

Agenda

Contract Law Primer for Engineers

W.DeBauche

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

Professional Liability Law

J. Kennard

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

Professional and General Liability Insurance for Engineers

J. Hayob

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

Developments in Federal and Kansas Environmental Law

A. Troutwine

Reviewing recent changes to and enforcement of:

- Pollution prevention
- Water quality enforcement
- Stormwater permitting
- Watersheds, wetlands, lakes and streams

Reviewing recent and anticipated developments at the US EPA and the Kansas Department of Health and Environment
New developments impacting construction and real estate development

Intellectual Property Essentials for Engineers:

R. Lambrechts,

Patents, Trademarks, Copyrights, and Trade Secrets

J.Poplin, H. Anis

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

Engineering Law

Overland Park, KS - Wednesday, November 28, 2018

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Learning Objectives

You'll be able to:

Understand contract terms and review remedies for breach of contract.

Examine common sources for professional liability claims, and discuss defenses to liability.

Differentiate the coverage provided by general liability and professional liability insurance.

Discuss new developments in environmental law impacting construction and real estate development.

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



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Explore contract formation and elements of a contract

Learn about professional liability law and grounds for professional liability claims

Discuss professional and general liability insurance for engineers

Understand developments in Kansas and Federal environmental law

Review intellectual property essentials for engineers, including patents, trademarks, copyrights and trade secrets

Continuing Education Credits

Professional Engineers

6.5 PDHs



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Faculty

William DeBauche *Brown and Ruprecht, P.C., Kansas City, MO*
Mr. DeBauche is an attorney and shareholder with the law firm of Brown and Ruprecht, P.C., of Kansas City, Missouri. He has 35 years of experience in Kansas City as an attorney, representing parties in construction litigation in state and federal courts, before the Boards of Contract Appeals and in arbitrations. He regularly assists contractors, subcontractors, suppliers and designers with preparation of mechanic's liens and bond claims, review and preparation of contracts, preparation of notice and claim documents, and general day-to-day advice. From 1994 to the present, Mr. DeBauche has taught Construction Law as an adjunct law professor at the University of Missouri-Kansas City School of Law. He has prepared several articles for *Modern Builder* on construction law topics. He has taught numerous seminars for the Builders' Association and other groups on mechanics' liens, federal contract claims, construction arbitrations, payment issues, extra work and changes, claims against bonds, construction contract documents, ethics issues and bidding issues.

Jeffery A. Kennard *Scharnhorst Ast Kennard Griffin, PC, Kansas City, MO*
Mr. Kennard is a shareholder of Scharnhorst Ast Kennard Griffin, PC, in Kansas City, Missouri. He chairs the firm's Construction and Design Practice Group and serves as its chief information officer. For more than two decades, Mr. Kennard has represented owners, design-builders, general contractors, subcontractors, and design professionals of all types and sizes – from publicly-traded international companies to small local businesses and individuals – on a wide variety of construction-related matters. He has previously served as the president of the Construction Law Section of the Kansas Bar Association and the Construction Law Committee of the Kansas City Metropolitan Bar Association. In addition to being an advocate and counselor for his clients, Mr. Kennard also serves as a mediator and arbitrator and is a member of the American Arbitration Association's National Panel of Construction Arbitrators.

John Hayob *Brown & Ruprecht PC, Kansas City*
Mr. Hayob practices in insurance and coverage litigation and torts. He was selected for inclusion in Missouri and Kansas *Super Lawyers* (2008-2013). Mr. Hayob regularly participates in seminars and presentations involving insurance-related issues before professional and industry groups. He is a member of the Kansas City Metropolitan and American (Tort and Insurance Practice Section) bar associations; The Missouri Bar; and the Missouri Organization of Defense Lawyers. Mr. Hayob is a past president of the Kansas City Claims Association. He received an A.B. degree from Rockhurst College and a J.D. degree from the University of Missouri at Kansas City. Mr. Hayob also has a mediation certification from the University of Missouri-Columbia School of Law

Adam R. Troutwine *Polsinelli PC, Kansas City*
Mr. Troutwine represents corporations, organizations, and individuals confronting environmental issues in transactional, permitting, compliance, and litigation settings. His clients value his common sense and

practical approach to identifying environmental issues and assessing environmental risk in the transactional setting. Whether in a corporate or real estate transaction, he evaluates risks and develops strategies to move a deal forward through comprehensive due diligence, drafting language in purchase agreements or negotiating remedies to environmental issues. Mr. Troutwine also regularly represents current owners of contaminated sites to develop and execute remediation strategies while negotiating with government authorities and potentially responsible parties. His experience includes removal and response actions before state agencies and the EPA in jurisdictions across the country. He has extensive experience in the mining and energy industry. He routinely serves as lead environmental and permitting counsel for the development and financing of utility-scale renewable energy projects throughout the United States.

Justin Poplin *Lathrop Gage LLP, Kansas City*
Mr. Poplin is a registered patent attorney and has been with Lathrop Gage since 2005. He served as the chairman of Lathrop Gage's Intellectual Property Prosecution & Transactions Department from 2013 to 2016, where he managed a \$20M+ patent and trademark practice having more than 50 practitioners. He assists a broad base of clients, from individual inventors to large multinational corporations, over a wide range of technologies. Mr. Poplin has also been the lead patent attorney in litigated matters and has prepared and conducted inter partes reviews, inter partes and ex parte reexaminations, supplemental examinations, and broadening and narrowing reissues.

Robert Lambrechts *Lathrop Gage LLP, Kansas City*
Mr. Lambrechts has filed nearly 600 patent applications in the United States, and over 400 patent applications in foreign jurisdictions. He has been an adjunct professor at the University of Missouri at Kansas City's schools of law and engineering for over 24 years, and in his practice brings knowledge gained through a rich and varied background to help clients develop strategies for maximizing their patent portfolios. Mr. Lambrechts also has a strong environmental law practice and enjoys working with environmental industry clients who seek seasoned guidance on their environmental and intellectual property issues.

Hissan Anis *Lathrop Gage LLP, Kansas City*
Mr. Anis is an experienced intellectual property attorney and provides strategic patent, trademark, copyright, and trad.e secret counseling to a wide range of public and private companies. In patent prosecution, he focuses on mechanical and software applications. Mr. Anis also routinely counsels clients on intellectual property litigation matters, particularly in cases involving infringement, enforcement, and licensing issues. He has substantial experience with AIA post grant proceedings, and has drafted and assisted in the drafting and analysis of briefs in dozens of inter partes reviews. Prior to joining Lathrop Gage, Mr. Anis worked as an electrical engineer in the transmission and distribution group of a large engineering consulting firm.

Registration

Engineering Law

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Seminar Information

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Tuition
\$279 for individual registration
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Professional engineers 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.

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