

Agenda

Contract Law Primer for Engineers

T. Baxter

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

Best Practices for Site Investigation, Construction Administration, Claims Mitigation and Avoidance

J. Ebe

Site investigations, geotechnical characterizations and design specifications
Public procurement
Claims

Mission and Structure of Arizona Board of Technical Registration and Review of Ethical Practice Expectations Under the Act

M. Cornelius, P. Pritzl

Understanding the board’s licensing and enforcement structure
Outlining prohibited practices and grounds for disciplinary action
Examining professional conduct guidelines and ethical practice expectations
Reviewing scenarios involving ethical issues and examples of violations

Stepping Carefully: The Pitfalls in the Environmental, Natural Resources and Cultural Resources Regulatory Environment

C. Consoli

Environmental laws and regulations
Cultural and natural resources laws
Arizona native plant act
Clean Water Act - wetlands

Professional and General Liability Insurance for Engineers

J. Brinson

Understanding business insurance coverage:
general liability vs. professional liability policies
Additional insureds: obtaining certificates of insurance
Understanding insurance policies:

- Indemnities
- Assignment
- Insurance availability
- Warranties, guarantees and certifications

Recognizing and responding to claims

Cyber Security Issues for Engineers

A. Merrill

Cyber security threats and business exposure to data breaches
Anatomy of a data breach or cyberattack and the spectrum of possible responses
Coverage that is available under cyber insurance policies
Examples of actual cyber events, with lessons learned from those events

Engineering Law and Ethics
Tempe, AZ - Friday, September 14, 2018

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Learning Objectives

You'll be able to:

Review Arizona Board of Technical Registration functions and key ethics considerations for engineers.

Understand essential elements of contracts and explore contract terminology.

Examine laws and regulations related to the environment, and to cultural and natural resources.

Learn about construction site investigation practices, administration and claims.

Outline professional and general liability insurance coverage and important policy provisions.

Consider cyber security issues engineers may encounter.



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Learn about construction site investigation practices, administration and claims

Examine laws and regulations related to the environment, and to cultural and natural resources

Outline professional insurance coverage and important policy provisions

Continuing Education Credits

This seminar offers professional engineers a 6.0 hour continuing education opportunity.



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Faculty

Todd A. Baxter is a member in the Phoenix office of Dickinson Wright PLLC. He has been selected as a Super Lawyers Rising Star in business litigation and construction litigation from 2012 to 2016. Mr. Baxter’s practice focuses on construction law and commercial and business litigation. He negotiates and prepares construction contracts for general contractors and private and public owners, as well as preparing other commercial contract documents. In litigation, Mr. Baxter frequently represents general contractors and property owners and developers in a wide array of commercial construction disputes. He also represents homebuilders in residential construction disputes, in state and federal courts, mediation, arbitration tribunals and before administrative agencies. In addition to construction litigation, he represents businesses and business owners in commercial litigation and owner/shareholder disputes. Mr. Baxter received his B.A. degree from the University of South Dakota in 1992 and his J.D. degree from Tulane University Law School in 2006.

Jason Ebe is a partner with Snell & Wilmer. He serves as co-chair of the firm’s nationally-ranked construction industry practice. Mr. Ebe is a Fellow of the Construction Lawyers Society of America, an invitation-only construction lawyer honorary society with membership limited to 1,200 practicing Fellows from the United States and internationally. He is a frequent counselor, negotiator, litigator, author and speaker on a wide range of construction issues and topics, and has served in senior leadership positions in local and national construction industry organizations. His relevant and recent project experience includes public and private infrastructure, including military installations, federal government facilities, football stadiums (professional and collegiate), airport, marina, transportation, water/wastewater, and public-private partnerships (P3s); natural resources, including solar and mining; healthcare, including acute care, medical office and senior living; commercial office, retail, mixed-use, data centers, and hi-tech manufacturing; education (universities and K-12); entertainment, hospitality, resorts, convention centers and casino; sports and recreational; and high-rise, multifamily and single family residential. Mr. Ebe is well versed in advanced project delivery methods, including integrated design build and design assist, construction management at risk, and job order contracting.

Melissa Cornelius is the executive director of the Arizona State Board of Technical Registration (BTR). BTR licenses and regulates architects, engineers, geologists, home inspectors, landscape architects, land surveyors, alarm

agents, alarm businesses and their controlling persons. She previously served as the Board’s Deputy Director. Before becoming deputy director at BTR, Ms. Cornelius served as an assistant Arizona attorney general for approximately 15 years, representing numerous state agencies in litigation and as regulatory counsel. She has also served as deputy director of the Arizona Medical Board, and as in-house legal counsel for the Arizona Registrar of Contractors. Early in her career, Ms. Cornelius served as a deputy maricopa county attorney and as an assistant Scottsdale city prosecutor. She has lectured nationally for the Federation of Associations of Regulatory Boards (FARB), the Arizona State Bar, the National Council of State Boards of Nursing, the National Council of Engineers and Surveyors, the Arizona Attorney General’s Office, and Arizona Government University.

