

## ***Resolving Construction Industry Disputes on Our Own Turf***

Under the guidance of the Dispute Resolution Board Foundation (DRBF), construction professionals have saved billions of dollars over the years and helped to restore public and client confidence through the practice of industry led dispute avoidance and resolution.

Compared to the international scene, Canada is playing catch-up in the use of the DRBF methodology. We still tend to undertake messy, expensive, and time consuming battles fought in the public eye. These battles are an indication that the professionals involved in construction, including the professional engineers, have surrendered control over the construction industry.

The next level in dispute avoidance and resolution begins in this session. DRBF methodology, Alternative Dispute Resolution, Mediation-Arbitration: by any name, an industry led and controlled process represents the direction the construction industry must take. Professional engineers can and should take a leadership role in this shift. Outlining the benefits in promoting and adopting viable alternatives to our reliance on the courts when managing contentious issues, this session will discuss how easy – and necessary – it can be to return our construction industry disputes to our own turf.



**Presenter: Roy McPhail, P.Eng.**

Roy McPhail has been a practicing professional engineer since 1980 and President of Almitra Consulting Inc. since 1993. Until the spring of 2014, Almitra provided Developer's Representative services, Senior Level Consulting, Forensics, Design, and Design-Build services to a wide range of clients from the Rockies to the Rideau. Among the 300 clients were large industrial, institutional, agricultural, environmental, and commercial developers. McPhail also spent ten years as chair of a provincial adjudication board, where the board held formal hearings and he was the principal drafter of the subsequent decisions.

Since 2014, McPhail has combined his extensive experience in the construction industry with his experience in conducting adjudications to provide dispute resolution services to the construction industry. He is a qualified mediator and qualified arbitrator through the ADR Institute of Canada, and is currently involved in an arbitration where the gap between the parties exceeds \$100M.