Agenda

Facilitating the Project with Effective Construction Contracting — *C. McMillan*

Understanding the legal rights/duties of project participants: owners, contractors, design services firms, subcontractors and suppliers
Understanding your project delivery system: design-bid-build, design-build, construction manager, construction manager-at-risk
Using standard or custom contract documents: AIA, ConsensusDocs, others
Understanding key contract concepts and terms: performance, breach, warranties, guarantees, indemnity, damages
Modifying contracts and selecting dispute resolution mechanisms

Protecting the Project with Bonds and Insurance — *M. Talley*

Obtaining construction bonds
- Performance
- Payment
- Alternatives to bonds

Obtaining insurance
- Commercial general liability insurance
- Builder's risk insurance
- Errors and omissions insurance
- Additional/alternative insurance

Claims and notice issues

Making Changes and Resolving Disputes During the Construction Process — *B. Wheatley*

Making changes to the contract and contracted work
- Types of changes: ordered and constructive changes
- The contract change clause
- Requirements for making changes
- Liability issues

Solving problems during the construction process
- Site conditions
- Delays
- Disruption
- Acceleration
- Accidents

Handling Ethical Issues in Construction — *D. Kilday*

Avoiding ethical issues during the bidding process
- Gifts, favors and the appearance of impropriety

Your duties to your employer, the project owner, and other project participants
Adopting practices that minimize ethics issues

Ensuring Environmental Compliance During the Construction Process — *A. Moorman*

Stormwater management
Erosion and sedimentation control
Air quality preservation
Materials handling

Reviewing Accessibility Standards and Compliance — *J. Torkelson*

What standards apply and when?
Federal standards
- ADA Standards for Accessible Design
- Architectural Barriers Act
- Fair Housing Accessibility Guidelines

Texas Accessibility Standards

Construction Law and Ethics
Austin, TX - Wednesday, September 11, 2019

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Learning Objectives

You'll be able to:

Recognize key contract concepts and terms.

Understand how to obtain construction bonds and insurance policies.

Discuss requirements for making changes to contracts and contracted work.

Evaluate ethical issues during the bidding process.

Ensure environmental compliance during the construction process.

Comply with federal and Texas accessibility standards.

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Construction Law and Ethics

Austin, TX - Wednesday, September 11, 2019

Understand effective construction contracting

Protect projects with bonds and insurance

Make changes and resolve disputes during the construction process

Identify ethical issues in construction

Discuss stormwater management, erosion and sedimentation control, air quality preservation, and materials handling

Review accessibility standards and compliance

Continuing Education Credits

Professional Engineers
8.0 PDHs (1.0 Ethics Hour)

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Faculty

Chris McMillan *Attorney, Benjamin, Vana, Martinez & Biggs, LLP*
Mr. McMillan's broad interdisciplinary construction practice spans all major industry segments including civil, architectural, structural and MEP design, construction defects, contract and payment disputes, and schedule disputes for owners, contractors, suppliers and design professionals. Mr. McMillan holds a B.S. degree in Construction Science from Texas A&M. He went on to work as a project manager for a commercial general contractor in Austin before attending St. Mary's University School of Law. He graduated from St. Mary's *cum laude* and is a LEED AP. Mr. McMillan practices law in both San Antonio and Austin, is a member of the Construction Law Section of both the San Antonio Bar Association and Austin Bar Association, and is a member of the Austin Young Lawyers Association.

Matthew R. Talley *Associate, Munsch, Hardt, Kopf & Harr, P.C.*
Mr. Talley represents owners (public and private), design professionals, general contractors, and subcontractors in construction-related transactional and litigation matters. His transactional practice focuses on drafting and negotiating complex construction contracts, professional service agreements, subcontracts, and purchase orders. In addition, he specializes in drafting and negotiating contractual insurance requirements for commercial real estate and construction projects. On the controversy side, Mr. Talley frequently works with his clients in the construction industry to develop strategies to resolve insurance coverage disputes and complex litigation matters in state court, as well as in arbitration.

