



*Serving the Consturction Industry . . . exclusively*

## CONSTRUCTION DISPUTE RESOLUTION SERVICES, LLC

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### Educational Programs & Workshops For the Construction Industry

Construction disputes happen. The issue is always (a) How to arrive at a fair and equitable resolution (b) how to handle and resolve disputes quickly, efficiently and cost-effectively? *and* (c) how do I prevent disputes in the first place? Construction Dispute Resolution Service, LLC (**CDRS**) is a professional dispute resolution firm that specializes only in construction-related disputes including residential, small & large commercial and industrial construction. We also handle disputes on horizontal construction and public works projects such as roads, dams, bridges, tunnels, railroads, and more.

**CDRS** is a nationwide firm with construction dispute specialists located in every state of the US. Our panel of Construction ADR professionals have substantial experience in the construction industry or construction law, both directly or indirectly, and are skilled in mediation, arbitration, dispute review boards, settlement panels, expert services and other means of preventing and resolving construction disputes – before, during and after construction. **CDRS** has pioneered many innovative dispute resolution protocols specifically for the construction industry.

#### EDUCATIONAL PROGRAMS:

**Workshops:** We offer educational programs for construction professionals and related industries in how to resolve disputes quickly, efficiently and cost-effectively. These programs that can be tailored specifically for your organization, group, or staff. We have several workshops that provide specific, tangible guidelines and information for employing various dispute resolution protocols in your business or practice.

**Presentations:** We have a variety of presentations for luncheons and business meetings, which provide an overview of many aspects of our workshops plus current issues facing the construction industry. These presentations are from 25 to 90 minutes duration, with or without visuals, depending on your specific requirements. Peter G. Merrill, CDRS President and CEO, is available for “Keynote” presentations for large construction-related or ADR-related conferences.

**Articles:** Finally, we have articles on most of the subjects listed, or we can custom write an article suitable for insertion in newsletters, magazines and other publications for your organization.

#### WORKSHOPS:

These educational programs are typically 2, 4 or 8 hour format, presented at quarterly or annual meetings of trade, professional and/or government associations as well as education programs sponsored by an organization. Workshops include visual media, workbooks, training manuals, exercises and roll-plays and are very interactive in format. *Continuing Education Credits* are available for various professions. (please inquire).

##### 1. Never Go to Court Again: (How to handle and prevent construction disputes)

A specific means by which construction professionals can avoid litigation or ever going to court in construction disputes. We review dispute resolution processes for the construction industry including mediation, binding mediation, arbitration, dispute review boards, construction settlement panels, med-arb, arb-med and more. We cover when to use each process, which is appropriate in what situations, and how to use them to avoid lengthy and costly litigation. Also included are recommendations for language in contracts, subcontracts, proposals and purchase orders that should ensure that you will never go to court again if a dispute arises.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

## **2. Dispute Review Boards & Settlement Panels: (Save Time, Money and Headaches)**

When a Dispute Review Board (DRB) assists the parties in preventing a dispute from happening, there is a definite savings not only in direct dollars and time, but also in the mental pressures that would have occurred if the issue had developed into a dispute. DRBs also assist the parties in settling a dispute. **CDRS** has developed specific **Expanded Dispute Review Boards (EDRB)**, coupled with **Construction Settlement Panels (CSP)** when appropriate, which are *much more effective* in reaching closure on disputes. EDRBs can provide “final and binding” resolution to all disputes quickly and inexpensively without ever using the court system. We review the specifics of how to specify such processes for your projects, the rules governing the EDRB and CSP and the step-by-step process of resolution. A must for larger projects.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

## **3. Conflict Resolution & Negotiation Skills in Construction**

This workshop focuses on the *personal effectiveness* for the management of people and issues in construction. In this workshop we cover the underlying causes of conflict, including five conflict behaviors, five steps to resolving any conflict, dealing with difficult people, fifteen barriers to effective communication, seven steps to effective negotiation, positional and interest based negotiation, strategies and tactics in negotiation, eight critical mistakes in negotiation, group conflict, negotiation and consensus building. This workshop is normally a full 8-hour course, but can be condensed to a 4-hour session depending on which areas an organization wishes to emphasize. A truly insightful look at the personal ‘skill mastery’ aspects of dispute resolution.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

