

Agenda

Effective Construction Contracting Understanding contract terminology Liability trends Understanding contract obligations Claims and applicable state laws Contract terms as a risk management tool Subcontract formation and administration Breach of contract, default and termination	M. McLean
Federal, State and Local Safety Requirements Occupational Safety and Health Administrative procedures General duty clause Allocating responsibility for construction site safety Strategies for maintaining site safety	C. Nygren
Insurance and Bonding Issues in Construction Types of construction bonds • Performance • Payment • Alternatives to bonds Types of insurance • Commercial general liability insurance • Builder's risk insurance • Errors and omissions insurance • Additional/alternative insurance Claims and notice issues Contractual risk transfer	C. Nygren
Legal and Management Issues in Public Projects Public procurement law applicable to construction contracting Bidding on public projects Contracting in public projects Construction management issues in public projects Environmental issues in government construction	E. Beaudette
Environmental Risk Management Associated with Property Acquisition/Transfer Risk tolerance of purchaser/bank Regulations: Phase I Environmental site assessment (ESA) Limited checklists, site visit, discovery period, Sanborn maps, title search, government database search Phase II Environmental site assessment Engineering estimate for cleanup Funding: brownfields, other grants/options	K. Cron
Making Changes and Resolving Disputes Making changes to the contract and contracted work • The contract change clause • Types of changes: ordered and constructive changes • Requirements for making changes Solving problems during the construction process • Site conditions • Delays • Disruption • Acceleration Compensation for changes – who pays?	B. Brown
Montana and Federal Employment Law State and federal anti-discrimination and retaliation laws Understanding Montana wrongful discharge claims Immigration Reform and Control Act issues Requirements of the Equal Pay Act Importance of employee manuals and policies Supervisor's role in enhancing performance and mitigating risks	M. Fedde

Construction Law: Private and Public Projects
Helena, MT - Wednesday, November 28, 2018

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Learning Objectives

You'll be able to:

- Outline** key factors for accurate and effective construction contracting.
- Understand** state and local safety requirements and get tips on meeting and exceeding them.
- Study** Montana and federal employment law issues of importance to the construction industry.
- Examine** insurance and bonding issues in construction.
- Manage** key issues in public construction projects.
- Understand** environmental issues related to property development.
- Make** changes to contracted work and resolve construction disputes.



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- Outline** key factors for accurate and effective construction contracting
- Examine** insurance and bonding issues in construction
- Understand** state and local safety requirements
- Study** Montana and federal employment law issues of importance to the construction industry
- Consider** environmental issues with property acquisition and transfer
- Learn** about managing public construction projects
- Make** changes to contracts and contractual work

Continuing Education Credits

Montana Attorneys 7.0 CLE Hours	Architects 7.0 HSW CEUs/CE Hours
Professional Engineers 7.0 PDHs 7.0 MSE PDHs	Contractors 7.0 AIA HSW Learning Units Non-Credit Continuing Ed.



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Matthew F. McLean is a partner in the Bozeman office of Crowley Fleck and handles matters throughout Montana and Wyoming. He received his juris doctorate degree with honors from the University of Wyoming College of Law in 1995 and received his undergraduate degree from the University of Wyoming as well. Mr. McLean’s practice focuses on construction law and appellate practice. He has represented a variety of clients, including architects, engineers, owners, contractors, product manufacturers, and retailers in state and federal courts, as well as in arbitration and mediation proceedings. Mr. McLean has experience representing parties in disputes arising out of a wide variety of public and private construction projects and has served as a mediator in construction disputes. He also has helped clients negotiate and draft contracts for a wide variety of construction projects, including multi-million dollar commercial construction projects, hospital construction projects, school construction projects, public works projects and large and small residential projects.

Christian T. Nygren is a shareholder in the Bozeman law firm of Berg Lilly, P.C. Mr. Nygren’s practice focuses on construction, regulatory, business employment and property litigation. Mr. Nygren previously served as a general counsel for Barnard Construction Company and prior to that as a partner with Milodragovich, Dale and Steinbrenner P.C. in Missoula. He was a professional engineer for 11 years after graduating from Montana State University and served in the U.S. Navy before attending law school and graduating from University of Montana. He is a past president of the Construction Law Section of Montana’s State Bar and has extensive trial experience throughout Montana as well as in other states around the nation.

Edward G. Beaudette is a 1980 graduate of the University of Montana School of Law. He was engaged in the private practice of law in Anaconda, Montana, for over 12 years, specializing in litigation. Mr. Beaudette served four years as the Anaconda-Deer Lodge County Attorney. During that time he worked extensively on environmental and Superfund issues, and was instrumental in the planning, development and construction of the Old Works Golf Course on a Superfund remediation site in Anaconda, Montana. Since 1998 Mr. Beaudette has been employed by the Montana Department of Transportation where he specializes in contract claims, condemnation and environmental litigation.

Seminar Information

Delta Hotels Helena Colonial 2301 Colonial Drive Helena, MT 59601 (406) 443-2100	Registration 8:00 - 8:30 am	Lunch (On your own) 12:30 - 1:30 pm
	Morning Session 8:30 am - 12:30 pm	Afternoon Session 1:30 - 5:00 pm

Tuition
\$279 for individual registration
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Keith Cron is director of Environmental Services with CTA and is based in the Great Falls, Montana, office. His interest in the “science” side of occupational and environmental health, and a passion for community, have been applied in government, commercial, industrial, residential, legal, and insurance settings, and to many Brownfields projects in sustainable redevelopments. Mr. Cron is deft at anticipating problems; developing long-term, risk-averse solutions; and, alongside a diverse team of environmental experts, focusing on unique perspectives and client-focused decisions. He is a licensed certified industrial hygienist (CIH).

Bradford J. Brown is a partner with the Crowley Fleck law firm in Helena. His practice focuses on construction law, including defense of professional liability cases involving design professionals, defense and prosecution of various construction defect claims, and successful prosecution of multiple construction lien claims, commercial litigation, title insurance litigation, legal malpractice and cases involving property damage. Mr. Brown is a 2004 graduate of Valparaiso University and a 2007 graduate of the Alexander Blewett III School of Law at the University of Montana. He is admitted to practice law in Montana, North Dakota, Wyoming, and the Ninth Circuit Court of Appeals. Mr. Brown is also a co-chair of Crowley Fleck’s commercial litigation practice group.

Mark R. Feddes is an associate attorney with Crowley Fleck PLLP. He enjoys helping employers navigate the unique landscape of Montana employment law in the planning, risk management, and litigation contexts. Mr. Feddes advises employers on personnel, termination, and policy issues, and he advocates for employers through the litigation process. His practice is primarily focused on representing employers in discrimination, retaliation, and wrongful discharge lawsuits. Mr. Feddes also handles overtime and wage claims. In addition to his employment law practice, he assists in defending against medical malpractice actions. Mr. Feddes earned his B.S. degree from Whitworth University and his J.D. degree from Pepperdine School of Law.

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Continuing Education Credit Information

The Montana Commission on CLE has approved this seminar for 7.0 general CLE hours for attorneys.

This course offers 7.0 PDHs to engineers 7.0 HSW CEUs/continuing education hours to architects in most states, including Montana. Educators and courses are not subject to preapproval in Montana. The Montana Society of Engineers has recommended this course for 7.0 PDHs.

This seminar is approved by the American Institute of Architects for 7.0 HSW Learning Units (Provider 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 claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

This course offers a non-credit continuing education opportunity to construction contractors. It has not been approved by any state contractor licensing entity for mandatory 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.

Registration

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() **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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