

Agenda

Evaluating Construction Defect Claims

What Constitutes a Defect?
Theories of liability
Breach of contract Negligence
Theories of liability – breach of warranty
Theories of liability – other

Exploring Defenses to Construction Defect Claims

Contractual defenses
Immunity defenses
Statute of limitations
Economic loss rule

Exploring Defenses to Construction Defect Claims (Continued)

Exculpatory and indemnity clauses

- Background
- Exculpatory clauses
- Indemnity agreements
- Limitation of liability clauses

Insurance Issues on Construction Defect Claims

Insurance

- Professional liability insurance
- Commercial general liability (CGL) insurance
- Key differences between professional liability and CGL policies
- Insurer's duty to defend
- Builders risk insurance

Resolving Disputes Generated by Defects and Failures

Contract language
Experts
Electronic discovery rules
Overview of ADR – alternative dispute resolution

Ethics Related to Construction Defect Claims

Applicable ethical rules
Identifying problematic situations
Hypothetical ethical situations – group discussion

Addressing Construction Defects and Failures
Indianapolis, IN - Tuesday, July 31, 2018

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Learning Objectives

You'll be able to:

Determine what is, and is not, a construction defect.

Understand legal theories of liability for construction defects.

Explore common defenses to construction defect claims.

Review types of insurance coverage and discuss what protections they provide for construction defect claims.

Understand ethics issues related to construction defect claims.



Addressing Construction Defects and Failures

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Identify what is, and is not, a construction defect

Review theories of liability for construction defects and failures

Discuss defenses to construction defect claims

Explore insurance coverage for construction defects

Resolve construction defect claims

Continuing Education Credits

Professional Engineers

6.5 Continuing Ed. Hours,
Including 1.0 Ethics Hour

Architects

6.5 HSW Contact Hours
6.5 AIA HSW Learning Units

Indiana Attorneys

6.5 CLE Hours

Contractors

Non-Credit Continuing Ed.



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Joseph Leone
Partner with Drewry Simmons Vornehm, LLP
Mr. Leone is a partner with the construction law firm of Drewry Simmons Vornehm, LLP, where he focuses his legal practice in the areas of construction law and public contract Law. He represents all participants in the construction industry, including public and private owners, general contractors, construction managers, design-build contractors, trade contractors, and design professionals in drafting and negotiating contracts, providing general counsel, and in all types of performance and payment dispute resolution.

Prior to practicing law, Mr. Leone spent seven years as a project engineer/project manager for a large construction company in Indianapolis. He is a frequent author and speaker at various conferences and seminars on a wide variety of construction law topics both on the national and local levels. He is a member of the American Bar Association’s Forum on Construction Law and Section of Public Contract Law, the Indiana Bar Association where he is a past chair of the Construction and Surety Law Section, and the Associated General Contractors of America where he is a member of the Project Delivery Forum Steering Committee, and various ConsensusDocs contract drafting committees through the AGC Contract Documents Forum.

William Kelley Jr.
Partner with Drewry Simmons Vornehm, LLP
Mr. Kelley, Jr. LEED AP, is a partner with Drewry Simmons Vornehm, LLP, and he focuses his legal practice in the areas of construction, real estate, and legal issues related to green building and sustainability. On the transaction side, he assists a wide range of clients with drafting and negotiating construction and design contracts, real estate purchase agreements, land contracts, and lease agreements. He also advises clients on due diligence, closing and title insurance issues. On the litigation side, Mr. Kelley represents design professionals, contractors, owners, developers and insurers with construction, professional liability, and real estate matters, ranging from pre-litigation claims, to loss prevention assistance, insurance coverage issues, mediation, arbitration, and litigation in state and federal court. He is a liaison to the American Institute of Architects (AIA) Documents Committee, and he is a former member of the Associated Builders and Contractors (ABC) National Green Building Committee.

Thaddeus Schurter
Associate with Drewry Simmons Vornehm, LLP
Mr. Schurter is an associate with Drewry Simmons Vornehm, LLP, who focuses his practice on construction litigation. Having worked in construction for 10 years before becoming an attorney, he brings exceptional insight and technical experience to the table for his clients.

Mr. Schurter represents clients from across the full spectrum of construction industry participants including architects, engineers, contractors, subcontractors, suppliers, and owners. He also advises clients in a wide range of design and construction-related matters including contract review, negotiation, and termination; construction and design defect claims; professional negligence claims; performance and payment bond disputes; lien claims; and payment security issues.

Mr. Schurter recently served as counsel for a major telecommunications company in numerous property damage and personal injury cases arising out of an explosion and fire caused by an uncontrolled gas leak. He has also represented clients in cases involving boiler explosions, building envelope failures, roof collapses, structural failures, and premises liability claims.

Seminar Information

Indianapolis Marriott East
7202 East 21st Street
Indianapolis, IN 46219
(317) 352-1231

Registration
8:00 - 8:30 am

Morning Session
8:30 am - 12:00 pm

Lunch (On your own)
12:00 - 1:00 pm

Afternoon Session
1:00 - 4:30 pm

Tuition
\$279 for individual registration
\$259 for three or more registrations.
Each registration includes a complimentary continental breakfast and printed seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

How to Register

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

Continuing Education Credit Information

This seminar is open to the public and offers 6.5 continuing education hours/PDHs, including 1.0 ethics hour, to professional engineers and 6.5 HSW contact hours to architects in many states, including Indiana. HalfMoon Education is an approved continuing education provider for Indiana engineers. Architect continuing education providers and courses are not subject to preapproval in Indiana.

The American Institute of Architects has approved this course for 6.5 HSW Learning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

Engineers and architects seeking continuing education credit in other states will be able to apply the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

HalfMoon Education is an accredited CLE provider for Indiana attorneys. The Indiana Commission on CLE has approved the course for 6.5 CLE hours.

This seminar offers a non-credit continuing education opportunity to construction contracts. It has not been approved by any contractor licensing board for continuing education credit.

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.

Additional Learning

Webinar Series

Septic Systems Series

- **Onsite Wastewater Treatment Technologies, Regulations and Contaminant Removal**
Thurs., July 19, 2018, 11:00 AM - 12:30 PM CDT
- **Evaluating Sites, Setting Treatment Goals and System Design**
Thurs., July 19, 2018, 1:00 - 2:30 PM CDT
- **Alternative and Sustainable Treatment Technologies**
Fri., July 20, 2018, 11:00 AM - 12:30 PM CDT
- **Management Programs for Onsite Wastewater Treatment Systems**
Fri., July 20, 2018, 1:00 - 2:30 PM CDT

For more information visit:
www.halfmoonseminars.org/webinars/

Can’t Attend? Order the CD/Manual Package:
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.

Registration

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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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Fax: 715-835-6066	
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278	
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)

Checks: Make payable to HalfMoon Education Inc.

Credit Card: *Mastercard, Visa, American Express, or Discover*
Credit Card Number: _____
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