

Agenda

Introduction and Overview

J. Dinardo

Minimizing Liability Risks by Maximizing Compliance with Rules of Professional Conduct

J. Dinardo

- Complying with rules of professional conduct
 - Objectivity and truthfulness
 - Competency
 - Confidentiality
- 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

Engineer's Duties and Liabilities to the

G.S. Walters

Contractor in the Design-Bid-Build Delivery Model

- Sufficiency of design
- Administration of contract for owner
- Review of contractor submittals
- Inspection of contractor's work
- Approval or rejection of contract pay applications

Understanding How Contracts Can Shift, Reduce (or Increase) Risk

S.E. Luken

- Design specifications vs. performance specifications
- Keys to proper contract drafting
- Risk avoidance regarding related contract clauses
- Green infrastructure rating systems and sustainable projects
- DBIA sustainable project goals
- Consensus Docs – Green Building Addendum
- Other industry forms

Lunch (Provided by Smith, Currie & Hancock LLP)

Law of Engineering Malpractice

A. Haimo, E. Polyak

- Overview of the standard of care for engineers
- 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
- Resolving professional liability claims
- Dispute resolution: arbitration, mediation, litigation

Reducing Risk for Yourself, Your Company and Your Clients

C. Horton

- Recent changes to the AIA form documents
- Negotiating fair and understandable contract terms
- Understanding consequences for delay, disruption, nonperformance, inadequate performance
- The economic loss rule
- Shop drawing liability
- Standard of care and insurability

Are Engineers Subject to OSHA Rules?

M. Porter

- What is the importance of OSHA for a civil engineer?
- Important regulations every engineer must know
- OSHA reform blueprint
- Recent developments with OSHA
- Penalties for non compliance
- Appealing OSHA decisions
- How to mitigate your risk

Managing Risk with General Liability and Professional Liability Insurance Coverage

K. Johnston

- Coverage provided by general liability vs. professional liability policies
- Certificates of insurance and additional insureds
- Indemnities
- Assignment
- Subrogation
- Warranties, guarantees and certifications
- Recognizing and responding to design professional claims
- Obtaining coverage for engineer liability-related claims

Managing Engineering Liability and Risk

Fort Lauderdale, FL - Thursday, January 31, 2019

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:

Learn how to minimize liability risks by maximizing compliance with rules of professional conduct.

Explore engineer's duties and liabilities to the contractor in the design-bid-build delivery model.

Examine how contracts can shift, reduce (or increase) risk.

Learn about common sources of professional liability claims and methods of dispute resolution.

Review coverage provided by general liability vs. professional liability policies.



Managing Engineering Liability and Risk

Fort Lauderdale, FL - Thursday, January 31, 2019



Lunch and post-seminar happy hour provided by Smith, Currie & Hancock, LLP

Learn how to minimize liability risks by maximizing compliance with rules of professional conduct

Explore engineer's duties and liabilities to the contractor in the design-bid-build delivery model

Discuss the impact of OSHA rules on engineers

Examine how contracts can shift, reduce (or increase) risk

Learn about common sources of professional liability claims and methods of dispute resolution

Review coverage provided by general liability vs. professional liability policies

Continuing Education Credits

Engineers

7.0 FL Area of Practice CE Hours

Georgia Attorneys

7.0 CLE Hours

Florida Attorneys

8.5 CLER Credits

8.5 Civil Trial Certification Credits



HalfMoon Education Inc.
WWW.HALFMOONSEMINARS.ORG

Faculty

Joseph J. Dinardo *Partner in the Atlanta office of Smith, Currie & Hancock LLP*
Mr. Dinardo's practice focuses mainly on construction disputes, lien prosecution and defense, contracts, commercial litigation, labor law, and collections. In recent years, he has developed a niche practice working with clients to enforce judgments and recover money through the process of garnishment and seizure. Mr. Dinardo has presented and/or hosted seminars on shop drawings, accelerations and delays, collections, federal governmental contracting, and P3's for various trade organizations and seminar companies.

G. Scott Walters *Partner in the Atlanta office of Smith, Currie & Hancock LLP*
Mr. Walters received a B.C.E. (Bachelor of Civil Engineering) degree from The Georgia Institute of Technology in Atlanta, Georgia. Before law school, he worked as a project engineer, project manager, and owner's representative on numerous commercial construction and environmental remediation projects. Mr. Walters has represented contractors, subcontractors, owners, and developers in general business matters, contract claims, and disputes involving real estate issues, bid protests, differing site conditions, changes, delays, defective plans and specifications, construction defects, and regulatory compliance.

S. Elysha Luken *Partner in the Fort Lauderdale office of Smith, Currie & Hancock LLP*
Ms. Luken is a Florida Bar board certified construction lawyer. She specializes in representing contractors, suppliers, owners, design professionals and sureties in public and private construction matters, including bid protests, prosecuting and defending contractor claims, drafting and negotiating contracts, handling construction lien and bond claims, and working on contractor and professional licensing issues. Ms. Luken lectures extensively on construction issues, such as AIA contracts, claim preparation and prosecution, and legal aspects of schedule analysis.

