

Agenda

Managing Risk with General Liability and Professional Liability Insurance Coverage *J. O'Neill*

Coverage provided by general liability vs. professional liability policies
Certificates of insurance and additional insureds
Indemnities Assignment Insurance availability
Insurance policies Warranties, guarantees and certifications
Recognizing and responding to design professional claims

Understanding How Contracts Can Shift, Reduce (or Increase) Risk *S.Khan*

An overview of contract law and key concepts
Understanding contract formation and revision
Recognizing liability exposure under contract
Reviewing standard contract provisions and understanding their impact on risk
• Guarantees, warranties and indemnities
Understanding consequences for delay, disruption, nonperformance, inadequate performance
Using contract terms to manage risk

Law of Engineering Malpractice *J. Dennehy*

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

Reducing Risk for Yourself, Your Company and Your Clients *D. Brogna*

Negotiating fair and understandable contract terms
Maintaining adequate documentation
Implementing document retention policies and procedures
Utilizing forms and standard documents Communicating with clients and other parties
Implementing quality control practices Using alternative dispute resolution procedures

What to Do When Risk Results in Potential Liability *J. Dennehy*

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. Hawkins*

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
Manchester, NH - Wednesday, October 24th, 2018

NON-PROFIT
U.S. POSTAGE PAID
EAU CLAIRE, WI
PERMIT NO. 2016

Halfmoon Education Inc.
PO Box 278
Altoona, WI 54720-0278



Learning Objectives

You'll be able to:

Understand the difference between general liability insurance and professional liability insurance.

Identify potential engineering risks and learn how to minimize them.

Recognize liability exposure in contracts, and get tips on using contract terms to manage risk.

Comply with the rules of professional conduct.

Explore strategies for resolving professional liability claims.



Managing Engineering Liability and Risk

Manchester, NH - Wednesday, October 24th, 2018



Learn how to reduce risk for yourself, your company and your clients

Understand how contracts can reduce or increase liability and risk

Review the law of professional engineering malpractice

Examine professional liability insurance coverage

Consider what to do when risk results in potential liability

Assess how to utilize rules of professional conduct to minimize risk

Continuing Education Credits

Professional Engineers
7.0 PDHs, including 1.0 Ethics Hour





John G. O'Neill *Sugarman, Rogers, Barshak & Cohen, P.C., Boston, MA*
Mr. O'Neill is a partner in the firm who focuses his practice on business litigation, insurance coverage disputes, and professional liability litigation. He represents individuals and businesses in a wide range of commercial disputes, including claims for breach of contract, commercial fraud, breach of fiduciary duty, and violation of consumer protection statutes. Mr. O'Neill has extensive experience representing insurers and policyholders in complex insurance coverage disputes. He advises and represents clients on a wide variety of coverage issues arising under professional liability, directors and officers liability, general liability, aviation, and property insurance policies. He also advises and represents clients in connection with claims for bad faith and unfair claims settlement practices.

Sakib Khan *Sakib Khan, Esq, Needham, MA*
Mr. Khan advises general contractors, subcontractors, architects, engineers, consultants and owners on construction-related issues. With a B.S. degree in Civil Engineering and Construction Management, Mr. Khan is able to get up-to-speed on both the technical and legal issues of a case quickly, and then formulate an assessment and resolution strategy. He's able to review technical reports, advise and direct experts consulting on a case, and apply practical knowledge to interpretation and application of codes, industry standards and regulations. His depth of knowledge and real-world understanding of building and construction are invaluable assets to clients.

