



Forum

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How DRBs Have Worked in Practice

By Harold V. McKittrick, P.E.

The Dispute Resolution Board Foundation (DRBF) conducted a seminar aimed at Federal Agencies on Oct. 17, 2003, just prior to the DRBF's Seventh Annual Meeting and Conference in Alexandria, VA. In addition to the Federal Government, regional authorities, academia and ASCE were represented at the World Bank venue in Washington, DC. The purpose of the session was to inform the attendees about the dramatic success the dispute resolution board (DRB) process has achieved in resolving disputes in the construction industry worldwide, while avoiding costly, contentious and time consuming litigation.

One part of the program consisted of a panel presentation entitled "How Dispute Resolution Boards Have Worked in Practice." The panel was chaired by the writer and comprised: Mr. C. F. (Frank) Gee, P. E., retired chief engineer of operations of the Virginia Department of Transportation (VDOT); Mr. James R. Haggins, P.E.,

PMP, director of construction for the Washington Metropolitan Area Transit Authority (WMATA) in the Office of Capital Projects Management; and Mr. Allan Sylvester, senior vice president for the Clark Construction Group, Inc. (Clark). All panelists had lengthy construction experience on major construction projects but had different experience with respect to the numbers of DRBs and the time duration of experience.

Both owner's representatives were asked to discuss the historical background of their agency dispute resolution processes, the reasons they tried DRBs and to provide a personal assessment of the process. Mr. Sylvester also was asked to provide a personal and corporate assessment as well but also to suggest ways in which the process could be improved.

Mr. Gee explained that historically VDOT did not believe it needed DRBs. The agency oversaw \$800 million to

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“ (Frank) Gee felt the strongest asset of a DRB is that with its presence the parties settle their issues and an unbiased Board is available as a resource to assist. He concluded it should be used on all projects.”

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President's Page

I am very honoured to have been elected the first non-American DRBF president. I first became involved with the DRB movement well before the inception of the DRBF. I fondly recall the discussions I had with Al Matthews, during our service on a long-running DRB in Southern Africa, about the prospect of an organisation to support the DRB movement.

Little did I anticipate that within less than a decade I would be presiding over the Foundation that was to result from Al's initiative.

After a long and distinguished line of American DRBF presidents, I am forced to ask myself the question, why me? I would like to think that my election results from the commitment I have shown towards the work of the Foundation, particularly in the international arena. Moreover, I believe my election signifies the overwhelming desire within the DRBF membership that our Foundation should be an organisation that supports DRBs worldwide and not just within the Americas. This has been and remains my objective.

DRBF membership is growing steadily. Currently about 25% of the membership reside outside the USA and I anticipate this percentage will increase over the years ahead. I would not be surprised if the USA/non-USA membership equals out within the next five to ten years. Other dispute resolution bodies based in the UK have seen similar patterns emerge and have thereby become truly international in their operations with mutual benefit being gained by all involved. I anticipate the same will be true for the DRBF. DRBs 'US-style' and those that operate outside the US have developed differences in their procedures and operation. There are very good reasons for this and clearly, in DRBs, one size does not fit all. Personally I find this variety of DRBs stimulating and exciting. Perhaps one day we will settle for a universally accepted process but meanwhile, *vive la difference!*

However, I am not blind to the dangers that could befall the DRBF if the Atlantic divide were allowed to split our movement. As a worldwide organisation we speak with a far louder voice and wield far greater influence than ever we could if bifurcation occurred. The concept of dispute avoidance and resolution by means of a standing and involved dispute board is a theme that runs central to our principal objectives and this theme is common whether boards render recommendations or decisions and whether they operate within or outside the USA. We are still a small organisation and we need the full and committed support of all our members to drive home the messages that industry should hear. In my view, there will be innumerable opportunities for countries, regions and states to develop and utilise specific DRB procedures that suit a particular jurisdiction or local industry - but surely this does not mean that we cannot operate under a common banner?

There has been much talk recently of the role of lawyers in DRBs - either as board members or as party presenters. I should immediately declare an interest in this debate as I am both an engineer and a lawyer as well as an active DRB member. In the same way that not all engineers would make suitable DRB members, there will be lawyers who would find it difficult to retreat from their litigation heritage and operate at the informal and conciliatory level necessary for DRBs. However, many construction lawyers find the transition from court room to site office quite simple as they clearly understand the

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Note: The following committee reports are an overview of the past year presented at the Annual Meeting.

Marketing

During the past year, members of the DRBF have undertaken a series of initiatives in an effort to promote the DRB process to users in the construction industry.

A new DRBF brochure and cover folder were developed and printed. In addition, similar graphics were used on a re-designed membership application brochure, and cover for the membership directory. Supplies of brochures, covers, and membership applications are available in the Seattle office of the Foundation. The graphic style is expected to be used throughout other marketing materials, including the web site.

Discussion of DRBs as a viable form of alternative dispute resolution was presented at programs put on by the ASCE Construction Institute in conjunction with the Beavers' Dinner in Los Angeles on January 17, 2003, and the Moles' Dinner in New York on January 20, 2003. DRBs were also included in a panel discussion on the use of alternative dispute resolution at the American Public Transit Associate conference in San Jose, CA in June 2003. At the June 2003 Rapid Excavation & Tunneling Conference (RETC) in New Orleans, LA, a panel discussion on Dispute Review Boards was held, which included various viewpoints from the contractor, owner, and engineer communities. Also, results of a survey of RETC attendees were presented on the effectiveness of the DRB process.

Several papers on DRBs have been presented at various industry functions, including the FHWA Steel Bridge Conference in Salt Lake City in December 2002, and the RETC conference in New Orleans in June 2003.

A survey instrument was developed and sent to all members of the DRB Foundation in an attempt to identify practices that were working, and those that weren't, assist in

the preparation of a revision to the DRB Manual, direct future marketing efforts, and to provide general direction to the directors of the Foundation.

For marketing developments in the international arena, refer to the International Report.

Bill Edgerton

International

The use of DRBs outside the USA continues to grow. The FIDIC standard form contracts published in late 1999 and which promote Dispute Boards as the principal means of dispute resolution are being applied throughout the world and, consequently, Dispute Boards are becoming widespread. DRBs are being used on traditional contracts as well as turn-key and concession contracts.

A number of major lending institutions now require Dispute Boards to be used on projects which they are funding. This has given a significant boost to the development of DRBs internationally.

During the last year the International Chamber of Commerce, a world-wide organisation that promotes trade and industry has, with the help of a number of the members of the DRBF, published dispute resolution clauses and procedures that require the establishment of dispute boards at the commencement of the project.