Patrice Pritzl is the Deputy Director of the Arizona State Board of Technical Registration. Ms. Pritzl has served in regulatory administration for 22 years, with 31 years, in total, in public administration. She started her public administration career by serving in the Peace Corps in 1985-1986. She earned a B.A. degree from the Evergreen State College and a Masters in Public Administration from Arizona State University.

Carla A. Consoli is a partner with Lewis Roca Rothgerber Christie LLP and is the leader of the firm’s Regulatory and Government Practice. She loves her work because she helps clients reach their goals while respecting the environment. Ms. Consoli helps clients understand and navigate the environmental, water, cultural and natural resource laws affecting their businesses. Her work includes permitting new and existing facilities, environmental due diligence, securing water rights, natural resource evaluation, remedial activities, endangered species and habitat compliance, and agency negotiation. She negotiates all manner of related agreements including liability transfer/reduction, royalty payment, utility service, development, and consulting agreements. Ms. Consoli believes in strategic planning first. For all of her clients, she begins with a discussion about client goals, opportunities and concerns. In collaborating with her clients on a strategic way forward, Ms. Consoli often assists them in applying for special permits, amending their plans if necessary, and performing remediation activities. She has strong relationships with regulators at local, state and federal levels including the Environmental Protection Agency (EPA), the Bureau of Land Management (BLM), the Nevada Division of

Conservation and Natural Resources (NDCNR), the Arizona Department of Environmental Quality (ADEQ), and Arizona Department of Water Resources (ADWR).

Anthony W. Merrill is a shareholder with Polsinelli. His wide range of experience in complex disputes brings unique problem-solving approaches to clients. Mr. Merrill is a leading member of the firm’s Insurance Recovery practice and assists clients across the country in obtaining coverage for catastrophic commercial claims. While he specializes in latent or long-tail property damage and bodily injury claims, he also represents clients in connection with disputes involving cyber coverage, D&O claims, large loss property claims, insolvent insurance carriers, reinsurance, specialty risk lines, retrospective premiums, and data security. Mr. Merrill also uses his legal skill to assist clients in developing and implementing environmental remediation projects and resolving compliance issues arising under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA) and the Clean Air Act. In addition, he regularly consults and defends clients on matters regarding infectious disease outbreaks, including water-borne and airborne pathogens, and pandemic preparation. Mr. Merrill is bilingual, proficient in both writing and speaking Spanish. Prior to joining the firm, he worked for seven years as an associate in environmental and commercial litigation practice groups in the Arizona office of a national law firm.

Jonathan G. Brinson is a shareholder at Polsinelli. As a leading member of the firm’s Insurance Recovery practice group, Mr. Brinson has represented Fortune 100 and Fortune 500 companies throughout the country on a wide range of complex disputes from a variety of industries. Mr. Brinson assists his clients in obtaining a defense and coverage under a variety of insurance policies, including general liability, property, professional liability, builders risk, D&O, crop insurance, E&O, employment practices, workers compensation, and reinsurance, in addition to several others. He also routinely represents clients in all types of complex commercial litigation matters, including product liability disputes and CERCLA, RCRA, and other environmental matters. Mr. Brinson is fluent in Spanish. Prior to joining Polsinelli in 2010, Mr. Brinson worked for five years as an associate in the insurance recovery, commercial litigation, and environmental practice groups of a national law firm.

Additional Learning

Webinar Series

Community Solar and Rooftop Solar

- **Community Solar**
Wed., Sept. 5, 2018, 11:00 AM - 2:15 PM CDT
- **Design Your Solar Roof**
Thurs., Sept. 6, 2018, 11:00 AM - 2:15 PM CDT

Seismic Design and Construction

- **Seismology and Building Codes**
Wed., Sept. 12, 2018, 11:00 AM - 3:30 PM CDT
- **Seismic Design of Building Structures**
Thurs., Sept. 13, 2018, 11:00 AM - 3:30 PM CDT

Small Wind Energy Systems

- **Small Wind Energy System Components**
Thurs., Sept. 20, 2018, 11:00 AM - 1:00 PM CDT
- **Small Wind Energy Siting and Sizing**
Fri., Sept. 21, 2018, 11:00 AM - 1:00 PM CDT

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Registration

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