

June/July 2021

ADRIC-RICS Construction Adjudication Training Program



Module 1

All About Construction Adjudication

A one-day overview of how adjudication works and how to get the best out of it - illustrated with a practical case study presented by one of the UK's most experienced adjudicators on the RICS President's Panel.

Designed for construction and client organization staff, property developers, lawyers, quantity surveyors, architects, engineers, project managers, and anyone who would benefit from a clear understanding of adjudication.

Provides an ideal networking opportunity for prospective adjudicators as well as party representatives and advocates to meet potential users of adjudication in Canada.

Date: 14 June 2021 (08:00 – 16:00 MDT)

Certification and accreditation: ADRIC-RICS Introduction to Adjudication Program
Certificate of Completion

Fee: **\$299 plus applicable taxes**

Schedule (MDT)

08.00 – 08.15	Log in
08.15 – 10.00	<ul style="list-style-type: none"> • Adjudication internationally • Adjudication in Canada • Distinguish construction adjudication from arbitration and litigation • What is meant by adjudication decisions being binding in the interim? • In adjudication, time is critical, and short. What is the impact of the speed of the process? • Consequences of the decision – non-compliance, enforcement
10.00 – 10.15	Break
10.15 – 12.00	<ul style="list-style-type: none"> • Adjudication framework • Documentation overview • Jurisdiction • The role of an Adjudicator Authority • Presenting your case – what the adjudicator needs to hear • What to expect from the adjudicator • What is the role of lawyers and advisors?
12.00 – 13.00	Lunch
13.00 – 14.45	<ul style="list-style-type: none"> • The facts of the case and issues to be decided • Initiating the adjudication process: the claim • Responding to the claim • The adjudicator’s role and powers • The stages of the adjudication process, evidential matters, and procedural timetable • Meetings between the adjudicator and parties, and site visits • The documents used at each stage • The decision • Enforcement • Challenges to the process, or to the decision
Case study	
14.45 – 15.00	Break
15.00 – 15.30	Overview of the ADRIC-RICS adjudication training program and adjudicator appointment service
15.30 - 16.00	Q & A and wrap up

Module 2

ADRIC-RICS Adjudication Advocate training program

Advising and representing parties in adjudications

This intense two-day program is designed for prospective adjudication party representatives, and advocates, and legal and built environment professionals for whom a more detailed understanding of construction adjudication will be beneficial for their work in advising clients.

It provides delegates with a solid understanding of the procedure and law of adjudication. Learn how to collate evidence and prepare written submissions for an adjudication, how to present oral evidence should a hearing be needed, how to manage clients' expectations, what to do with a decision once delivered, how to get the decision enforced, and what to do if the decision is challenged. It also provides a specific focus on conflicts of interest, and ethics, and jurisdictional points that they might need to make on behalf of their clients.

This program also provides an ideal networking opportunity for prospective adjudicators, party representatives and advocates and professionals advising clients on adjudication in Canada to meet and learn from each other's experiences and perspectives.

Date: 21 – 22 June 2021 (08:00 – 16:00 MDT)

Assessment: This module is subject to a formal assessment by an online multiple choice test.

Certification and accreditation: ADRIC-RICS Adjudication Advocate Certificate

Fee: **\$995 non- members / \$795 members plus applicable taxes**

This module is mandatory for trainee adjudicators

Schedule (MDT)

Day 1	
08.00 – 08.15	Log in
08.15 – 10.00 Background and pre-adjudication issues	<p>What does the Canadian legal framework for adjudication look like?</p> <p>Are there international court decisions you should know about?</p> <p>What do you do if a client says they want to take a dispute to adjudication?</p> <ul style="list-style-type: none"> • Is it an appropriate matter for adjudication? <ul style="list-style-type: none"> ○ Type and substance of the matter – does it fall under the Act? ○ Is there a dispute? ○ Is performance due? ○ What is a proper invoice? ○ Has a demand been made? ○ Has it been adjudicated before? ○ Is it related to a matter already being adjudicated? • What are the alternatives to adjudication?
10.00 – 10.15	Break
10.15 – 12.00 Applications and appointments	<p>What are the next steps?</p> <ul style="list-style-type: none"> • Can you choose an adjudicator for yourselves? <ul style="list-style-type: none"> ○ If so, how do you do it? • Making application to an Adjudication Authority (AA) <ul style="list-style-type: none"> ○ Paperwork on notice of adjudication ○ Telling the other side about the adjudication • What happens when you hear who your adjudicator is? <ul style="list-style-type: none"> ○ Can you object? ○ What is the difference between an involvement and a conflict of interest on the part of an adjudicator? • What next?
12.00 – 13.00	Lunch

<p>13.00 – 14.45</p> <p>Objections, defence, and directions</p>	<p>What do you do if your client has a notice of adjudication served on it?</p> <ul style="list-style-type: none"> • Can you object to the adjudication? • Can you object to the appointed adjudicator? • How do you note your intention to defend the adjudication? <p>What directions will you receive from the adjudicator?</p> <ul style="list-style-type: none"> • What if there is not enough time to respond? • How do you challenge an adjudicators' directions on times for submission? • What are the impacts of doing so? Is the inevitable delay always in your client's best interests
<p>14.45 – 15.00</p>	<p>Break</p>
<p>15.00 – 15.45</p> <p>Writing your claim or defence</p>	<p>Setting out your claim or defence</p> <ul style="list-style-type: none"> • How to collect evidence and present your claim or defence
<p>15.45 – 16.00</p>	<p>Q & A and wrap up</p>