Lectures on dispute boards and dispute resolution have been given at a number of locations in Europe and the fourth 'FIDIC Assessment Workshop' was held during the summer at Oxford in England at which 22 candidates presented themselves for assessment. Success may lead to these candidates being listed on the FIDIC adjudicators list.

The DRBF's 'sister' organisation in the UK, The Adjudication Society has grown from strength to strength with now about 800 members. So large has this organisation

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become that it can no longer be operated from a corner of my office. In November – at the Society’s second annual conference in London – a constitution will be formally adopted and a new committee and chairman empowered to manage the Society. My soon-to-be-assumed duties as DRBF president have led me to decide not to stand for formal election to the Society although I remain hopeful that the close association with the DRBF will be maintained. There is a good chance that at least one of the incoming Adjudication Society committee will be a strong supporter of the DRBF.

A chapter of the DRBF was recently formed in Australasia. Full reports of that significant event in DRBF history have been well reported in the Forum so I will not repeat the details here; suffice to say that we wish the Australasian Chapter every success.

The DRBF representative in Vietnam has been active in establishing the use of DRBs on major projects in Vietnam.

The ‘China initiative’ has taken a back seat of late, partly due to the SARS crisis in China that has made travel to China less attractive than hitherto. Nevertheless, 2004 will see a mission to China and the formal start of our association with the CIETAC organisation.

In my International Report in 2000 to the Boston Conference I pointed out the need to increase international membership of the DRBF. The DRBF needs to gain a higher profile in the world in order to be perceived as an organisation worth joining. One means of enhancing the awareness, standing and reputation of the DRBF is to promote to use of DRBs on major projects (e.g., major railway, road scheme or airport development) in a particular country. We need also to set up country committees – as in Australasia – so that country-meetings and initiatives can be undertaken.

The problem of policing DRBs world-

wide is immense and beyond the resources of the DRBF. However, it is hoped that the development of DRBF best practice guidelines is a first step in ensuring that bad practices are controlled – hopefully eliminated.

The highlight of the international year was the third annual DRBF International Conference held in Paris in September 2003. About 35 delegates from fourteen different countries attended the sessions that were held at the delightful Arts et Metiers Building in central Paris. Discussion was, as ever, interesting and enlightening. The Conference dinner took place in the Eiffel Tower. The conference was preceded by a half-day session to which invited French contractors, employers and consultants were invited and where senior members of the DRBF introduced the DRB concept and how it could be utilised in France. Next year’s DRBF Conference is likely to be held in Germany in the late Spring.

I have nothing further to report at this stage.

Peter Chapman

Education

This year has been a slow one for Foundation workshops, primarily due to the economy and related state budget problems. With only six workshops offered this year in Daytona, Boston, Seattle and Washington DC, and limited attendance, we have been frustrated by our inability to secure workshop engagements.

The Foundation continues to offer a full range of live workshops including an introductory one for audiences that have little or no knowledge about DRBs; the Administration and Practice workshop that many of you have taken; and the Advanced Chairing workshop. We also offer a Users’ workshop for project personnel—both owner’s and contractor’s—that is receiving increased interest.

We are also working on “distance learning” through the use of web-based work-

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shops and are working on a web-conference on ethical issues to be offered shortly after the first of this next year. I continue to investigate all types of technology that might be useful in making it easier for members and non-members alike to benefit from our workshops.

We are looking forward to a more active schedule in 2004, with live workshops already tentatively scheduled for Salt Lake City, Dallas, Atlanta, Orlando, San Diego, and Sacramento; and in conjunction with the 2004 Annual Meeting as well as some other possible sites including Vancouver, Canada and Australia. Watch our new website and the *Forum* for next year's workshop schedule.

If you know someone interested in taking the workshops; an organization or agency that might benefit from a workshop; or have an idea for a workshop topic, please contact Larry Rogers or Steve Fox.

Membership

We have ended our membership year with a total of 583 members, an increase in total membership of almost 8% over last year's 542. However, this number is far short of the goal of 700 members set by the Board at the beginning of the year. The life-blood of the Foundation is our membership and the Board is striving to provide value for you our members.

Our Regional Representatives have worked hard to increase membership, spreading the word about DRBs and encouraging their use by various users. However, the Regional Representatives cannot do it alone, and we need everyone's help in encouraging new members.

I issue a challenge to each of you to go out and get one new member this coming year—and the best way to do that is to talk to your friends and colleagues about the benefits of membership in the Foundation. Some members carry a supply of information that they hand out to anyone who might be interested in DRBs and the Foundation. Steve and I are ready to provide you with information and to

answer any questions you may have about DRBs or the Foundation.

We are also working on more ways to spread the word about DRBs and I have submitted proposals to the Board for a greater effort in outreach. If you are a member of an organization or know of one that would benefit from a presentation about DRBs please let Steve or I know. We also have overhead slides, outlines, PowerPoint presentations and other material that we are happy to provide to you if you are interested in doing presentations in your area.

The Board has developed new material explaining what DRBs are and how they work as well as new membership material. You can get a supply of the new materials by contacting Steve at the DRBF office. He will be happy to send you a supply.

The Foundation needs everyone's help in educating people about the benefits of DRBs, but the job is difficult with a largely volunteer staff. In order for the Foundation to keep growing we need your help.

Larry Rogers

Data Compilation

Using the preliminary tabulations, during the period of September 2002 through September 2003, utilization of reported DRBs indicate: contracts with DRBS increased by 137; contract values increased \$4.2B; disputes settled increased 180; and disputes litigated increased by one. With regard to disputes litigated, we are attempting to determine how those litigations were resolved.

We continue to record increases in reported DRB utilization. However, there are some projects with DRBs which are NOT fully included in our data.

To further the utilization of DRBs it is essential that all of us have data available to support our marketing efforts. To this end, during the next year we will be making a concerted effort to improve and increase reporting on all projects with DRBs to ensure current, complete, accurate reporting

Richard V. Downs □

Letters and E-mail to the DRBF

Following are some suggestions for consideration:

1. Distance Learning

DRBF Strategic Plan includes "explore feasibility of 'distance learning' over the internet for international members." It may not be feasible for each interested person to travel to the USA to attend DRBF workshops. Methods may include (i) workshop videos to be sold to members, and (ii) workshop materials made available to members through the Internet. In this way, the working of the DRBF members will definitely be enhanced. This will ultimately help promote the DRB concept to the potential users of the DRB.

2. Full Term DRB vs. Adhoc DRB

We have experienced in various DRBs that the single board for the entire works was not effective in all types of disputes in construction contracts involving heavy construction. The question arises whether a single board of 3 members be selected (i) for the entire works (i.e. full term DRB), and not a separate board for each individual dispute; or (ii) for the individual dispute (i.e. adhoc DRB), and not for the entire

works. This matter needs to be discussed with a broader base, either to have a full term DRB or adhoc DRB. Members are invited to give their views.

