

Agenda

Contract Law Primer for Engineers

E. Pempus

Standard of care of the engineer Ownership of documents
Indemnification clauses
Responsibilities for means and methods
Warranties and guarantees Limitation of liability
Waiver of consequential damages Dispute resolution
Betterment
Design without construction phase services
Confidentiality Fiduciary duties
Sustainable design
Duty to comply with all laws, rules and regulations

Professional Liability Law

S. Kelley

Grounds for professional liability claims
• Breach of contract • Negligence
• Breach of warranty
Who can bring a claim
Case examples of defenses to liability claims
• Standard of care • Statute of limitation
• Statute of repose • Economic loss rule
• *Spearin* doctrine
Determining damages
Participating in dispute resolution: arbitration, mediation, litigation
Why obtain insurance coverage for professional liability claims

Intellectual Property Essentials for Engineers: Patents, Trademarks, Copyrights, and Trade Secrets

R. E. Gaum

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

Handling Ethical Issues in Professional Engineering Practice

E. Pempus

Can ethics be taught?
Concept-based ethics vs. rule-based ethics
The newspaper test
Care-based thinking – Do unto others as you would have them do unto you
Greatest good for the greatest number of people
Environmental ethics
Harassment in professional settings: ASCE, Canon 8: treat all persons fairly

Complying with Rules of Professional Conduct

E. Pempus

Engineers licensing code of conduct vs. voluntary professional association code of ethics
Rules and examples of selected Ohio Code of Ethics for Engineers and Surveyors and NSPE rules
Preambles Competency
Responsibility to the public - HSW Whistle blowing
Signing and sealing documents Conflict of interest
Compensation for same project Solicitation of employment
Unlicensed practice of engineering Environmental concerns

Professional and General Liability Insurance for Engineers

E. Pempus,
S. Kelley

Understanding insurance coverage
Specialty coverages: environmental, EPLI, cyber
Recognizing and responding to claims

Engineering Law and Ethics
Middleburg Heights, OH - Thursday May 30, 2019



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Learning Objectives

You'll be able to:

Discuss the basics of contract law and compliance issues.

Understand intellectual property essentials: patents, trademarks, copyrights, and trade secrets.

Consider ways to handle ethical issues in professional engineering practice.

Review insurance coverage issues for engineers: professional and general liability insurance.

Study professional liability law: claims, defenses, damages, and dispute resolution.

Learn about the engineer licensing code and voluntary association code of ethics.



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Continuing Education Credits

Professional Engineers

7.0 CPD Hours (Includes 2.0 Ethics Hours)



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Faculty

Eric O. Pempus is a risk manager with DesignPro Insurance Group, A Wichert Insurance Agency. For the last 13 years, his risk management focus has been in professional liability, law, the design professions and the construction industry. He combines this experience with 25 years of previous experience in the practice of architecture, engineering and construction management. Mr. Pempus is a professional practice adjunct professor who has taught courses for the last 31 years at Kent State University’s College of Architecture & Environmental Design, including “Leadership, Ethics & Office Management” and “Contract & Planning Law.” Mr. Pempus is a Fellow of the American Institute of Architects and a member of the AIA National Ethics Council. He has presented numerous risk management and loss prevention continuing educational programs to design professionals across the United States and Canada. He is a construction law attorney, a licensed architect and a licensed property & casualty insurance professional.

Steven K. Kelley is a partner with Mazanec, Raskin & Ryder Co., L.P.A. Mr. Kelley’s primary career focus has evolved over the years beginning with an extensive general liability and insurance defense practice. He has considerable experience handling several specialty claim areas including professional liability, product liability, construction negligence, construction defects, commercial trucking, employer intentional tort and community association claims. Mr. Kelley defends architects, engineers, surveyors, accountants, realtors, insurance agents, appraisers, home inspectors and other professionals against malpractice claims. Prior to joining the firm, he served as assistant vice president in CNA Insurance Company’s litigation department, in addition

to his role as managing trial attorney for over 12 years. He is an active member of professional associations including the Ohio State Bar Association, Claims and Litigation Management Alliance (CLM), Cleveland Association of Civil Trial Attorneys (former president), and the Defense Research Institute (DRI).

R. Eric Gaum is a partner with Taft Stettinius & Hollister LLP. He focuses his practice on complex intellectual property litigation involving patents, trademarks, copyrights, trade secrets, and related business torts and unfair competition. Mr. Gaum has practiced exclusively in the area of intellectual property for more than 20 years and has extensive experience litigating and trying cases across the country. A licensed patent attorney with a background in electrical engineering and software development, he has experience in litigation, prosecution matters and licensing related to technologies as varied as smart phones, building column protection devices and cheese slice processing equipment. Mr. Gaum has litigated copyright infringement matters related to product labels, books, photographs, websites, software, databases, blue prints and architectural works. He has litigated trademark and trade dress infringement matters in state and federal courts across the country, and has handled opposition and cancellation proceedings before the Trademark Trial and Appeal Board (TTAB).

Seminar Information

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Professional engineers seeking continuing education hours 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.

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.

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Additional Learning

Webinar Series

- Soil Engineering**
- **Introduction to Soil Engineering**
Thurs., April 25, 2019, 11:00 AM - 12:30 PM CDT
 - **Design of Excavation Support Systems**
Thurs., April 25, 2019, 1:00 - 2:30 PM CDT
 - **Slope Repair Techniques**
Fri., April 26, 2019, 11:00 AM - 12:30 PM CDT
 - **Soil Engineering after College: Practical Approaches to Foundations and Retaining Structures**
Fri., April 26, 2019, 1:00 - 2:30 PM CDT

- Current Issues in Schoolyard Landscape Architecture**
- **Current Issues in Schoolyard Landscape Architecture: Part 1**
Wed., April 24, 2019, 11:00 AM - 2:30 PM CDT
 - **Current Issues in Schoolyard Landscape Architecture: Part 2**
Thurs., April 25, 2019, 11:00 AM - 2:30 PM CDT

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Registration

Engineering Law and Ethics

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