

Agenda

Contract Law Primer for Engineers

D. Bowser

Reviewing the necessary elements of any contract
Understanding contract “legalese”

- Determining performance
- What constitutes a breach of contract?
- What are damages and remedies?
- Liability-shifting contract provisions: warranties, guarantees and indemnities

Making changes to contracts

Professional Liability Law

A. Burns

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

Unique Issues for Engineers to Consider in EPC Agreements and Subconsultant Agreements

M. Nicholas

Key issues to review in engineering, procurement and construction (EPC) agreements

- Design milestones
- Performance requirements
- Limitations of liability
- Liquidated damages

Key issues to review in subconsultant agreements

Professional and General Liability Insurance for Engineers

M. Farnell

Understanding business insurance coverage:
general liability vs. professional liability policies
Additional insureds: obtaining certificates of insurance
Understanding insurance policies:

- Indemnities
- Assignment
- Insurance availability
- Warranties, guarantees and certifications

Recognizing and responding to claims

Developments in Federal and Oregon Environmental Law

*J. Hunter
C. Roberts
S. Kronholm*

Reviewing recent changes to and enforcement of:

- Pollution prevention
- Water quality enforcement
- Stormwater permitting
- Watersheds, wetlands, lakes and streams

Reviewing recent and anticipated developments at the
US EPA and the Oregon Department of Health and Environmental Control

Engineering Law

Portland, OR - Tuesday, January 28, 2020

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Learning Objectives

You'll be able to:

Recognize necessary elements of any contract, and learn what constitutes a breach of contract.

Understand the contents of engineering, procurement and construction agreements, including design milestones, performance requirements, and limitations of liability.

Discuss the grounds for professional liability claims, and review defenses to claims.

Evaluate general and professional liability policies.

Consider recent and anticipated developments at the US EPA and Oregon Department of Health and Environmental Control.



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Engineering Law

Portland, OR - Tuesday, January 28, 2020



Understand contract law for engineers

Discuss engineering procurement and construction (EPC) agreements

Review federal and Oregon environmental law, including pollution prevention and water quality enforcement

Explore professional liability law and examine sources of process and liability claims

Examine professional and general liability insurance

Continuing Education Credits

Professional Engineers
6.0 PDHs



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Faculty

David Bowser *Attorney with Jordan Ramis, PC*
Mr. Bowser’s construction and design professionals law practice covers all aspects of the design and construction process, from original procurement to claim prosecution and defense. Mr. Bowser has 18 years of experience as a construction and design professionals lawyer representing varied clients in all areas of public and private design and construction, including public bodies, private owners, architects, general contractors, subcontractors, and suppliers.

Andrew Burns *Partner with Cosgrave Vergeer Kester*
Mr. Burns is the chair of the firm’s construction practice group and a former managing partner of the firm. His practice focuses on providing advice and counsel to contractors, developers, architects, and engineers; litigating construction defect disputes; and handling construction-related professional negligence claims. He also has significant experience in defending personal injury, products liability, environmental, and premises liability litigation.

Mario Nicholas *Attorney with Stoel Rives, LLP*
Mr. Nicholas is a senior associate in Stoel Rives’ Construction and Design group. His practice is split between drafting construction contracts and litigating complex construction disputes. Mr. Nichols has drafted a range of construction contracts (EPC, design-build, GMP, fixed price) and has assisted clients in various forums (federal and state courts, domestic and international arbitration panels, administrative bodies). He is licensed in California, Oregon and Washington, and counsels clients across a range of industries on construction and design issues.

Michael E. Farnell *Partner with Parsons Farnell & Grein LLP*
Mr. Farnell leads PFG’s insurance recovery group and its national policyholder practice. One of the most sought-after policyholder attorneys on the West Coast, he has represented businesses and individuals in disputes with insurance companies for more than 25 years, obtaining successful settlements, verdicts, and appellate decisions in a wide variety of insurance claims, including general liability, directors and officers, professional liability, property, employee dishonesty and fidelity bonds, and cyber. Mr. Farnell has been selected for inclusion in Oregon Super Lawyers® every year that designation has been available in Oregon and was named as one of the Top 50 lawyers in Oregon for 2018. He was also named to the Best Lawyers in America list for 2019. Raised and educated in Oregon and Washington, Mr. Farnell has deep roots in the Pacific Northwest. This translates into an extensive knowledge of the community and a deep commitment to

Seminar Information

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the success of Northwest businesses. He is committed to maintaining relationships with his clients in order to provide each client with superior service.

Jeffrey Hunter *Partner with Perkins Coie, LLP*
For over 20 years, Mr. Hunter has been counseling corporate and individual clients both in the United States and internationally on a wide variety of issues related to the environment including regulatory compliance, administrative enforcement and environmental litigation including white collar criminal matters, permitting and development and defending against permit challenges, cleanup and redevelopment of contaminated industrial and commercial properties and brownfields redevelopment projects, and environmental due diligence in real estate and corporate transactions. Mr. Hunter received his J.D. degree from the University of Denver Sturm College of Law; he is licensed to practice in Colorado and Oregon, and he is listed in *The Best Lawyers in America* and *Chambers USA*. Mr. Hunter has a B.S. degree in Chemical Engineering.

Cassie Roberts *Attorney with Perkins Coie, LLP*
Ms. Roberts is an environmental lawyer who counsels clients on complex regulatory compliance and permitting issues under state and federal environmental laws, including the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Clean Water Act (CWA), the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Prior to going to law school, she worked as an environmental engineer at Intel Corporation. She earned her Master of Public Health in environmental health science from the University of Michigan School of Public Health degree and received her J.D. degree from Vanderbilt University Law School.

Sarah Kronholm *Environmental Consultant with SLR International Corporation*
Ms. Kronholm is an environmental consultant with SLR International Corporation located in Portland, Oregon. She is a registered professional engineer with over 17 years of experience working with industrial and manufacturing clients across the US and Canada. She has specific expertise in air quality permitting and compliance, including regulatory applicability analyses, PSD permitting, Title V permitting, state-specific programs, and strategic planning. She also focuses on general regulatory compliance, including hazardous waste, stormwater, wastewater, environmental management systems, and auditing. Prior to joining SLR in 2013, Ms. Kronholm was the environmental program manager at a pulp and paper facility in Washington. She holds a bachelor’s degree in Chemical Engineering from Montana State University.

Additional Learning

- Webinar Series**
- Environmental Treatment Technologies for Municipal and Industrial Wastes**
- **Waste Categories – Municipal and Industrial**
Fri., Dec. 20, 2019, 8:30 - 11:00 AM CST
 - **Overview of Waste Treatment Process**
Fri., Dec. 20, 2019, 12:00 - 1:00 PM CST
 - **Treatment Technologies for Hazardous and Municipal Waste**
Fri., Dec. 20, 2019, 1:15 - 2:45 PM CST
 - **Detail Scope, Applicability and Efficacy of Available Technologies**
Fri., Dec. 20, 2019, 3:00 - 5:00 PM CST

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Registration

Engineering Law
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