Day 2

<p>08.00 – 08.15</p>	<p>Log in</p>
<p>08.15 – 10.00</p> <p>Hearings and site inspections</p>	<p>Will there be a hearing?</p> <ul style="list-style-type: none"> • How do you prepare your client for it? • Can you represent your client at the hearing? • Is a lawyer necessary? • Will the client or witnesses be cross-examined? • Will you need to cross-examine the other side? • Will there be a site inspection? • What is your role as party representative?
<p>10.00 – 10.15</p>	<p>Break</p>

<p>10.15 – 11.30</p> <p>Decisions and challenges</p>	<p>What does a decision look like?</p> <p>What do you do if you don't like the decision?</p> <ul style="list-style-type: none"> • Can you appeal an adjudication decision? • Can you take it to court? • Can you take it to arbitration? • What impact does taking the case to court or arbitration have on the decision? • How do you notify people that you will take the case to court or arbitration?
<p>11.30 – 12.30</p>	<p>Lunch</p>
<p>12.30 – 14.15</p> <p>Performance and enforcement</p>	<p>How long do you have to perform under an adjudication decision?</p> <ul style="list-style-type: none"> • What do you do if the other side does not perform? • How do summary judgement or other enforcement proceedings work? • What happens if you are ordered to pay and you believe the other side may be financially unstable and so unable to pay you back if the decision were overturned in court?
<p>14.15 – 14.30</p>	<p>Break</p>
<p>14.30 – 15.30</p>	<p>Assessment</p>
<p>15.30 - 16.00</p>	<p>Program Q & A and wrap up</p>

Module 3

ADRIC-RICS Adjudicator training program

A comprehensive 28 hour training program, following the ADRIC-RICS Adjudication Advocate course.

This course is broken into units and is delivered over four to eight weeks to allow time for study and preparation between sessions.

Covering the remaining knowledge and competencies you need to practice as a construction adjudicator, with specific focus on applicable common and statutory law, adjudication practice, managing the adjudication process and decision writing.

Date: 28 June – 16 July 2021

Assessment: This module is subject to formal assessment in the form of two written examinations and a practical adjudication decision writing exercise.

Certification and accreditation: ADRIC-RICS Certificate in Adjudication

Pre-requisites:

- All About Construction Adjudication (recommended)
- ADRIC-RICS Adjudication Advocate training program (mandatory)

Fee: **\$2595 non-members /
\$2100 members plus applicable taxes**

Candidates seeking Qualified Adjudicator (Q.Adj) status and inclusion on the ADRI-CRCS Panel must complete the ADRI-CRCS Canada Adjudicator Training Program and Panel Application Form to ensure they meet the ADRI-CRCS panel eligibility criteria. Upon acceptance to and successful completion of the training program, they will also be required to follow the ADRI-CRCS panel interview process (extra fee applies) and complete the RICS DRS Professional Ethics module. Ongoing CPD is required to maintain the designation and remain on the Panel. Further information, criteria and forms can be found at: <https://adric.ca/construction-adjudication/>

Schedule (MDT)

Unit 1	
Session 1 – 28 June 2021 (15:00 – 18:45 MDT)	
15:00 – 16:00	Legal system & Law of contract
16:00-16:15	Break
16:15 – 18:15	Legal system & Law of contract
18:15 – 18:45	Q & A and Discussion
Session 2 – 29 June 2021 (15:00 – 18:45 MDT)	
15:00 – 16:00	Tort & Evidence
16:00-16:15	Break
16:15 – 18:15	Tort & Evidence
18:15 – 18:45	Unit1 Q & A and wrap up

Session 3 – 05 July 2021 (08:00 – 09:30 MDT)

08:00 – 09:30	Assessment - written examination on Legal system and law
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Unit 2

Session 1 – 05 July 2021 (15:00 – 19:00 MDT)

15:00 – 16:30	Legal framework for adjudication
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16:30 – 17:00	Q & A and Discussion
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17:00 – 17:30	Break
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17:30 – 18:30	Legal framework for adjudication
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18:30 – 19:00	Unit 2 Q & A and wrap up
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Session 2 – 07 July 2021 (08:00 -09:30 MDT)

08:00 -09:30	Assessment - written examination on Legal framework for adjudication
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Unit 3

Session 1 – 08 July 2021 (08:00 – 11:45 MDT)

08:00 -09:30	Practice & procedure/case management
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09:30 – 09:45	Break
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09:45 – 11:15	Practice & procedure/case management
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11:15 – 11:45	Q & A and Discussion
Session 2 – 12 July 2021 (08:00 – 11:45 MDT)	
08:00 -09:30	Decision writing – principles
09:30 – 09:45	Break
09:45 – 11:15	Decision writing - structure
11:15 – 11:45	Q & A and Discussion
Session 3 – 14 July 2021 (08:00 – 11:15 MDT)	
08:00 – 09:30	Decision writing – reasoning and issues
09:30 – 09:45	Break
09:45 -10:45	Revision Q & A
10:45 – 11:15	Program wrap up and next steps
Session 4 – 16 July 2021 (08:00 – 12:00 MDT)	
08:00 – 12:00	Assessment – practical decision writing examination

CPD accreditation pending from all Canadian law societies and other professional bodies.