3. Membership Benefits

DRBF "logoware" such as good size pins (which can be clipped on shirts) may be sent to all the DRBF members in various parts of the world. These items will attract the attention of professionals while attending meetings, technical seminars, workshops etc. Through such items, DRBF would have unique distinction. This will help market the DRBF process. The DRBF members would be serving as good ambassadors carrying the flag of the DRBF.

4. Membership Directory 2003

The members should be listed country wise and segregated by region. This will help in organizing short level meetings pertaining to DRB concept. The DRBF logo may be shown on the title page, instead of having it on the back page.

Mushtaq Ahmad

mushtaqahmad45@hotmail.com

Other News



HARMON RECOGNIZED WITH TWO DISTINGUISHED AWARDS

The American Society of Civil Engineers will recognize DRBF member Kathleen Harmon at their annual meeting in November with the 2003 ASCE Engineering Management - Best Peer Reviewed Paper Award. Her paper, "Conflicts between Owners and Contractors: Proposed Intervention Process," proposes an intervention process combining mediation and partnering throughout the course of the contract. The paper was published in the July 2003 edition of *Journal of Management in Engineering*.

Kathleen Harmon has also been selected to receive the Nova Southeastern University 2003 Distinguished Alumni Achievement Award for the Graduate School of the Humanities and Social Sciences. She is being recognized for developing the first graduate level course on DRBs, completing an impressive dissertation on DRBs, and for being published extensively on DRBs, as well as other ADR topics. Ms. Harmon will be honored for her outstanding accomplishments at the "Celebration of Excellence" event to be held Jan 29, 2004 at the Signature Grand in Davie, Florida.

Congratulations Kathleen!

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\$1 billion of completed construction per year, and typically the annual amount under contract was \$1.3 to \$1.4 billion. The normal and prescribed procedure in VDOT contracts was to wait until the end of the contract when the engineer issued decisions on contractor's claims. As a consequence there typically were thirty project claims filed against VDOT each year. While litigating one such claim, Mr. Gee went through a judge invoked mediation process conducted by a former judge. He was impressed with the process and the way in which the strong and weak points of each party's case were shown. That same year, at a two week VDOT sponsored management course (TCMI) for mid to senior level contractor and VDOT managers at Virginia Tech, the participants were asked to look at a number of issues, including disputes resolution, at the upcoming Springfield Interchange Project. The project was estimated to cost several hundred million dollars, include technically complex issues and specify significant bonuses for early completion. The TCMI group concluded that VDOT's historical way of dealing with claims was not the best way to do it; and disputes must be resolved in the field in a timely manner. They suggested trying the DRB process at the Springfield Interchange.

At that time the Springfield Interchange was to be the largest project constructed by VDOT; and with the other considerations outlined above, Mr. Gee concluded that the project needed a resource to ensure the work progressed in a timely manner. The Attorney General of Virginia permitted VDOT to install a DRB on the Springfield Interchange under the condition that its recommendations be non binding on the parties. Subsequently the DRB specification was drafted in a collaborative effort between the Attorney General's office, outside private counsel and Mike Vorster of Virginia Tech, and was utilized on the Phases 2 and 3 contract, the Springfield Mixing Bowl. That \$100 million phase was completed early enough for the contractor to earn a \$10 million bonus and the contract finished without any claims.

VDOT was so convinced of the DRB worth

that it was required on subsequent mega projects in the state, including the Coalfields Expressway in Southwestern Virginia, Route 28 reconstruction in Northern Virginia and the new Woodrow Wilson Bridge tie in projects in Alexandria. Mr. Gee felt the strongest asset of a DRB is that with its presence the parties settle their issues and an unbiased Board is available as a resource to assist. He concluded it should be used on all projects.

James Haggins described the last twenty years of the WMATA construction program that began in 1967. WMATA looked to the US Army Corps of Engineers (USCE) prior to 1985 to model their contract forms and construction oversight practices and utilized the Engineer Board of Contract Appeals (EBCA) as the adjudicator of its cases. However the EBCA process was very drawn out, and in 1985 350 cases awaited hearing by the EBCA. EBCA decisions were not issued until five years after the hearings which were costly, time consuming and distracting to all concerned. WMATA then was attracted by a Corps legal memo written by its chief counsel that promoted mini trials as a way of speeding up the process and attempted to get that process accepted into its specifications over the next seven years with success.

However, the Federal Government enacted ADR legislation in 1992 and at a subsequent ENR conference on ADR in 1993, Mr. Haggins discussed the possible use of DRBs with Mr. John Egbert, a former USCE general and Chief of Construction for WMATA. There was still \$1 billion remaining in the capital construction program at that time, and Mr. Egbert agreed to include DRBs on nine of ten projects set to bid in the upcoming year. WMATA then added to their contracts ADR provisions that allowed the parties to entertain and agree on any ADR process to settle issues in the execution of the contract

Since 1993, DRBs have been included on fifteen WMATA contracts with a value of \$800 million. The use of DRBs is coupled with a partnering requirement. There have been six DRB hearings (five formal and one informal)

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that have considered collectively fifty issues. All issues have been settled and none have gone to BCA (now the Armed Services Board of Contract Appeals). One case did go to litigation when a contractor elected not to use a DRB. After trial and contractor's appeal, the US Supreme Court denied the contractor's case four years later.

Mr. Haggins concluded that DRBs have served WMATA well. In addition to heard issues, all other issues have been settled before the end of the job. The total cost of DRBs between 1993 and 2003 has been less than \$2 million for \$800 million in contracts. The litigation fee in one of WMATA's past cases was \$3 million. Mr. Haggins believed the DRB recommendations were always fair and thus were adopted by WMATA in all instances. He noted that in particularly complex issues the presence of a lawyer on a DRB adds a degree of comfort to a contracting officer intending to incorporate the Board's recommendation into a final decision. Use of DRBs also has improved WMATA's image to the construction industry, which was less favorable in earlier times. It probably has resulted in lower bid prices to WMATA and many less distractions for its staff.

Clark has corporate experience of 50 projects with DRBs. Mr. Sylvester has been involved with ten of those projects which include work in Washington DC, Baltimore, San Diego and the State of Washington. He noted nine hearings were held with five recommendations favoring the contractor, two the owner and two a tie. In all cases both parties accepted the recommendations. Most issues related to differing site condition issues and some were scope. The positive aspects of DRBs were that they resulted in the settlement of disputes between the parties within the contract time and there was excellent dialog in the quarterly business meetings. He encouraged executive level attendance occasionally to show support for the process and as a self-educational tool for the executives of both parties.

