

Agenda

Managing Risk in the Practice of Engineering

S. Cook

Identifying engineering risks
Reviewing consequences of potential risks
Understanding principles of risk management
Complying with professional and ethical standards
Identifying strategies to minimize engineering risk and maximize positive results

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

G. Baldwin

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

B. Wheatley

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

C. Stacy

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

T. McCreight

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

T. O'Halloran/K. Houchin

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
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

Austin, TX - Friday, January 25, 2019

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Learning Objectives

You'll be able to:

Identify potential engineering risks and learn how to minimize them.

Recognize liability exposure in contracts and explore the use of contract terms to manage risk.

Learn how good communication and documentation practices can reduce professional liability risks.

Reduce risk by maximizing compliance with rules of professional conduct.

Learn how to respond when a risk results in potential liability.



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Learn how to reduce risk for you, your company and your clients
Understand how contracts can reduce or increase liability and risk
Review the law of professional engineering malpractice
Examine how to reduce risk by negotiating fair contract terms and utilizing document retention policies
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



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Faculty

Stephanie H. Cook *Cokinos Young, Austin*
Ms. Cook has extensive experience with a wide range of business disputes, having successfully represented contractors, banks, insurance companies, owners, developers, and individuals in complex commercial and construction litigation and bankruptcy. She has handled, tried and/or appealed a wide variety of commercial cases in state and federal courts in Texas, including matters related to fraud, construction defects, commercial leases, subcontractor and general contractor disputes, director and officer liability, lender liability, transportation claims, and professional liability. Ms. Cook has counseled owners, contractors, banks, insurance companies, and officers/directors in workouts of debt, collection of assets, and recovery of administrative claims. Ms. Cook frequently presents on engineering liability and risk management and is a member of the Legal Affairs Committee for the Geoprofessional Business Association.

George Baldwin *Peckar & Abramson, P.C., Austin*
Mr. Baldwin represents clients in construction law and litigation. He has experience in all phases of the public contracting process, including bid and proposal preparation, and resolution of contract award controversies, performance-related disputes and claims. Mr. Baldwin has experience in litigation and dispute resolution before arbitration panels, administrative agencies, and boards of contract appeals. He has litigation experience in state and federal courts. His construction clients include both public and private owners, commercial general contractors engaged in both public and private work, specialty subcontractors and suppliers.

Benton Wheatley *Munsch Hardt Kopf & Harr, Austin*
Mr. Wheatley has more than 23 years of 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, Mr. Wheatley has significant experience in representing corporations and professionals in claims before State of Texas administrative agencies, and working on construction project lien and bond claims, project payment

issues, performance, defaults, termination, warranty and liquidated damages disputes and jobsite injuries.

Christopher S. Stacy *DuBois Bryant & Campbell, Austin*
Mr. Stacy is a partner at DuBois Bryant & Campbell and has over 15 year of experience, and he brings an extensive construction background to his practice as an attorney. Before entering law school, he obtained a degree in Architectural Engineering from the University of Texas and spent several years working in the construction industry on interstate highway, oilfield, water, wastewater and corrections projects in Texas, Wyoming, Utah and New Mexico. Mr. Stacy's practice is divided between drafting and negotiating complex design and construction contracts and litigating disputes that arise in the construction industry.

Tracy McCreight *Munsch Hardt Kopf & Harr, P.C., Austin*
With a broad background in complex litigation and arbitrations, Ms. McCreight's experience includes litigating a variety of commercial, construction, and real estate disputes, as well as employment issues, in both state and federal courts in Texas and in other parts of the country. In her construction practice, Ms. McCreight focuses on representing owners in construction defect matters and contract disputes. Prior to joining Munsch Hardt, she was a litigation associate in the New York and Texas offices of a renowned international law firm. During law school, Ms. McCreight was a judicial intern for Former Chief Justice Marilyn Aboussie of the Third Court of Appeals in Austin, Texas. She is currently president of the Travis County Women Lawyer's Association and has served on the Board since 2014.

Tyler O'Halloran *Allensworth & Porter, Austin*
Mr. O'Halloran defends design professionals in disciplinary and registration proceedings, and he handles complex construction litigation cases for clients from all over the construction industry. From design defect defense cases, to large, multi-party construction disputes involving document-intensive litigation, Mr. O'Halloran has extensive experience identifying the key issues critical to a client's success and harnessing technology to manage complex cases.

Karly Houchin *Allensworth & Porter, Austin*
Ms. Houchin works primarily with engineers and architects on professional liability cases and on complex, multi-party disputes. She represents clients in front of professional licensing boards and has defended design professionals against design and construction defect claims, construction delay cases, and traffic control plan disputes. Known for her dedication to legal scholarship, Ms. Houchin is often called upon by her colleagues to research complex case law and develop legal arguments.

Seminar Information

Hilton Garden Inn Downtown
500 North Interstate 35
Austin, TX 78701
(512) 480-8181

Tuition
\$279 for individual registration
\$259 for three or more registrants from the same company at the same time.
Included with your registration:
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- Mail-in or fax the attached form to 715-835-6066
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Continuing Education Credit Information

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

Engineers seeking continuing education credit outside Texas should refer to specific state continuing education rules to determine eligibility.

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.

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

Stormwater Management Systems

- **Stormwater Infrastructure Practices**
Weds., Dec. 19, 2018, 11:00 AM - 1:00 PM CST
- **Infiltration Management Techniques**
Thurs., Dec. 20, 2018, 11:00 AM - 1:00 PM CST

Seismic Design and Construction

- **Seismology and Building Codes**
Thurs., Dec. 27, 2018, 11:00 AM - 3:30 PM CST
- **Seismic Design of Building Structures**
Fri., Dec. 28, 2018, 11:00 AM - 3:30 PM CST

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

Can't Attend? Order the Manual and 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

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How to Register		Registrant Information
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Complete the entire form. Attach duplicates if necessary.		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.
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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
- (S&H included. Please allow five weeks from seminar date for delivery)

Checks: Make payable to HalfMoon Education Inc.

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Credit Card Number: _____
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