Adam F. Haimo *Partner in the Fort Lauderdale office of Smith, Currie & Hancock LLP*
Mr. Haimo is board certified in construction law by The Florida Bar. He practices in all areas of civil litigation with a focus on the construction and real estate investment industry. His extensive litigation experience includes complex commercial litigation, real estate, construction litigation, banking litigation, construction defect and delay cases, toxic mold litigation, and other civil matters involving real estate. His experience also includes litigation of business torts, breach of contract and tortious interference.

Seminar Information

**Courtyard Fort Lauderdale North/
Cypress Creek**
2440 West Cypress Creek Road
Fort Lauderdale, FL 33309
(954) 772-7770

*Lunch and post-seminar Happy Hour
provided by Smith, Currie & Hancock, LLP*

Tuition
\$279 for individual registration
\$259 for three or more registrations.

*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

Eugene Polyak *Associate in the Fort Lauderdale office of Smith, Currie & Hancock LLP*
Mr. Polyak focuses his practice on complex commercial litigation. He practices in all areas of civil litigation in state and federal courts with a focus on the construction and real estate investment industries. His litigation experience includes complex commercial litigation, mortgage repurchase litigation, commercial foreclosures, real estate, construction litigation, construction defect and delay cases, business torts, breach of contract and tortious interference, landlord-tenant disputes, employment disputes, unfair/deceptive trade practices issues and antitrust.

Christopher M. Horton *Associate in Smith Currie's Fort Lauderdale office*
Mr. Horton concentrates his practice in the area of construction law. He represents construction, design, and engineering clients in state and federal courts, litigation, arbitration, and mediation throughout the State of Florida. He is also experienced in the preparation and negotiation of design and construction contracts. Mr. Horton advises clients regarding public and private procurement, alternative project delivery, construction licensing, and administrative matters.

Matthew T. Porter *Associate in the Atlanta office of Smith, Currie & Hancock, LP*
Mr. Porter concentrates his practice in the areas of construction law and litigation, including representation of contractors, construction managers, major trade contractors, sureties, architects and engineers. He graduated with highest honors from Georgia Institute of Technology. Mr. Porter received a B.S. degree in Building Construction, with a minor in Economics. He received his law degree from the University of Georgia School of Law. Prior to going to law school, Mr. Porter interned and worked as a project engineer for two major construction companies.

Kirk D. Johnston *Partner in the Atlanta office of Smith, Currie & Hancock LLP*
Mr. Johnston focuses his practice in the areas of construction litigation, risk management and transactional services. He has many years of experience representing owners, general contractors, architects, surety companies, and other entities on a wide range of construction projects, including high rises, highways, bridges, and industrial complexes. A significant portion of his practice involves claims avoidance through assisting clients in every phase of the construction process. Mr. Johnston is a licensed property and casualty insurance adjuster and his experience in the interpretation of insurance policies further aids owners and contractors in catastrophic loss management, litigation and construction-related claims under CGL, professional liability, and builders' risk policies.

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 continuing
education hours to engineers in Florida.

HalfMoon Education is an approved continuing education
provider for Florida professional engineers (Provider
No. 0004647). This course qualifies for 7.0 Area of Practice
continuing education hours.

The Florida Bar Legal Specialization and Education Board has
been approved this program for 8.5 CLER credits, including
8.5 Civil Trial certification credits, for Florida attorneys. The
Georgia State Bar has approved this course for 7.0 regular
CLE hours for attorneys.

Attendance will be monitored and reported, as required.
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.

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 self-study
package. You may also send another person to take your place.

Additional Learning

Webinar Series

Proposal Writing
Fri., Jan. 11, 2019, 11:00 AM - 3:30 PM CDT

- Technical Writing**
- **Technical Writing Basics**
Mon., Jan. 14, 2019, 11:00 AM - 1:00 PM CST
 - **Planning Documents**
Mon., Jan. 14, 2019, 1:30 - 3:30 PM CST
 - **Writing Documents**
Tues., Jan. 15, 2019, 11:00 AM - 1:00 PM CST
 - **Revising and Editing Documents**
Tues., Jan. 15, 2019, 1:30 - 3:30 PM CST

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

**Can't Attend? Order the Manual and the Audio from
the Live Seminar as a Self-Study Package!**
An audio recording of this seminar is available for \$289. Allow four
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

Managing Engineering Liability and Risk
Fort Lauderdale, FL - Thursday, January 31, 2019

How to Register		Registrant Information
Online: www.halfmoonseminars.org		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.

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 self-study package for **\$289.00**.
☐ Downloadable MP3 Audio/PDF Manual
☐ CD/Manual Package
(Please allow four 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:	_____