Mr. Sylvester observed that the mere pres-

ence of a DRB results in the resolution of disputes. It also eliminates posturing. Nobody wants to bring an issue to a Board of reputable people and look foolish. The inclusion of a DRB did not lower the bid price on a job but it does affect the margin and contingency of a contractor. The DRB only is as good as the three members comprising it and a diligent effort must be taken to select properly qualified members at an early stage of the project. They must be impartial and know construction contracts and be knowledgeable in the work. They also must not be afraid to make recommendations in clear unambiguous language and not be afraid to indicate that one party has no case. Mr. Sylvester indicated that his typical experience of the cost of a DRB was \$100,000 per project.

In a subsequent question and answer session, the panelists were unanimous in their endorsement of a balanced board being constituted in the first sixty to ninety days of a project. They also warned against using a board on a building project only for the time of foundation construction, the historical time of greatest risk. They warned that delay and disruption issues are a major cause of disagreement on projects and it would be short sighted for any owner to try to limit a board in its scope of work for a contract. Finally Clark and WMATA noted the recent extensive and successful use of DRBs on Design - Build contracts and other forms of procurement.

Harold McKittrick chaired the VDOT Springfield Board noted in the article along with DRBF members Ed Wheeler and Jim Phillips. He can be reached at hmckittr@ix.netcom.com.

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damage that could be caused to the (successful) DRB process if formality and delay turned that process into arbitration or litigation under a different name. To my mind it would be quite wrong summarily to exclude lawyers from serving as DRB members as long as they have the correct approach and as long as other members of the board could import the necessary technical expertise. Much the same argument

applies to lawyers as party presenters at DRB hearings. Whilst a DRB comprising construction professionals would not want or need to be told about soil mechanics by a lawyer, there are clearly issues that might best be presented to a DRB by a lawyer trained, for example, in contract interpretation. My message is that we should remain open-minded on this troublesome and repetitive issue and neither engineers nor lawyers should be unreasonably fearful of the other's profession - harmonious co-existence please. Much of the impetus for some recent comment appears to have been arisen from the fact that the past, present and next DRBF presidents are legally qualified (albeit two are also civil engineers). If this is seen by some as a take over of the DRBF by the lawyers this is a mistaken view. During the last president's year there was not the slightest indication that the DRBF was being steered away from the objectives first set out by our founding members. I can assure the membership the same will be true during my year of office.

It is usual to tell you, the membership, what I have done as your president. After arranging and presiding over the DRBF Annual Meeting in Washington in mid-October, I enjoyed several days touring the northeastern United States and enjoying the fabulous colours of the 'Fall.' My next destination was Switzerland and then Paris where I spoke to a large international gathering about dispute boards. Back in the UK, I gave my annual lecture on DRBs to the final year post-graduate students on the Masters Programme in Construction Law and Dispute Resolution at Kings College, London. I fully support the concept of advising young people in the benefits and burdens of DRBs during their formative years. For many of us this concept has reached us late in our careers, but the future is in the hands of the young and our function is to use our experience to guide. Two nights ago I was honoured to represent the DRBF as the personal guest of Douglas Oakervee, a member of the DRBF, who was installed as the 139th president of the UK Institution of Civil Engineers. Douglas and I have worked together in various capacities over

the last 26 years and it was a privilege to see him installed in this great office. The ICE has been a firm supporter of the DRBF and has promoted DRBs in the UK. I hope for even better support now that one of our members is at the helm. Before this edition of the Forum is published, I will have handed over the reigns of the UK Adjudication Society to an elected committee. I formed this group in 2000 to promote construction adjudication in the UK. It is and I hope will remain actively albeit informally linked to the DRBF. After three years at the helm and with membership at about 800, I feel the time has come when I should pass management to others to allow me to focus more on the work of the DRBF.

Elsewhere in this edition are details of the new committees that are to be established by the DRBF. We have lots to do and we need all hands to the wheel to achieve our objectives. I have made no secret of my wish to put the DRBF in a financial position so that we can engage a full-time chief executive officer who can undertake those numerous functions that we, as volunteers, cannot. We will need sponsorship as the sort of financial injection we will require to achieve this goal far exceeds the income we could generate by subscriptions alone. If you know of an organisation that would support the DRBF by becoming a corporate patron, let us know.

Those of you who attended the Annual Meeting will have heard the kind words said about the outgoing president, Brison Shipley. I would again like to thank Brison for the excellent work he did as president over the last year.

Finally but certainly not least I would like to thank those on the DRBF Board of Directors for their support, and especially my loving wife and family who have been understanding when work seems to exclude the nicer things in life.



DRBF Board Meeting Summary Minutes

By Peter M. Douglass
Secretary/Treasurer

SEPTEMBER 12, 2003 MEETING

A DRBF Board of Directors meeting was held by conference call on September 12, 2003 with 15 directors and officers participating. President Brison Shipley has recovered from his recent surgery and opened the Board meeting. The following is a brief summary of the discussions and actions taken at the meeting.

Treasurer's Report:

Membership is projected to be about 585 members by year end and, although well ahead of last year, is well below the target used in setting our budget. The number of workshops for 2003 is now projected at 6, instead of the 10 budgeted. Although operations expenses are well below budget, the net effect is projected to be a deficit of approximately \$10,000 that will come out of our reserve fund.

Concern over this deficit led to re-opening consideration of the patronage "grant" program as a means of funding some of the Foundations activities. Dan Meyer offered to pursue such grant money as soon as he has a letter outlining the program and targets in hand. The original draft letter will be re-circulated to the Board members for review.

Marketing:

Bill Edgerton reported that a California organization is going to use DRBs to assist in settling third party claims for damage over tunnels.

International:

Peter Chapman reported that he will arrange a new date for the trip to China for the official signing ceremonies of the Memorandum of Cooperation with CIETAC that were previously cancelled.

Peter also reported that approximately 28 people have registered for the Paris conference so far. Peter noted that they have managed to book the Eiffel Tower for dinner on the Friday night of the conference. That Friday morning is scheduled for a meeting with owners and businesses and he expects 20 to 25 will attend.

Annual Meeting in Washington, D.C.:

Peter Chapman advised the Board of some minor changes to the program that was distributed earlier. Peter will also provide a copy of his "Best Practices Guidelines" to the Board of Directors for their review prior to the Annual Meeting.

Approximately 21 responses have been received from Federal agency representatives planning to attend the morning meeting on Friday, 10/17/03. An afternoon session (~ 1 to 1.5 hours) is scheduled for people from the World Bank to discuss some of the good and bad experiences they have had in implementing the DRB process abroad. A meeting of the Regional Reps is scheduled for 2:00 pm and the Board of Directors meeting will start at 5:00 pm Friday evening.