Benton T. Wheatley *Partner, Duane Morris, LLP*
Mr. Wheatley practices in the area of construction law with a focus on construction, design and engineering disputes and transactions. His practice has included: complex delay; impact; defective design; defective construction or differing site conditions claims involving mediation, litigation or arbitration; and problem project workouts, including negotiating with sureties and owners. He also has experience with the drafting and negotiation of complex construction, design and engineering contracts and environmental issues concerning construction projects. Mr. Wheatley is certified in Construction Law by the State Bar of Texas Board of Legal Specialization. He is a graduate of the University of Oklahoma College of Law and the University of North Carolina at Chapel Hill.

G. Douglas Kilday *Shareholder, Graves Dougherty Hearon & Moody, P.C.*
Mr. Kilday is a trial lawyer with more than 25 years of experience handling complex business-related cases in a wide variety of areas, including contracts, real estate, construction, wind energy, oil & gas, fiduciary duties, and professional liability. He has tried cases for both plaintiffs and defendants, and has represented clients in both state and federal court and in arbitration proceedings.

Angela K. Moorman *Partner, Birch, Becker & Moorman, LLP*
Ms. Moorman has practiced environmental and administrative law for over 20 years, assisting municipal, commercial, and industrial clients with permitting, compliance, and enforcement issues related to water quality, stormwater, municipal solid waste, and air quality. She represents clients before state and federal agencies, including the Texas Commission on Environmental Quality, the State Office of Administrative Hearings, and the U.S. Environmental Protection Agency, and she has been a frequent participant in TCEQ stakeholder groups for the development of agency rules and general permits. Ms. Moorman holds a BA in Political Science from the University of Oklahoma, a law degree from the Indiana University–Bloomington School of Law, and an MS degree in Environmental Science from the Indiana University–Bloomington School of Public and Environmental Affairs.

John Rife Torkelson, RAS, CASp, APA ADA Specialist *Principal, TheACCESSpartnership, L.P.*
Mr. Torkelson founded theACCESSpartnership, l.p. in 1997 to provide consulting services relating to accessibility for the ADA, FHA and local building codes nationwide for architects, building owners and institutions. He is licensed with the State of Texas and California; is an Accessibility/Usability Specialist with the International Code Council; and is a recognized expert on Title III of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA). Mr. Torkelson is both a founding member and past president of the Accessibility Professionals Association and a member of the Certified Access Specialist Institute.

Seminar Information

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

Registration
7:30 - 8:00 am
Morning Session
8:00 am - 12:30 pm
Lunch (On your own)
12:30 - 1:30 pm
Afternoon Session
1:30 - 5:30 pm

Tuition

$289 for individual registration
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Continuing Education Credit Information

This seminar is open to the public and offers 8.0 PDHs, including 1.0 ethics hour, to Texas professional engineers and 8.0 HSW CEPHs/continuing education hours, including 1.0 accessibility hour and 1.0 sustainable design hour, to Texas architects. Educators and courses are not subject to pre-approval in Texas.

The American Institute of Architects has approved this event for 8.0 LU|HSW (Sponsor No. J885). Only full attendance can be reported to the AIA/CES. Visit *www.halfmoonseminars.org* to view complete AIA information under this course listing.

This seminar offers a non-credit continuing education opportunity to contractors. It has not been approved by any state contractor licensing entity for continuing education approval.

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.

Additional Learning

Webinar Series

Shallow Foundations

- **Evaluating Building Sites**
  Thurs., July 25, 2019, 11:00 AM - 12:30 PM CDT
- **Shallow Foundation Design**
  Thurs., July 25, 2019, 1:00 - 2:30 PM CDT
- **Special Considerations in Foundation Design and Construction**
  Fri., July 26, 2019, 11:00 AM - 12:30 PM CDT
- **Soil Improvement and Foundation Diagnosis and Repair**
  Fri., July 26, 2019, 1:00 - 2:30 PM CDT

For more information visit:
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Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!
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Registration

Construction Law and Ethics

Austin, TX - Wednesday, September 11, 2019

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