

Agenda

Contract Law Primer for Engineers

Justin Short

Reviewing the necessary elements of any contract

Understanding contract “legalese”

- Determining performance
- What constitutes a breach of contract?
- What are damages and remedies?
- Liability-shifting contract provisions: warranties, guarantees and indemnities

Making changes to contracts

Complying with Rules of Professional Conduct

Kristine Kubes

Sealing of documents

Standards for responsible charge of engineering work

Unauthorized practice of engineering

National Society of Professional Engineers’ Code of Ethics

Professional Liability Law

Sarah Roeder, John Thomas

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

Intellectual Property Essentials for Engineers: Patents, Trademarks, Copyrights, and Trade Secrets

Eduardo Drake

Securing ownership of your designs through patents,

trademarks, copyrights, and trade secrets

Leveraging your intellectual capital through licenses,

franchises, and other technology agreements

Policing intellectual property rights and preventing infringement

Resolving intellectual property disputes

Handling Ethical Issues in Professional Engineering Practice

Mark Becker

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

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Engineering Law and Ethics
Eagan, MN - Thursday, May 10, 2018

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Learning Objectives

You'll be able to:

Understand professional liability claims, sources to claims, and defenses to claims.

Conduct proper precautions regarding ethical issues in professional engineering practice.

Secure ownership of your designs through patents, trademarks and copyrights.

Adopt practices that reduce ethical issues in the construction process.

Use construction contracts to improve project outcome.



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Understand the rules to professional conduct

Discuss ethical issues in construction engineering practice

Learn the various aspects associated with professional liability law

Utilize construction contracts to improve project outcomes

Explore intellectual property issues including patents, copyrights and trade secrets

Continuing Education Credits

This seminar offers 6.5 PDHs, including 2.0 ethics hours, to Minnesota and Wisconsin professional engineers.



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Faculty

Justin Short *Partner with Best & Flanagan*
Mr. Short is a partner in the firm’s Construction, Real Estate and Litigation practice groups where he represents prime contractors, subcontractors and commercial landowners. Mr. Short specializes in construction claims relating to highway and bridge projects, Department of Transportation claims, federal MATOC agreements, mechanic’s liens, surety and bond claims, bid protests, indemnity obligations, construction contract disputes and commercial and multi-family residential construction defects. He has represented contractors on these construction matters throughout Minnesota, North Dakota, South Dakota, Iowa, Illinois, Arizona, Texas and Colorado. Mr. Short is recognized as a Rising Star by *Minnesota Law & Politics* and is a national lecturer on construction and real estate industry topics.

Kristine Kubes *Principal of the Kubes Law Office, PLLC*
Ms. Kubes serves the legal needs of design and construction professionals. She concentrates her work on professional liability defense/ litigation, contracts, and proactive construction counseling, which involves addressing and cooperatively resolving project management, risk management, payment and surety issues. Integrated with her legal practice, Ms. Kubes is a qualified neutral who mediates construction and design disputes. A graduate of the College of St. Catherine and the University of Minnesota Law School, she is the Chair-Elect of the American Bar Association Forum on Construction Law. Ms. Kubes is a frequent lecturer on legal issues on professional liability and ethics for the design professional. She is an affiliate member of ACEC, AIA, and ASID. Governor Pawlenty appointed Ms. Kubes to serve as a public member on the MN State Board of AELSLAGID in 2005; she served as the Board’s Chair from 2009 to 2011 and completed eight years of service on the Board in 2013.

Sarah Roeder *Member with DeWitt Mackall Crounse & Moore*
Ms. Roeder focuses her practice in general civil litigation, with an emphasis in construction law. She regularly represents general contractors and design professionals on cases related to residential and commercial buildings, associations, and data centers. In her general litigation practice, Ms. Roeder has represented individual and corporate clients in a variety of matters ranging from wrongful death to products liability/warranty to debt collection in courts across Minnesota and the country. She earned a J.D., *cum laude*, from the University of St. Thomas School of Law and a B.A., *summa cum laude*, from Drake University. She is a member of the Associated General Contractors of Minnesota, the Minnesota Builders Exchange, and the Association of Women Contractors. Ms. Roeder has been recognized as a Minnesota Super Lawyers Rising Star in Construction Litigation (2016-2017). She has also been certified as a North Star Pro Bono Lawyer since 2015, focusing her volunteer efforts on helping veterans.