Steve Fox reported that 45 have signed up for the Annual Meeting and 58 for the dinner. This is slightly ahead of this time last year.

It was suggested that small handouts be prepared for distribution to the membership prior to the business meeting Saturday morning. The presenters at the business meeting were asked to provide Steve Fox a one page summary for the packets.

Revised DRB Manual:

Joe Sperry and Bob Smith will try to pull together an update of the manual revisions for the Annual Meeting.

Board of Directors Meeting Schedule

The Board has a scheduled telephone meetings for:

- Dec. 12, 2003
- Feb. 13, 2004
- April 16, 2004
- June 11, 2004

If you have something you would like the Board to discuss or consider, notify Peter Chapman or one of the directors.

Al Mathews Award:

Jack Woolf reported that a recipient has been selected but will not be disclosed in order to retain the element of surprise.

Board Member Slate:

Twelve candidates for directors were identified and considered by the Executive Committee with the following recommended nominees:

- The three standing directors for second terms: Bill Edgerton, Armando Araujo, and John Nichols;
- Replacement for the director moving to president-elect: John Bradshaw;
- Two other director positions if the Board is expanded to 11 members: Hal McKittrick and Gordon Jaynes.

The Board passed a motion to accept the recommended slate of nominees.

New Committees:

Peter Chapman noted as incoming president he hoped to expand the active committees in the DRBF. It was suggested that new committees might include:

- By-laws committee to review the current by-laws and draw up revisions as warranted;
- Strategic Planning Committee for the next two to five years.

Peter ask the directors to send him suggestions of any new committees that they believed might be warranted.

Newsletter:

It was suggested that Ann McGough, *Forum* editor, should attend the Board meeting and the other Annual Meeting functions at the DRBF's expense. Peter Douglass noted that her cost of producing the *Forum* this past year was less than budgeted by at least this amount and a motion was passed by the Board to fund her attendance.

Other:

Joe Sperry noted that he and Bill Edgerton had only received about 20% of the survey that they sent out to the membership and only about 40% of the DRBF directors had responded.

OCTOBER 17, 2003 MEETING

A DRBF Board of Directors meeting was held on October 17, 2003 in conjunction with the DRBF Annual Meeting with 17 directors and officers participating. Incoming president Peter Chapman opened the meeting by welcoming the three new prospective DRBF directors: Mr. John B. Bradshaw, Mr. Gordon L. Jaynes, and Mr. Harold V. McKittrick.

Treasurer's Report:

Pete Douglass stated that there were no significant changes to the report from the last Board meeting, and that a complete report is being included in the Annual Meeting attendee packets. The Foundation has 583 members for the year which is up from last year, but revenue is still off considerably due to a reduction in the number of workshops conducted in 2003.

There was discussion about the fact that the Foundation is currently spending more than it is bringing in. There were some large one-time costs this past year, such as the marketing design work. Jack Woolf noted that Forum costs were less than projected. 2003 was seen as a "transition year" for the Forum and the budget has been adjusted for 2004 now that there is a track record established.

The Board discussed ways to improve revenue including the addition of a new Fund Raising Committee. It was noted that Manual sales have been low because it is not well marketed. Board members were also reminded to join the Foundation at the Sustaining Member level to set a good example of their commitment to the organization.

Discussion of the 2004 budget proposal that was provided to the Board was deferred to the next meeting.

Marketing:

Bill Edgerton stated the marketing report was assembled for the Annual Meeting and he had no further material to add.

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(continued from page 11)

Education and Training:

Larry Rogers started off by reporting on Jim Donaldson's recent heart surgery and that he is doing well. Larry reported that it has not been a good year for workshops, because of a decrease in quantity of workshops and a reduction in attendees. A portion of it can be attributed to the economy, but it is expected that there will be a significant increase in 2004. Discussions are underway with Utah; and Caltrans has scheduled four workshops. Two workshops are scheduled in conjunction with AUA's North American Tunneling Conference (NAT 2004) in Atlanta in April, and therefore the Florida workshops will probably be moved to the Fall.

The Australia contingent is planning trainings in Perth. Currently, the Foundation doesn't make or lose any money on these sessions. The Australia Chapter pays the trainer's expenses, and the Chapter keeps any money they make (they lost money on the May sessions). Larry noted that the Foundation has not yet seen a significant membership increase as originally predicted from Australia (at least 30 corporate memberships were expected). Larry is doing the A&P and Chaining workshops, and teaching someone local to do the User's Workshop. Larry said that the Australia Chapter set a goal to have DRB's on at least five projects for 2003, but he did not know if that goal had been met.

The Board went on to discuss the need to bring more trainers into the process so the Foundation is better prepared in the event of a trainer taking time off for illness or other reason, and in the event that we are able to book an increasing number of workshops. The Board agreed that they needed to grow from two trainers up to five. By the end of November, Larry will draft a job description so that the Board can identify potential candidates compatible with the existing model.

The Foundation is receiving more requests for training sessions from outside the U.S., particularly for World Bank projects in places like Afghanistan, Vietnam, and Jordan. These are considered too costly and labor intensive for the current U.S. model.

Because growth is going to occur in greater numbers outside the U.S., distance learning must be addressed. Various scenarios were discussed, including video-conferencing (like the World Bank currently does), web conferencing, and developing training kits complete with CD-ROMS that could be sold. Armando Araujo made the comment that in order to be effective, the training needs to be in the native language.

Larry proposed using web conferencing as a test on an upcoming Ethics Conference. You just need phone and Internet, and it can be very interactive with instant charts and feedback mechanisms. It can also be put on an audio tape or CD which could be sold later. At a cost of \$89 per person for one hour, it is cheaper than traveling. Larry was given permission to proceed with generating a trial web conference.

Larry stated that he has made some changes to the website recently, and used some verbiage from the marketing brochure for consistency. He said that color changes are coming soon, they are alphabetizing the resumes, and he is adding the country rep list with contact information.

There was discussion of the need to maintain an current e-mail database. One suggestion was to include a place for e-mail address with the statement "required" on the membership form. It was also agreed that the Forum would ask for e-mail address updates in each issue. E-mail is a cost and time effective way to communicate with members. It was also suggested that we e-mail the Forum to non-members as a marketing tool.

International:

Peter Chapman indicated that the conference went really well, and a full report would be given at the Annual Meeting. There were 36 attendees, and he was told afterward by participants that it was the best outside the U.S. so far. The session on promoting DRBs in France was disappointing, as the French are not keen to change.

