

Agenda

Managing Risk in the Practice of Engineering

D. Carson, Jr.

Identifying engineering risks
Reviewing consequences of potential risks
Understanding principles of risk management
Complying with professional and ethical standards
Identifying strategies to minimize engineering risk and maximize positive results

Basic Contract Law Applicable to Engineering Engagements

C. M. Ellingburg

Overview of some services contract issues
General contract law applied to services contracts
Advantages and disadvantages of standard form contracts
Limitation on contractual risk allocation

Law of Engineering Malpractice

*H.R. Comley,
A. Norwood*

Reviewing the grounds for professional liability claims
Identifying who can bring a claim
Examining common sources of professional liability claims
Reviewing defenses to liability claims
Determining damages
Participating in dispute resolution: arbitration, mediation, litigation
Obtaining Insurance coverage for professional liability claims

Contracting to Reduce Engagement Risk and Fairly Allocate Responsibility

C. M. Ellingburg

Clear definition of parties' scope of responsibility
Deliverables and signoffs
Adequate documentation, procedures and retention
Limitations of damages and remedies
Conflict resolution during and after project completion

What to Do When Risk Results in Potential Liability

D. Carson, Jr.

Understanding causes of professional liability claims
Parties who can bring a claim for professional negligence
Understanding the standard of care
Understanding the law of damages
Resolving professional liability claims

Minimizing Risk by Maximizing Compliance with Rules of Professional Conduct

C. Gatlin

Complying with rules of professional conduct
Preventing conflicts of interest
Complying with rules on sealing of documents and plans
Preventing the unauthorized practice of engineering
Discussion of ethics hypotheticals/case studies
Promoting health and welfare vs. managing risk: complementary or conflicting duties?
Protecting the environment: meeting or exceeding legal requirements
Watching the bottom line: identifying and balancing economic pressures in design and construction
Integrating new technologies: identifying and balancing the benefits and risks
Reviewing ethics case studies and hypotheticals

Managing Engineering Liability and Risk
Ridgeland, MS - Tuesday, March 20, 2018

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Learning Objectives

You'll be able to:

Understand principles of risk management.

Review issues with service contracts, and discuss limitations on contractual risk allocation.

Clearly define your contractual scope of responsibility.

Explore the grounds for professional liability claims and consider defenses to liability claims.

Identify parties who can bring a claims for professional negligence.

Examine strategies for minimizing engineering risk.



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Identify strategies to minimize engineering risk and maximize positive results

Examine advantages and disadvantages of standard form contracts

Explore the grounds for professional liability claims

Discuss adequate documentation, procedures and retention

Comply with rules of professional conduct

Continuing Education Credits

This course offers 7.0 PDHs, including 1.0 ethics hour, to Mississippi professional engineers.



Faculty

Dorsey R. Carson, Jr. *Carson Law Group, PLLC in Jackson*
Mr. Carson’s practice focuses on construction law, commercial litigation, and economic development. He has represented numerous general contractors, subcontractors, suppliers, lenders, developers, owners, sureties, architects and engineers within the construction industry. Mr. Carson is a MidSouth SuperLawyer, and is included in *The Best Lawyers in America* in construction law. Chambers USA has recognized him as a “Leader in Their Field” in the area of construction litigation. He has also served as a spokesperson and legal commentator for regional and national media outlets, including Court TV and CNN. Mr. Carson is a member of the state bars of Arkansas, Georgia, and Mississippi, and the American Bar Association Forum on the Construction Industry, where he has served on steering and speaking committees, and presented at their annual conference. The Carson Law Group is a member of the Associated General Contractors, the Associated Builders & Contractors, the American Subcontractors Association, and the Construction Specifications Institute.