John W. Dennehy *Dennehy Law, Nashua, NH*
Mr. Dennehy's practice areas include business litigation, civil litigation, design and construction law, corporate law, employment law, and insurance law. He represents professionals including architects, business owners, engineers, surveyors, attorneys, and real estate brokers in litigation matters. Mr. Dennehy has handled a wide range of disputes involving high-rise buildings, hospitals and laboratories, office buildings, college and university buildings, preparatory and public school buildings, museums, churches, manufacturing plants and processing facilities, water treatment facilities and roads and bridges. He has also handled tax issues and real estate transfers. He engages in high exposure personal injury matters including wrongful

Seminar Information

The Executive Court Banquet Center
1199 South Mammoth Road
Manchester, NH 03109
(603) 626-4788

Tuition
\$279 for individual registration
\$259 for Three or more registrants from the same company at the same time.

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

Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the CD/manual package. You may also send another person to take your place.

death, traumatic brain injury, quadriplegia, amputation, and disfigurement. Mr. Dennehy has represented clients in complex business disputes, involving self-directed IRAs, hedge funds, copyright and trademark violations, and partnership disputes, as well as trade secret and commercial contract disputes. He also represents individuals and families in a variety of litigation matters requiring strong advocacy. Mr. Dennehy frequently appears in state and federal courts in New Hampshire and Massachusetts and has obtained successful results as solo and first chair counsel in bench and jury trials in District and Superior Courts. He frequently represents clients in complex matters at mediation, and speaks at seminars.

Denise A. Brogna *Donovan Hatem LLP, Boston, MA*
Ms. Brogna is a partner in Donovan Hatem's Professional Practices, Business Litigation, Insurance and Tort Litigation group. She has extensive experience as a trial and appellate lawyer with both large and small firms, including first chair appellate, jury and bench trial experience in both state and federal courts. Ms. Brogna reviews and resolves claims for design professionals throughout the United States where her fact-finding skills are helpful in effectively resolving disputes or liability issues. In addition to defending design professionals, she has also represented officers and directors, real estate agents and brokers, developers, general contractors, and lenders in the areas of construction defect, business litigation, corporate law, real estate, employment law, land use, and tax abatement. Ms. Brogna ran a solo practice for years in addition time spent practicing within law firms.

Christopher D. Hawkins, Esq. *Devine Millimet & Branch, P.A., Manchester, NH*
In his role as a counselor, Mr. Hawkins has advised design professionals and technology businesses on contracts, risk management, policy development, and regulatory matters. His practice has been diverse over his 23-year career, including First Amendment issues, environmental, white collar criminal defense, personal injury, employment, premises liability, and a host of other issues. Mr. Hawkins is admitted to practice in New Hampshire, Massachusetts, Maine and Connecticut, and has litigated cases in each of these states. He has been fortunate to litigate cases in Vermont, Illinois, Kansas, Iowa, Wisconsin, and the United Kingdom.

Additional Learning

Webinar Series

- International Green Construction Code**
- **Introduction to the International Green Construction Code (IgCC)**
Thurs., Sept. 20, 2018, 11:00 AM - 12:30 PM CDT
 - **Chapters 4-5: Site Development and Material Use**
Thurs., Sept. 20, 2018, 1:00 - 2:30 PM CDT
 - **Chapters 6-9: Energy, Water, Environmental Quality and Building Commissioning**
Fri., Sept. 21, 2018, 11:00 AM - 12:30 PM CDT
 - **Chapters 10-11: Existing Buildings**
Fri., Sept. 21, 2018, 1:00 - 2:30 PM CDT

- Slope Stabilization and Landslide Prevention**
- **Analyzing the Stability of Slopes**
Tues., Sept. 25, 2018, 11:00 AM - 2:15 PM CDT
 - **Slope Stabilization Methods**
Thurs., Sept. 27, 2018, 11:00 AM - 2:15 PM CDT

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

Registration

Managing Engineering Liability and Risk
Manchester, NH - Wednesday, October 24th, 2018

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: _____ 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	
Phone: 715-835-5900	
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: _____

Expiration Date: _____ CVV2 Code: _____

Cardholder Name: _____

Billing Address: _____

City: _____ State: _____ Zip: _____

Signature: _____

Email: _____