Washington Seminars:

The two seminars scheduled earlier in the day which were considered a great success. The Foundation representatives were impressed with how familiar with DRBs the attendees were. The size of the Federal agency group (~30) was somewhat disappointing and it was feared many invitees viewed the information as a mass mailing. In future outreach efforts, invitees will be contacted immediately following the mailings and encouraged to attend.

Regional Reps:

John Nichols said that he feels many Foundation members are not satisfied with what they get for their membership investment. He has heard the comment “basically I pay \$150 for 4 Forums a year.” He feels information is not getting filtered down to individuals the way it should be. His suggestion therefore is to establish state reps under the regional reps. Their job will be to disseminate information on current operations of DRBs, new owners using DRBs, how to get on a Board, etc. He will then create a one page newsletter (with Ann McGough’s help) to go out every couple of months to individual members by e-mail. This reinforced the need for a strong e-mail database,, and the need to engage the services of a company to manage the group e-mail distribution. It was decided that John would establish the state reps within 3 months (to be assigned by the regional reps) and proceed with the one-page newsletter.

John inquired about the process for changing a regional rep. Internationally, reps cycle off after a certain number of years. There are currently nine regional reps, and two or three may need to be motivated or replaced. It was agreed that it could be done in consultation with the president. The benefits of being a regional rep include being better known, and possibly joining the Board of Directors and DRB Boards.

Some discussion surrounded how to treat Canada, possibly as part of North America and give it province reps. It is not practical to set up Canada as a separate chapter at this time because there aren’t enough members

yet. It was decided to treat them as “east” (Bob McLean) and “west” (Adele McKillop) and include them in the regional communications.

The bi-monthly e-mail newsletter will go to the whole membership. John will create one with Ann’s assistance to send to the Board for review prior to the December Board meeting.

Washington Conference:

The conference has 83 attendees signed up, which is an increase over the most recent years. Times and agenda were reviewed.

Al Matthews Award:

According to Jack Woolf, “it’s under control.” Award to be given at the dinner Saturday night.

DRB Manual:

Joe Sperry hasn’t heard from Bob Smith since June. The effort seems to have fizzled. It was suggested that a committee be established to reinvigorate the effort.

Forum Report:

Ann McGough said that she prepared a report for the Annual Meeting that reviewed the past year’s efforts and a look ahead. The focus of her comments to the membership will be about providing ideas, content and feedback. The Board expressed that they have been pleased with the changes over the past year.

New Committee Structures:

Peter Chapman suggested reviewing his list of existing committees and suggested committees. For the new ones, they need to appoint a chairman who will then put together a committee. Peter emphasized that the goal was not to create more work but to get more members involved in the leadership. As president elect, Bob Rubin agreed to be responsible for coordinating the committees’ activities, and in exchange he would relinquish planning the Annual Meeting.

The new committees suggested are: Fund Raising and Corporate Patronage; Web Site and Advertising; DRB Best Practices and other DRBF Publications (excl. Manual);

(continued on page 14)

DRB Manual production and updating; US Regional Chapter Coordinator; Professional Conduct; DRBF Bylaw Revision; Annual Meeting and Awards; Finance and Administration; and World Bank Liaison.

Discussion centered around various potential committee chairs and members. It was agreed that you do not have to be a Board member to serve as a committee chair. Reports will be submitted to the Board, and if there is a pressing issue it can be put on the agenda and the committee chair can join the Board meeting conference call for that segment.

While discussing the Fundraising committee, Dan Meyer raised concern about conflict of interest in the request, and he was assured that solicitations would go out on DRBF letterhead under the president's signature. There was some discussion about reducing the level of corporate sponsorship. Dan agreed to do some informal surveying and report back to the Board with a recommendation. He will also make recommendations as to what the company would receive in terms of recognition for their patronage.

Although it was felt that there should be some overlap between the Best Practices and the DRB Manual committees, after further discussion, it was agreed to keep the two committees separate in an effort to limit the workload on any one committee.

Annual Conference 2004:

New Orleans was suggested as a possible location because the Annual Meeting hasn't been in that area before. Vancouver was also suggested, but a meeting is already being planned there in the spring, so perhaps it should be saved for 2005. Discussion also included Ontario (Canada), Texas, San Francisco and New York City. There was discussion about whether to go where there is critical mass with regard to existing members, or to go where DRBs are needed in order to enhance outreach efforts. It was agreed that location is an important consideration to members because they are paying out of pocket to attend. It should be an interesting city. The Board voted to hold the 2004

Conference in San Francisco on October 23 and 24, 2004.

USCIB Membership:

Originally, the Foundation was asked to join the United States Committee on International Business (USCIB) at the \$30,000 level. Jack Woolf got them down to \$1,000, and it is now up for renewal. Jack invited their director to attend the conference on Saturday, and would ask her how to best maximize our investment.

Other Business:

Peter asked the Board to consider adding a second face-to-face Board meeting per year. They will try to be mindful of costs by picking a hub city that is cheap to fly into and meeting at an airport hotel. The next one could be in Vancouver to coincide with the meeting being scheduled there in the Spring. The date is not yet set but will be by the next Board meeting.

There was discussion about providing in the Forum the full results of the DRB survey conducted by Edgerton and Sperry. As part of the survey respondents were guaranteed anonymity, so the names will be deleted from the raw data. If anyone wants to see the complete data, it can be sent electronically. There are lots of good comments to review, especially for the training committee. It was agreed that a summary would be distributed at this Annual Meeting and included in the *Forum*. □

**Construction Dispute
Review Board Manual**

An essential reference, this book shows you how to use Dispute Review Boards to solve disputes on the job, avoid claims and reduce project costs. Whether you are an owner, contractor, construction manager, attorney or lender, this sourcebook offers you the most complete guidance available on the successful establishment and practice of a Dispute Resolution Board during construction.

\$49.00 plus \$4 postage/handling

New Committees Bring Opportunity for Involvement

The DRBF Board of Directors recently agreed to add 10 new committees, and began securing committee chairs and members at the Annual Meeting.

“I’d like to emphasize that the goal is to get more members involved in leadership,” said Peter Chapman, president of the Foundation. “We have some talented members and we need to get them plugged in to help us achieve our goals for the Foundation.”

The new committees are:

- Fund Raising & Corporate Patronage
- Web Site and Advertising
- DRB Best Practices and other DRBF Publications (excl. Manual)
- DRB Manual
- US Regional Coordination
- Professional Conduct
- DRBF Bylaw Revision
- Annual Meeting and Awards
- Finance and Administration
- World Bank Liaison

They join existing committees: Data Compilation, Education and Training, Hotline, International, Marketing, and Strategic Plan.