## **4. How to Prevent and Handle Large Construction Disputes.**

The larger the project, the more potential for disputes to arise. We present several resolution protocols that can be applied before, during and after construction. Special emphasis is placed on pre-construction language that can be incorporated in all contracts, subcontracts and purchase orders that aligns all trades in a common dispute resolution methodology, minimizing delays and costs. The use of Expanded Dispute Review Boards coupled with Construction Settlement Panels is emphasized for large projects as the most efficient and effective *In-House* means of controlling disputes and minimizing impacts to project costs and scheduling. Other means of dispute resolution are presented that apply to projects already underway or completed, but with disputes that still have not been resolved.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

## **PRESENTATIONS:**

### **1. How to Handle and Prevent Construction Disputes.**

An overview of various dispute resolution processes for the construction industry, including mediation, binding mediation, arbitration, dispute review boards, construction settlement panels, med-arb, arb-med and more. Also included are recommendations on contract language that assures quick and effective dispute resolution.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

### **2. Dispute Review Boards & Construction Settlement Panels: Save Time, Money and Headaches.**

When a Dispute Review Board (DRB) assists the parties in preventing a dispute from happening, there is a definite savings not only in direct dollars and time, but also in the mental pressures that would have occurred if the issue had developed into a dispute and proceeded on to litigation. The presentation covers the DRB, ‘Expanded’ DRB and Construction Settlement Panel processes as they apply to larger projects.

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### **3. Green Building Disputes: Response to an emerging market.**

Building 'green' is a new and emerging field of specialization in the construction industry and is quickly gaining popularity across the United States. Many municipalities are beginning to *mandate* green building guidelines or standards and are adopting 'green building codes'. CDRS is the *only* National dispute resolution provider with a specialized **Green Panel of Specialists** to address this area. The uniqueness of 'green practices' is they are *performance driven*. This presents entirely new possibilities for claims and disputes based on *performance*, not just design, materials and workmanship. Some of these issues are very complex and require specialized knowledge to adequately resolve the issues. This presentation make the point that "Green Disputes" should be handled by green-knowledgeable ADR Specialists as opposed to a judge or jury who generally base their decision on which party makes the best and most convincing presentation.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

### **4. Performance Guidelines and Contract Language as Tools for Construction.**

The Residential Construction Performance Guidelines (RCPG) that is published by the National Association of Home Builders (NAHB) is a tool to keep your construction costs down. It is the #1 selling book in the nation from Builder Books.com. It is also important to know that the RCPG were not developed to, in any way, favor or protect the contractor, but rather to protect *both the contractor and the homeowner equally*. We show how to integrate the RCPG into your Warranty and Dispute Resolution aspects of your contracts to greatly reduce quality issues that often result in costly claims.

Suitable for:  residential,  commercial,  industrial,  public works,  attorneys

### **5. Why Construction Mediators and Arbitrators Need to Specialize.**

If you were sick or injured, you would go to a doctor, and most often a specialist trained in remedies that are effective in helping your particular illness or injury. In a similar manner, if a construction project is 'sick' or 'injured' by disputes before, during or after construction, it needs specialized ADR professionals who know *construction* and how to resolve those disputes swiftly and effectively through specialized construction protocols. Find out why mediators and arbitrators need to have construction experience to be most effective. Retiring construction specialists are finding the construction dispute industry an enjoyable post-retirement profession which utilizes their construction knowledge gained over their many years in construction.

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## **ARTICLES:**

CDRS has published articles in regional, national and international organizations, including Associated General Contractors; Contract Management; Green Builder Magazine; Housing Journal; Profiles Magazine of the NBKA; NAHB newsletters, The International Chamber of Commerce, Bar Associations; and more. *We would be honored to submit an article for your organization's publications.*

## **CDRS OFFERS SPECIALIZED OR CUSTOM PRESENTATIONS AND PROGRAMS FOR LARGER COMPANIES, ASSOCIATIONS OR ORGANIZATIONS**

Please Visit our Website: [www.constructiondisputes-cdrs.com](http://www.constructiondisputes-cdrs.com)