



AMERICAN
ARBITRATION
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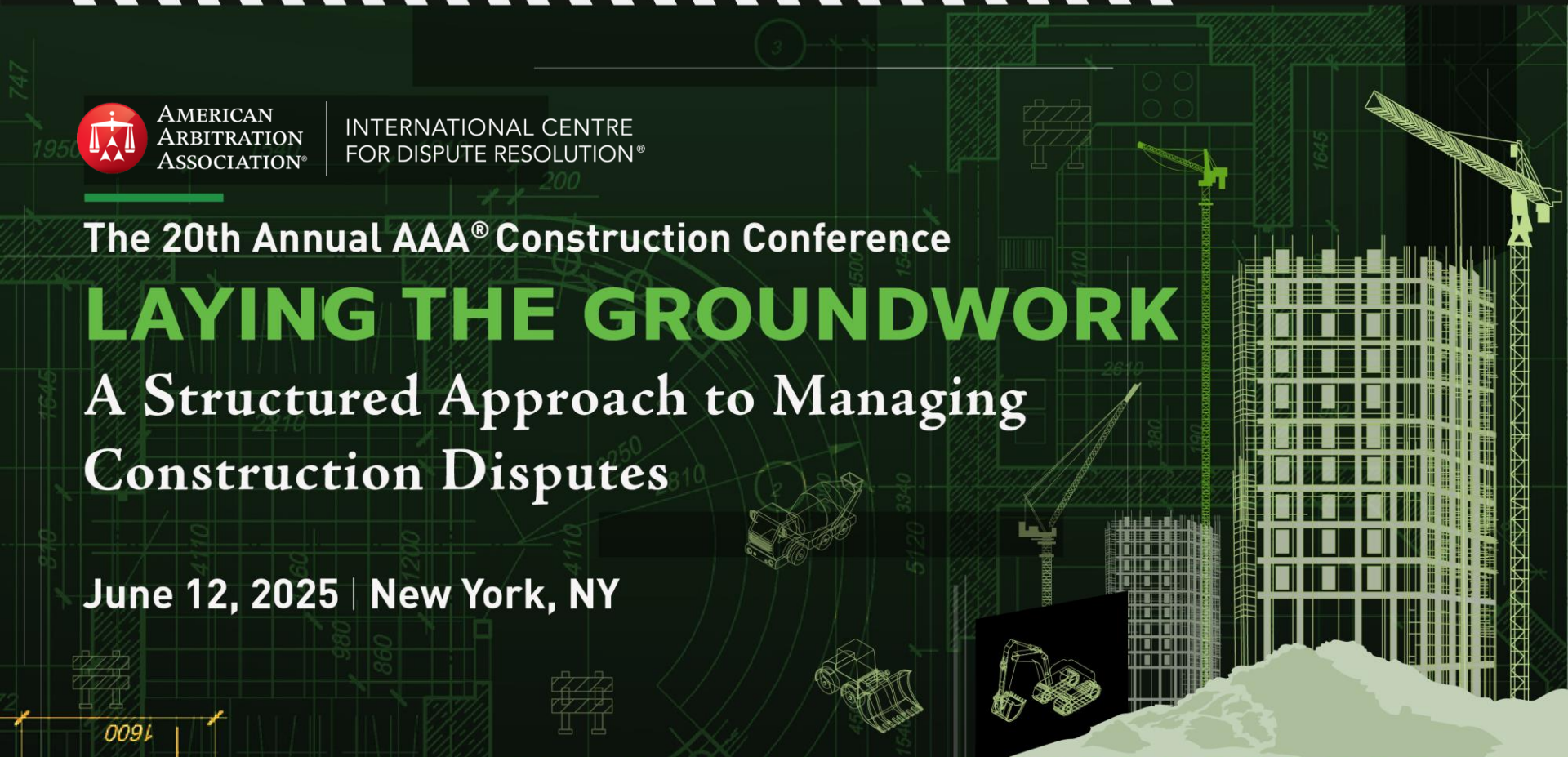
INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®

The 20th Annual AAA® Construction Conference

LAYING THE GROUNDWORK

A Structured Approach to Managing
Construction Disputes

June 12, 2025 | New York, NY



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National Association of Surety Bond Producers
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June 12, 2025
8:45-10:00 AM

**The Client's Playbook:
A Chat With General
Counsel About Strategies
for Successful Arbitration**





THE CLIENT'S PLAYBOOK:

A CHAT WITH GENERAL
COUNSEL ABOUT
STRATEGIES FOR SUCCESS

Meet our Panelists

MODERATOR



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Michele Laine

Associate General Counsel,
MasTec, Inc.
Coral Gables, FL



Jessica Rothman

Senior Corporate Counsel,
Turner Construction Company
New York, NY



Tom Whittaker

VP & Chief Legal Officer,
J.E. Dunn Construction Group
Kansas City, MO



AGENDA

- 01. Defining a Successful Arbitration**
- 02. Crafting an Effective Arbitration Clause**
- 03. Adopting Claim Avoidance Strategies**
- 04. Conducting a Thoughtful Preliminary Hearing**
- 05. Managing Cumulative Impact Claims**
- 06. Exploring Offramps for Settlement**



Defining a Successful Arbitration

- Successful arbitration Involves **more than merely winning**.
- It emphasizes an **efficient, fair** and **unbiased** process for all parties.
- A **thoughtful award** reflects careful consideration of the case.



Conducting a Thoughtful Preliminary Hearing

- A **well-planned hearing** sets the tone for arbitration.
- **Involve in-house counsel** for strategic Insights.
- Clarify arbitrator **use of AI**.
- **Thoughts on arbitrators asking questions?**



Managing Cumulative Impact Claims

- Dealing with **death-by-a-thousand cuts**.
- Handling experts – **clash of the titans**.
- Mitigating **manipulative impact claims**.
- Navigating the **lack of contemporaneous TIAs**.



Exploring Offramps for Settlement



- **Identify potential offramps early** in the negotiation process.
- Offramps provide **alternatives to prolonged disputes**.
- Consider **financial** and **non-financial offramps** for resolution.





THANK YOU



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