Dan Meyer will chair the Fund Raising and Corporate Patronage committee, and John Bradshaw is taking on Web Site and Advertising. Hal McKittrick is chairing the DRB Best Practices and other Publications committee, and Joe Sperry and Bob Smith are leading the DRBF Manual committee. John Nichols will head up the US Regional Coordination. The Professional Conduct committee will be made up of the immediate past president, the president and the president elect on an as needed basis. Sammie Guy will chair the DRBF Bylaw Revision committee, and Jimmy Lairscey

will chair the Annual Meeting and Awards committee. Pete Douglass will lead the Finance and Administration committee, and the World Bank Liaison committee will be led by Gordon Jaynes. Gwyn Owen takes over as International Committee chair.

Many of the committees have secured members and begun work identifying goals and strategy. For example, the US Regional Chapter is in the process of assigning state reps. They will feed local DRB information up to the coordinator who will produce a bi-monthly e-mail newsletter for all members. The DRBF Manual committee gathered ideas and input at the Annual Meeting, as did the Best Practices team.

Each of the committees needs additional members to bring new ideas, differing perspectives, and a passion for the dispute resolution process. To get involved in shaping the future of the Foundation, contact any of the committee chairs directly, or the Foundation office. □

Are you on-line and plugged in?

The DRBF will be increasingly relying on e-mail to distribute information in a timely and cost efficient manner. A prime example is the new bi-monthly e-mail newsletter being planned by the US Regional Chapter. In order to receive the latest news and information, you need to be certain that the Foundation has your current e-mail address. If you’ve never provided your address, or you’ve changed your address recently, please send it to the Foundation. It only takes a second to e-mail home@drb.org, and simply put “Add my e-mail to the database” in the subject line. Rest assured your address will only be used by the Foundation for official business, and never sold or distributed to a third party. And, if you find you are getting too much e-mail, you can always opt out of the distribution at any time. Do it today!

DRBF Survey Results Shared at Annual Meeting

The Dispute Resolution Board Foundation seeks to provide education and promotion of dispute avoidance and resolution. To achieve this goal, the DRBF continues to incorporate lessons learned and develop recommendations for future use, formation, and operation of DRBs. In August and September 2003, the DRBF embarked on a survey to solicit feedback from members of the Foundation concerning their previous experience with dispute resolution boards and their opinions of the Foundation. The results have been under evaluation, and a summary was presented at the DRBF Annual Meeting in Alexandria, Virginia on October 18.

The questionnaire was organized in three parts: (1) identification of respondent (used for statistical purposes only); (2) questions regarding DRB formation, use and operation; and (3) questions about the DRB Foundation. The survey was sent to all members of the DRB Foundation, either by fax, e-mail or hard copy. There were a total of 111 respondents, representing 20% of the DRBF membership. Respondents were classified as follows: owners (13%), contractors (31%), engineers/designers/DRB (36%), construction managers (13%); attorneys (8%). As for experience with disputes, the respondents collectively had worked on 1,423 projects with 1,695 disputes, bringing an average of 1.2 disputes per project.

The section on the use of DRBs brought some interesting responses. When asked "For what types of projects are DRBs appropriate?" the most common response was all projects (54%). Other respondents thought that DRBs should be used for those projects where specialized expertise is necessary for understanding the nature of the dispute, or for specific projects where standard industry practice could be

relevant to dispute resolution. When asked if there should be a dollar threshold for projects that should have DRBs, 67% said "yes." The average suggested threshold was \$11 million. Fifty percent of respondents did not feel the presence of a DRB in the contract affected the bid price, and 35% said it was reduced by an average of 2.7%. As for whether a DRB improves communications, a mere 1% said "no."

When asked about the formation of DRBs, 97% said they felt that for the prime contract, DRBs should be formed at the beginning. The remaining respondents said "when a dispute arises," and all of those respondents were owners.

As anticipated, not all of the questions had a clear "right answer," and there was ample opportunity to provide additional input that would help advance the state of the practice in dispute avoidance and resolution. Many of these issues were discussed at length during the breakout sessions at the Annual Meeting. A brief synopsis of these discussions and any conclusions reached will be included in future issues of the Forum. In addition, the results of the questions concerning the selection of DRB members and the experience necessary will be presented in the next issue of the Forum.

The DRBF survey was administered by Joe Sperry and Bill Edgerton. Contact them by e-mail at sperry@usamedia.tv and edgerton@jacobssf.com.

Promoting DRBs in India

Country Rep: K. Subrahmanian



As the managing director of AFCONS Infrastructure, Ltd., a leading construction firm in India, I have witnessed the use of Dispute Resolution Boards on two of our projects : The Bombay Sewage Disposal Project and the NH-4

Highway Project. In my earlier role as General Manager (Contracts) with Hindustan Construction Co.Ltd (HCC), I have witnessed the use of DRB mechanism in a number of HCC's projects.

The Bombay Sewage Disposal Project in Mumbai, Maharashtra, India began in 1995 and was completed in 2001. It was a \$23.5 million US (INR 105 Crore) project. This is one of the projects where DRB mechanism was very effectly used.

The NH-4 Project involves the creation of a four lane 64km highway from Haveri to Hubli in Karnataka, India and is valued at \$41 million US (INR 186.3 Crore). It is currently 15% complete, and one issue concerning measurement of the embankment has been referred to the DRB.

I am already propagating the use of DRBs whenever I meet various clients in India. Generally speaking, the concept is well accepted, but most of the times the

recommendations of the DRB are challenged. To overcome this, I have proposed that the recommendations of the DRB should be binding and the owners should implement it straightaway, while having recourse to arbitration, if they disagree with the recommendations.

Note: The author, K. Subrahmanian, is the managing director of AFCONS Infrastructure, Ltd., Mumbai, a leading and ISO 9001:2000 contractor in India. For over twenty years, he has worked in numerous countries on various types of heavy civil engineering construction works including dams and barrages, underground works, roads and bridges, nuclear power projects, metro works etc.

He has been associated with the development of Project Management Modules for educational institutions like NICMAR, and is visiting faculty for various training institutes in the field of Project Management and Contract Management.

He is a member of the Indian Society on Construction Law, the Construction Industry Development Council (CIDC) in New Delhi, India, and the Committee for Arbitration & Dispute Resolution in Construction Contracts set up by CIDC. He has a Bachelor of Engineering (Mech.) from REC, Trichy, and post graduate qualification in Industrial Engineering from NITIE, Bombay. He can be reached by e-mail at subrahmanian@afconsindia.com. □

Would You Like to Be a Country Representative to the DRBF?