Michael Ellingburg *Daniel Coker Horton & Bell P.A. in Jackson*
Mr. Ellingburg leads the Appellate Law and Commercial/ Business Litigation practices within Daniel Coker, and is active in advancing the firm’s technological capabilities and usage. He has mediated, arbitrated, and litigated complex matters in nearly every legal discipline touching design and construction from residential development to specialized design build commercial and industrial projects. Mr. Ellingburg is licensed in both Mississippi and Alabama, and he has also handled

Seminar Information

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commercial construction cases in Louisiana and Florida by permission of the court in which the cases were pending. He provides individual client advice, and also works as part of a team of lawyers from within Daniel Coker. He was recently named a Fellow in the Construction Lawyers Society of America. Mr. Ellingburg is peer review rated in Martindale Hubble by both members of the Bar and the Judiciary as AV Preeminent, and by fellow members of the Bar in his practice areas as among *The Best Lawyers in America* for construction law, construction litigation, banking and finance litigation, securities litigation, and commercial litigation. He has also been recognized by the American Registry in Top Commercial Litigation Lawyers; Top Attorneys in the Mid-South; the “Best of the Best,” the Top 1 percent of America’s Most Honored Professionals; and by Mid-South Super Lawyers. Project specific experience and client references are available on request.

H. Rusty Comley *Attorney with Watkins & Eager in Jackson*
Mr. Comley was admitted to the Mississippi Bar in 2006. His experience spans from general product liability litigation, automotive and aviation litigation to tort and construction. Mr. Comley also represents health care providers in HIPAA breach cases and Medicare/Medicaid administrative proceedings and appeals. From 1996-2003, he served our country as a Captain in the Aviation Branch of the United States Army. He holds a commercial pilot’s license (rotary-wing) with an instrument rating.

Continuing Education Credit Information

This program is open to the public and offers Mississippi professional engineers 7.0 PDHs, including 1.0 ethics hour. Educators and courses are not subject to preapproval in Mississippi.

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Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

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An audio recording of this seminar is available for \$289 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Andrew “Drew” Norwood
Attorney with Watkins & Eager in Jackson
Mr. Norwood’s practice focuses on litigation, including commercial, insurance, and general litigation, as well as bankruptcy and creditors’ rights. He joined Watkins & Eager in 2017 after serving for two years as law clerk to Judge Jason Woodard of the U.S. Bankruptcy Court for the Northern District of Mississippi. Mr. Norwood is a member of The Mississippi Bar.

Cheri Turnage Gatlin *Partner with Burr & Forman in Jackson*
Ms. Gatlin represents contractors, owners and sureties in the work-out and resolution of construction defaults, and she has defended contractors, owners and engineers in construction-related mass tort cases, including claims for exposure to asbestos, silica, lead, mold, arsenic and other contaminants. She has successfully litigated numerous multi-million dollar claims in Louisiana, Alabama and Mississippi. Additionally, Ms. Gatlin advises clients through the construction process and is currently representing an international company in the construction of a multi-billion dollar industrial facility. She is a member of the Mississippi Bar Association, the American Bar Association (Tort and Insurance Practice Section and Member of the Forum in the Construction Industry), Steering Committee for Division 5 of the Forum of the Construction Industry and former member of the Charles N. Clark Inn of Court. Since 2010, Chambers USA, a leading guide to the legal profession, has named Ms. Gatlin as a “Leader in their Field.”

Additional Learning

February Webinar Series

- International Mechanical Code**
- **International Mechanical Code Background and Application**
Thurs., Feb. 15, 2018, 11:00 AM - 12:30 PM CST
 - **Chapters 2-5: Definitions, Regulations and Ventilation**
Thurs., Feb. 15, 2018, 1:00 - 3:00 PM CST
 - **Chapters 6-10: Ventilation, Appliances and Equipment**
Fri., Feb. 16, 2018, 11:00 AM - 1:00 PM CST
 - **Chapters 11-15: Refrigeration, Piping and Appendices**
Fri., Feb. 16, 2018, 1:30 - 3:00 PM CST

- NFPA 70E**
- **NFPA 70E, Part I**
Thurs., Feb. 8, 2018, 11:00 AM - 3:30 PM CST
 - **NFPA 70E, Part II**
Fri., Feb. 9, 2018, 11:00 AM - 3:30 PM CST

For more information visit:
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Registration

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