

Agenda

Understanding Contract Essentials

J. Levy

Forming contracts
Identifying contract obligations and limitations
Design-bid-build: the traditional process
Design build
Construction manager: as agent, as CM at risk

Significant Construction – Specific Contract Clauses

D. Carr

Indemnity provisions
Contingent payment clauses
Liquidated damage
Clauses relating to documenting progress and performance
Top general contractor concerns

Ethical Issues in Construction

S. Schacht

Integrity of special classes of contractor – DBE, MBE, WBE, etc.
Ethical issues in bid practices
Ethical issues in payment – construction trusts
Ethical issues with liens

Risk Management and Insurance

A. Anzelmo

Insurance and indemnification provisions in construction contracts
Types of insurance: builders risk, general liability, professional liability
Understanding liability coverage: key definitions, exclusions and endorsements
Insurance versus warranty: coverage (or not) for defective construction

Dispute Resolution Considerations and Strategies

E. Meier

Summary of typical claims
Options for dispute resolution: mediation, arbitration, litigation
Statutes of limitations/statutes of repose
Understanding warranty obligations and protections
Insurance claims considerations
Discovery considerations
Record retention
Overall dispute resolution strategies

Construction Contract Workshop
Madison, WI - Wednesday, May 30, 2018



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Learning Objectives

You'll be able to:

Understand contract obligations and limitations.

Review indemnity provisions in contracts and examine contingent payment clauses.

Consider the impact of different project delivery systems, such as design build and construction manager at risk

Discuss ethical issues in bid practices, with payments and with liens.

Utilize different types of insurance such as builders risk, general liability and professional liability.

Resolve disputes using methods like mediation, arbitration and litigation.



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Understand contract obligations and limitations

Identify ethical issues in construction

Examine specific contract clauses on indemnity, damages and payments

Learn about risk management and insurance

Explore insurance versus warranty coverage for defective construction

Discuss dispute resolution considerations and strategies

Continuing Education Credits

Professional Engineers
7.0 PDHs (1.0 Ethics Hour)

Architects
7.0 HSW CE Contact Hours
7.0 AIA HSW Learning Units

Wisconsin Attorneys
8.0 CLE Hours (1.0 EPR Hour)



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Joshua B. Levy *Partner with Husch Blackwell*
Mr. Levy is a partner with Husch Blackwell in Milwaukee, and a member of the firm’s Real Estate, Development & Construction team. He focuses his practice on the complete array of construction services and litigation, as well as employment law. Mr. Levy provides contractors, designers, owners and developers with tremendous experience and knowledge in all areas of construction from his time in private practice and as general counsel. He handles construction disputes in state and federal courts, arbitrations and OSHA hearings. A dedicated advocate, he has represented clients in more than 40 American Arbitration Association hearings. Mr. Levy graduated from the University of Wisconsin (JD, 1991) and the Colorado College (BA, 1988).

David B. Carr *Partner with Husch Blackwell*
From initial demand through discovery and trial, Mr. Carr represents clients in state and federal courts across the United States. He handles complex commercial litigation, including insurance defense, contract disputes, products liability, medical malpractice defense, foreclosure actions, replevins, liquidation of corporations, contract disputes and bankruptcy workouts. He has successfully defended significant damage tort claims, as well as an automobile tort claim to jury verdict. As a member of the Real Estate,

Seminar Information

Doubletree by Hilton Madison 525 West Johnson Street Madison, WI 53703 (608) 251-5511	Registration 8:00 - 8:30 am Morning Session 8:30 am - 12:30 pm Lunch (On your own) 12:30 - 1:30 pm Afternoon Session 1:30 - 5:00 pm
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Development & Construction team, Mr. Carr oversees and handles premises liability cases for Fortune 500 companies, major retailers and restaurants. He also provides defense of construction defect claims for roofing, concrete and HVAC contractors and service providers. Mr. Carr served as a moderator for the American Bar Association Minority Council programs titled “Effective Practices for Enhancing the Collaborative Relationship Connecting In-House and Outside Counsel” and “Your Career’s Life Cycle and How to Get the Most From It.”

Samantha R. Schacht *Attorney with Husch Blackwell*
Ms. Schacht is an attorney in the Madison office of Husch Blackwell and is a member of the firm’s Real Estate, Development & Construction team. She represents contractors, developers and designers in all phases of construction projects, providing clients with comprehensive transactional and litigation services to help manage risk and resolve disputes. Prior to joining the firm, Ms. Schacht worked for a trade association representing contractors and in-house for a national general contractor.

Anthony J. Anzelmo *Partner with Husch Blackwell in Milwaukee*
Mr. Anzelmo is a member of the firm’s Transportation, Manufacturing, and Technology Business Unit and its

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 HSW continuing education contact hours to architects and 7.0 PDHs, including 1.0 ethics hour, to professional engineers in most states, including Wisconsin. Educators and courses are not subject to preapproval in Wisconsin

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Construction and Design Industry Group. His practice focuses on product liability and construction disputes, as well as various forms of insurance coverage litigation. Mr. Anzelmo’s construction practice includes the representation of a variety of owners and contractors in premises and job risk management, contractual interpretation and enforcement, and the duties, rights and obligations of liability insurers. He has practiced in multiple states and arbitration forums, and handles all phases of trial and appellate practice in both state and federal courts.

Eric J. Meier *Partner with Husch Blackwell in Milwaukee*
Mr. Meier is a member of the firm’s Real Estate, Development & Construction Industry team. Much of his practice is devoted to construction-related planning, contracting and risk mitigation. Mr. Meier also regularly handles construction-related litigation, including breach of contract claims, defective work, warranty issues and surety bond disputes. He has handled trials, arbitrations, and OSHA violations, and he has appeared before the Armed Services Board of Contract Appeals. Mr. Meier is a multiple time recipient of Wisconsin Super Lawyers’ “Rising Star” distinction and has been recognized as one of *The Best Lawyers in America* in litigation – construction.

Additional Learning

Webinar Series

Complying with Fire and Building Codes

- **Introduction to Fire Protection and Life Safety Design**
Thurs., May 3, 2018, 11:00 AM - 12:30 PM CDT
- **Occupancy Classifications**
Thurs., May 3, 2018, 1:00 - 2:30 PM CDT
- **Means of Egress**
Fri., May 4,, 2018, 11:00 AM - 1:00 PM CDT
- **Fire Protection Features and Occupancy Exercises**
Fri., May 4, 2018, 1:30 PM - 3:30 PM CDT

Pavement Design

- **Principles of Pavement Design**
Thurs., May 10, 2018, 11:00 AM - 12:30 PM CDT
- **Flexible Pavement Design**
Thurs., May 10, 2018, 1:00 - 2:30 PM CDT
- **Rigid Pavement Design**
Fri., May 11, 2018, 11:00 AM - 12:30 PM CDT
- **Pavement Drainage and Maintenance**
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Registration

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