

Agenda

Handling Ethical Issues in Civil Engineering Practice

B. Wheatley

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

Understanding Federal and State Rules on Stormwater Management

B. Wheatley

Federal statutes and regulations
• National Pollutant Discharge Elimination System (NPDES) requirements
State regulations and enforcement
• Texas Department of Environmental Quality
Local requirements and procedures Permits and permitting process
Components of Stormwater Pollution Prevention Plans (SWPPPs)
Special waters and impaired waters

Eminent Domain and Condemnation Law

C. Clough/C. Oddo

Understanding eminent domain powers
• Source of eminent domain powers
• History of the exercise of eminent domain powers
• Types of eminent domain “takings”
Participating in the condemnation process
Appealing a condemnation decision
Understanding regulatory “takings” and inverse condemnation

Overview of Contract Law

A. Richie

Reviewing standard forms of agreement
Understanding contract documents and formation
Determining scope of services and changes
Specifying risk allocation provisions
Handling problems with contract performance

Civil Engineering Liability

H. Beam

Understanding civil engineer’s duties and obligations
Reviewing common professional liability causes of action:
• Breach of contract, negligence, strict liability, fraud, misrepresentation
Identifying to whom the engineer owes a duty
Complying with the standard of care
Reviewing common defenses to liability
Participating in the liability claims process and in liability litigation
Implementing strategies to minimize professional liability claims

Water Rights and Regulation

B. Mathews

Understanding the basics of Texas water law
• Water rights and disputes
• Regulation of water quality
Reviewing regulations and procedures impacting construction

Legal Issues for Texas Civil Engineers
Austin, TX - Wednesday, December 19, 2018

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Learning Objectives

You'll be able to:

Handle ethics issues in civil engineering practice.

Comply with federal and state rules on stormwater management.

Use contracts effectively in your practice.

Understand the liability claims process and implement strategies to minimize liability claims.

Study eminent domain law, and participate in the condemnation process.

Review water rights and regulations impacting construction.



Legal Issues for Texas Civil Engineers

Austin, TX - Wednesday, December 19, 2018



Identify ethical issues in civil engineering

Discuss federal and state rules on stormwater management

Review contract law for engineers

Explore civil engineering liability

Understand eminent domain and condemnation

Review water rights and regulations

Continuing Education Credits

Civil Engineers

7.0 PDHs (1.0 Ethics Hour)



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Benton T. Wheatley *Munsch Hardt Kopf & Harr, Austin*
Mr. Wheatley has more than 23 years' experience litigating complex construction and environmental matters, negotiating and drafting construction and design contracts, serving as in-house counsel for an international A/E firm, and working on issues concerning the practice of architecture, engineering, and project construction in all 50 states, Mexico and South America. Mr. Wheatley handles administrative matters related to the construction and design industry, as well as environmental and commercial litigation. He has also worked on the drafting and negotiation of complex construction, design and engineering contracts and on environmental issues in construction projects, including issues related to storm water pollution prevention issues and alternative dispute resolution. He serves on the American Arbitration Association Roster of Neutrals for Construction cases. Additionally, he has significant experience in representing corporations and professionals in claims before State of Texas administrative agencies.

Adam Richie, P.E. *Munsch Hardt Kopf & Harr, Austin*
Mr. Richie is an attorney in the Construction and Construction Litigation sections of Munsch Hardt, and he is a frequent speaker to construction industry groups on construction law issues. Prior to becoming an attorney, Mr. Richie worked as a mechanical engineer and project manager at a prominent consulting engineering firm in Houston, Texas, and then after obtaining his law degree, as general counsel. He is also one of only a handful of attorneys in Texas credentialed as a licensed professional engineer and a LEED-accredited professional (AP). He has significant experience in drafting and negotiating complex design and construction contracts for all types of commercial projects, with a focus on evaluating insurance coverage issues. Mr. Richie has also successfully represented owners (public and private), general contractors, subcontractors, and design professionals in numerous lawsuits and disputes.

Heather M. Beam *Senior Attorney with Thompson Coe, Austin*
Ms. Beam practiced in North Carolina for seven years prior to moving to Texas. Her practice focuses on civil litigation in multiple areas, including construction law, professional liability, personal injury and medical malpractice. Ms. Beam has successfully represented general contractors, subcontractors, design professionals and medical professionals in complex litigation in both state and federal court. She also has experience negotiating claims in order to help her clients avoid litigation.

Seminar Information

Hilton Garden Inn Downtown 500 North Interstate 35 Austin, TX 78701 (512) 480-8181	Registration 8:00 - 8:30 am Morning Session 8:30 - 11:45 am	Lunch (On your own) 11:45 am - 12:45 pm Afternoon Session 12:45 - 5:15 pm
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Christopher M. Clough *Partner with Barron, Adler, Clough & Oddo, LLP*
Mr. Clough is a partner with Barron, Adler, Clough and Oddo, L.L.P., the largest eminent domain only firm in the State focused solely on representing landowners under threat of condemnation. Mr. Clough joined the firm in 2008 and focuses exclusively on eminent domain law and inverse condemnation matters. Prior to joining the firm, Mr. Clough worked in private practice and also served as an assistant attorney general for the State of Texas where he tried numerous cases to verdict. He currently serves as lead condemnation counsel in Texas for numerous major institutional clients and national publically traded companies. Mr. Clough is a graduate of Columbia University with honors and the University of Texas, School of Law with honors.

Christopher J. Oddo *Partner with Barron, Adler, Clough & Oddo, LLP*
Mr. Oddo is a partner with Barron, Adler, Clough and Oddo, L.L.P., the largest eminent-domain-only firm in the State focused solely on representing landowners under the threat of condemnation. He joined the firm in 2015 and focuses exclusively on eminent domain law and inverse condemnation matters. Prior to joining the firm, he served as an Assistant Attorney General for the State of Texas and was a partner with the law firm of McGinnis, Lochridge & Kilgore, L.L.P. where he served as chair of the firm's Eminent Domain and Inverse Condemnation Practice Group. Mr. Oddo has tried over 30 cases to verdict and now serves as lead condemnation counsel for large landholding and publically-traded companies. Mr. Oddo is a graduate of Texas A&M University, and the University of Tulsa, College of Law.

Benjamin D. Mathews *Mathews & Freeland, LLP, Austin*
Mr. Mathews practices in the areas of environmental, natural resources and public utility law. He serves a diverse mix of clients including municipalities, public utilities, land owners and home and ranch owners associations. Mr. Mathews's representation involves both compliance counseling and litigation before state and federal administrative agencies, including the Texas Commission on Environmental Quality, Public Utility Commission of Texas, the United States Environmental Protection Agency and before State and federal courts.

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 PDHs, including 1.0 ethics hour, to civil engineers in Texas. Educators and courses are not subject to pre-approval in Texas.

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.

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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