



AIA Detroit

A Chapter of the American
Institute of Architects

AIA Detroit Christopher Kelley Leadership Development Program 2017-2018 Cohort

Session 4: The Art of Negotiating

Date: January 5th, 2018

Venue: University of Detroit Mercy School of Architecture

Scholars: Adam Jerry & Brian Moore

The fourth CKLDP Detroit session centered on the Art of Negotiating and explored the various strategies and behaviors essential to the collaboration necessary for successful outcomes in the AEC field. Adam Jerry and Brian Moore organized the session and assembled a group of speakers covering diverse topics from effective methods and mindsets for negotiations, to contract law and litigation, and professional liability insurance. This session was sponsored by a/e ProNet with Moore Insurance Services and held at the Genevieve Fisk Loranger Architectural Center at the University of Detroit Mercy School of Architecture.



The session began with Ava Abramowitz, a former assistant United States attorney for the District of Columbia who teaches negotiation at the George Washington University Law School, and her presentation titled “An Assertive Architect’s Guide to Negotiating”. Based on her background in dispute resolution as a mediator of various civil, international and domestic corporate cases, Ava illustrated the various behaviors and persuasion styles that facilitate better communication during a negotiation. She demonstrated strategies to avoiding conflict and methods to ultimately find mutually beneficial outcomes. As Ava put it, “In business and in everyday life, it is far more profitable for all parties to forge strategic alliances with each other to solve the problems facing them.” Ava

also discussed managing project risk by setting clear expectations to our clients, our consultants, and ourselves. As design professionals, we are in control of our practice – we can act as problem solvers in a negotiation just as we come up with creative solutions for our projects.

In the next part of the session, Ava led the CKLDP scholars in an exercise where they split into two groups – each taking a side in an Owner-Consultant negotiation. The scholars were given narratives outlining a potential conflict surrounding assembling project team prior to the start of a construction project. Using Ava’s Preparation Sheet, each group discussed a series of questions that defined their positions, clarified their goals and formulated various outcomes. After reconvening, each group presented what they had learned which Ava used to conduct mock negotiation in real-time.





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The second presentation was led by Fredrick Butters, president of Frederick F. Butters, PLLC, a law firm specializing in design professional and construction issues. During “Principles and Pitfalls of Architectural Law”, Fred’s outlined the areas of the law that most affect architects in their practice as well as the basic components necessary for a contract. After discussing some of the common issues architects face while working through contract documents, Fred highlighted various case studies to explain the various conditions that can lead to litigation and how it may have been prevented.



During his presentation, Fred also emphasized the need of contractual clarity. These clarifications help inform architects and engineers of their obligations and avoid unnecessary challenges during the various stages of a project. As a licensed architect as well as a practicing lawyer, Fred provided a unique perspective having seen the business of architecture from both the job site and the court room.



Eric Moore of Moore Insurance Services concluded the session with an in-depth presentation on the techniques of managing risk in the design industry titled, “Protecting Your Practice”. Drawing upon 30 years of experience in the insurance industry, Eric covered the intricacies that differentiate professional and general liability, and went on to describe the intricacies of relevant insurance policies. By defining important terminology included in those policies, the scholars gained a greater understanding of the types of coverage required for architectural and engineering practice. Eric also explained what can occur when entering into a contract and some of the potential

ramifications of having a claim file against a professional. Eric provided the scholars with a copy of “Risk Management for Design Professionals in a World of Change. Bringing into Focus: Green Design, BIM, IPD, P3, International Risks, and New Contract Documents” By J. Kent Holland,



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courtesy of a/e ProNet. Eric's presentation on insurance policy standards was a valuable realization of the *risks and liabilities design professionals face, as well as some of the possible methods and safeguards available to protect the architect/engineer and their company.*