Help give the DRBF a voice in your country by becoming a Country Representative. You may be called upon to act as a spokesperson, and should be interested in raising the profile of DRBs and increasing membership. You may also be asked to help organize DRBF events within the country you represent. To qualify, you must be a member of the DRBF and live in the country you represent (you need not be a national). Terms are for a three year renewable period. If interested, contact the DRBF office today by phone 206-248-6156; Fax 206-248-6453; or e-mail home@drb.org.



International Conference à Paris

By Peter Chapman

Imagine sitting on a pavement cafe sipping good coffee under strong blue skies and lit with golden autumnal sunshine. Imagine the centre of Paris - a couple of minutes from the Arc de Triomphe, the Tour Eiffel, the Champs Elysees and the Jardins Tuileries and Tracadero. Imagine a building with art and sculptures that would be fit for any museum and architecture of an age of grandeur and style. Those who attended the third annual DRBF International Conference in Paris (about 35 members) did not need to imagine any of this - they had the real thing!

This year the DRBF International Conference was held over two days. Delegates arrived at lunchtime on Friday at the famous Arts and Metiers Building in Avenue D'Iena and were welcomed by DRBF President Brison Shipley. During the first day the benefits and burdens of non-binding DRB recommendations (US Style) and binding DRBF decisions (European Style) were discussed. Views were mixed, with the international fraternity leaning towards the binding decisions by a whisker. The second session on Friday looked at the draft of the Best Practice Guidelines, generally considered to be a step in the right direction. A number of good points were raised by the delegates and these will be 'fed' into the system. Hopefully a definitive version of the Guidelines will be available by the end of the year.

Friday evening in Paris was for enjoyment. A group booking of the restaurant at the Tour Eiffel was made and most delegates and some wives sat down overlooking the Paris skyline. The night was mild and clear and the views were nothing but sensational. The typically French cuisine included *fois gras* and *tarte tartin*.

Next morning the conference participants discussed the establishment of Dispute Boards in Europe and how DRBs can be promoted in countries that do not have the common law 'adversarial' legal traditions. Interesting points emerged and it became clear that a different approach would be necessary to introduce a typically common law system into civil law countries that are more used to administrative tribunal rather than courts of law. A challenge. The conference then looked at the various ways to capitalise on the dispute avoidance benefits of DRBs. Before the break a procedural point was discussed - admissibility of new material at or just before a DRB hearing. The delegates generally thought material should be admitted if there were genuine reasons it was not considered relevant or was not available at an earlier stage although a fair opportunity must be provided for a rebuttal, possibly with written submissions after the close of hearing.

After an enjoyable luncheon at the Arts and Metiers building, the delegates 'crystal-ball gazed' at the shape and state of dispute boards in 2025. It was evident that the DRBF has a great deal to do for which an income far in excess of the current income would be required. Ways of raising income (apart from raising subscriptions!) were suggested and will be looked at in more detail by the DRBF Directors. The target of raising sufficient income to enable the DRBF to engage a Chief Executive was shared by the entire group. The conference finished, on time, with a question and answer session after which the conference closed and the dash to the airport began.

Fourteen countries were represented (including a strong contingent from Wales!). A number of DRB country reps. were present as well as DRBF Directors Brison Shipley (USA), Bob McLean (Canada), Igor Leto (Italy) and myself.

Without doubt the Paris Conference was well worth-while and appeared to have been enjoyed by all present. Thanks are due to Brison Shipley, Igor Leto, Romano Allione, Gwyn Owen and Jim Neville for their support. Earlier assistance was given by Bernard Renadaut and Gordon Jaynes.

Next year's DRBF International Conference is to be held in Germany in late spring. If you feel you missed out on Paris, try and get to Germany. □

WELCOME TO NEW FOUNDATION MEMBERS

MEMBER ADDITIONS AUGUST THROUGH OCTOBER 2003

Murray J. Armes
Dorking, Surrey ENGLAND

Roger Bailey
Bailey Construction
Consulting Inc.
Jacksonville, FL USA

Carl F. Bauer
Carmichael, CA USA

Tony Canham
Dispute Resolution
Norwich, ENGLAND

Charles T. Davidson
Moorland Consulting Group
Charlotte, NC USA

John Dorter
Allens Arthur Robinson
Sydney, NSW AUSTRALIA

James Sneddon Dow
Hyder Consulting
Bucharest, ROMANIA

Chris Edwards
Olympic Associates
Seattle, WA USA

Joe Finch
Mobile, AL USA

Kenneth E. Fusch
Amelia Island, FL USA

W.R. "Walt" Gamble, P.E.
Gamble Construction Services
West Linn, OR USA

Peter J. Greig
Contract Management
Associates Ltd
Bridgwater, Somerset UK

David Heslett
Biddenham, Bedfordshire
ENGLAND

Edwin A. Jack
Edwin A. Jack, P.E.
Lake Worth, FL USA

Stephen M. John
Penarth, UK

Kenneth B. Kutzer
Allison Park, PA USA

Richard Leonard
Falls Church, VA USA

Colin Arthur Marshall
Ministry of Public Works,
Bahamas
Nassau, BAHAMAS

Robert L. Miller, P.E.
Rancho Cucamonga, CA USA

Jim Phillips
VCU Center for Public Policy

Richmond, VA USA

Waller S. Poage III
Alexandria, VA USA

Guenther Raberger
ALSTOM (Switzerland) Ltd.
Baden, SWITZERLAND

Arthur A. Sehlin
Naples, FL USA

Sandeep Srivastava
Hindustan Construction Co.
Ltd.
Mumbai, INDIA

Alan E. Swann
Kalamunda, W.A.
AUSTRALIA

Hussam Yousef Tafish
Nationwide Academy of
Dispute Resolution
Amman, JORDAN

Shane Astbury
Thiess PTY LTD
S. Brisbane, QLD
AUSTRALIA

Gareth Rowland Thomas
NADR UK Ltd.
Porthcawl, UK



If you've got news about members, DRBs or other things of interest to our members, we'd like to hear it.

Deadline for the next issue is January 1, 2004



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FOUNDATION FORUM



And the Award Goes to... **Jimmy Lairsey!**

Each year, the Dispute Resolution Board Foundation bestows the “Al Matthews Award” to a DRBF member who has given exemplary service in advancing the use of the dispute resolution board concepts, and the DRBF. On Oct. 18, Jimmie Lairsey was honored with the award for his role in leading the Florida Department of Transportation to the successful use of DRBs on all projects and creating the first regional chapter of the DRBF in Florida. Congratulations Jimmie!

DRBF President Peter Chapman (L) congratulates Jimmie Lairsey and his wife, Elizabeth.

Past winners of the Al Matthews Award include:
Al Mathews in 2001 and Robert Matyas, Robert Smith and Joe Sperry in 2002