John Thomas *Member with DeWitt Mackall Crounse & Moore.*
Mr. Thomas concentrates his practice in the area of general civil litigation with an emphasis in construction law and product liability litigation. He also has experience with professional liability litigation, secured transactions, creditors’ remedies and bankruptcy. He represents clients in a variety of industries, including large corporations, general contractors, design professionals and insurance companies. Mr. Thomas has also successfully litigated and tried to verdict a creditor’s nondischargeability fraud action against former investment advisor in Bankruptcy Court adversary proceeding. Mr. Thomas received a J.D. degree from William Mitchell College of Law and a B.A. degree from Xavier University. He is a member of the Board of Directors Citizens Bancshares of Hutchinson Inc., the Defense Research Institute (DRI), the Hennepin County Bar Association, the Minnesota Bar

Association and the Minnesota Defense Lawyers Association.

Eduardo Drake *Founder at Fantastic IP Consulting*
Mr. Drake is founder and chief intellectual property (IP) strategist at Fantastic IP Consulting. He has been a registered patent attorney for nearly 20 years. Mr. Drake adds value to businesses not only by expanding the thinking of executive leadership and top innovators, but also by building proactive IP protection systems and providing sound IP risk management and counseling. He serves clients in all aspects of intellectual property law, including licensing and due diligence. His focus is patenting disruptive technologies of all kinds, including social-networking, business-method, computer-software, internet, green, medical and consumer-product innovations. He is admitted to practice in Minnesota. Mr. Drake received a J.D. degree from the University of Virginia after working on radar systems for GE. He has been a “Super Lawyer” from 2005-2012.

Mark Becker *Shareholder at Fabyanske, Westra, Hart & Thomson*
In Mr. Becker’s construction law practice, he represents large and medium sized general contractors, specialty subcontractors, owners, and design professionals on all types of projects including bridges, roads, stadiums, office and apartment towers, condominiums, schools, universities, museums, industrial plants, ethanol plants, and power plants. Mr. Becker negotiates contracts for his clients at the beginning of a project, counsels them during the project, and prosecutes or defends claims that arise out of the project. He has a degree in Civil Engineering, *cum laude*, from Northwestern University and a law degree from the University of Iowa, with high distinction. His dedication to the construction industry is proven by his service on the Board of Directors of the Minnesota Construction Association, on several committees of the Associated General Contractors of Minnesota, and as an officer of the Minnesota State Bar Association’s Construction Section. He is licensed in Minnesota and Illinois and actively practices in both states.

Additional Learning

Webinar Series

HEC-RAS

- **Hydraulic Principles and Applications**
Thurs., Mar. 22, 2018, 11:00 AM - 1:00 PM CDT
- **Working with the HEC-RAS User Interface**
Thurs., Mar. 22, 2018, 1:30 - 3:00 PM CDT
- **Water Surface Profiling**
Fri., Mar. 23, 2018, 11:00 AM - 1:00 PM CDT
- **Steady Flow Surface Profile Demonstrations**
Fri., Mar. 23, 2018, 1:30 - 3:30 PM CDT

Commercial Energy Conservation Code

- **Commercial Energy Conservation Code and COMcheck Introduction**
Weds., Mar. 28, 2018, 11:00 AM - 1:00 PM CDT
- **Building Envelope Energy Efficiency**
Weds., Mar. 28, 2018, 1:30 - 3:30 PM CDT
- **Heating, Ventilation and Air Conditioning Systems**
Thurs., Mar. 29, 2018, 11:00 AM - 1:00 PM CDT
- **Service Water Heating, Power and Lighting**
Thurs., Mar. 29, 2018, 1:30 - 3:00 PM CDT

Visit www.halfmoonseminars.org/webinars/ for more online learning opportunities

Registration

Engineering Law and Ethics

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How to Register	Registrant Information Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip _____ Occupation: _____ Email: _____ Phone: _____ Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____ Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred. () I need special accommodations. Please contact me.
Online: www.halfmoonseminars.org	
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Complete the entire form. Attach duplicates if necessary.	

Tuition

- () **I will be attending the live seminar.** Single Registrant - **\$279.00**. Three or more registrants from the same company registering at the same time - **\$259.00** each.
- () **I am not attending.** Please send me the CD manual package for **\$289.00**. (S&H included. Please allow five weeks from seminar date for delivery)

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