010 – 2016, he was a partner in the Project Finance and Development Group of a major international law firm, based in New York.



Karen Martin, Partner, Dentons Canada LLP, Vancouver, BC. Karen is a partner whose practice focuses on dispute resolution of construction and infrastructure projects. She currently sits on the Dentons National and Global Boards. She also serves as the President of the Canadian College of Construction Lawyers. Since the late 1980s, she has acted on procurement and construction claims, including on P3 projects. She provides strategic advice during tender and RFP processes and during construction to help clients minimize risk, avoid disputes, and resolve project issues expeditiously. When disputes arise, she acts as counsel in the negotiation, mediation, arbitration, and litigation of all types of claims, including procurement changes. She also acts as referee, mediator and arbitrator. She is one of the contributing authors to the *BC Builders Liens Practice Manual* and the *BC Business Disputes Manual*, Construction Law chapter. Ms. Martin is ranked in the areas of Construction and Procurement by LEXPERT, Best Lawyers in Canada, Who's Who Legal and Who's Who Legal Canada, Chambers Canada, and Chambers Global.

INFORMATION

Four Ways to Register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.pbli.com/1611

Registration: The registration fee is \$350.00 plus GST of \$17.50 totalling **\$367.50** covering your access to the live webinar and electronic materials.

Group Discounts: Register four persons from the same organization at the same time and you are entitled to a complimentary fifth registration.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the program.

When and Where: Check-in begins at 8:30 a.m. The program starts at **9:00 a.m. (PDT)**. Attend via Live Webinar: All you need is a computer with a good internet connection and external plug-in speakers or good headphones for optimal audio and volume.

Materials: The faculty will prepare papers and/or other materials explaining many of the points raised during this program. Please contact us at registrations@pbli.com if you are unable to attend the program and wish to purchase a set of materials.

Your Privacy: We will keep all information that you provide to us in strict confidence, other than to prepare a delegate list containing your name, title, firm and city for our faculty and the program delegates. We do not share our mailing lists with any non-affiliated organization.

Cancellations: Full refunds will be given for cancellations (less a \$60.00 administration fee) if notice is received in writing five full business days prior to the program (**July 21st, 2020**). After that time we are unable to refund registration fees. Substitutions will be permitted. We reserve the right to cancel, change or revise the date, faculty, content, availability of webinar or venue for this event.

Course Accreditation: Attendance at this course can be listed for up to **3.25 hours** of continuing professional development credits with the Law Society of BC.

Registration Form Pacific Business & Law Institute

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