

Agenda

Managing Risk in the Practice of Engineering

D. Fine

- 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

K. Sherman

- 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

C. Sweeney

- 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. Bednar,
T. McCraw*

- 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

Managing Risk with General Liability and Professional Liability Insurance Coverage

*B. Dunlap,
D. Slocum*

- Coverage provided by general liability vs. professional liability policies
- Certificates of insurance and additional insureds
- Indemnities
- Assignment
- Insurance availability
- Insurance policies
- Warranties, guarantees and certifications
- Recognizing and responding to design professional claims

Managing Engineering Liability and Risk

Natick, MA - Wednesday, March 25, 2020



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PO Box 278
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Learning Objectives

You'll be able to:

Recognize common sources of professional liability claims and identify who can bring a claim.

Identify strategies to minimize engineering risk and maximize positive results.

Utilize contract terms to manage risk.

Implement document retention policies and procedures and quality control practices.

Understand the coverage provided by general and professional liability insurance policies.



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Review risk management in the practice of engineering

Plan to reduce risk for yourself, your company, and your clients

Understand how contracts shift, reduce, or increase risk

Explore general and professional liability insurance coverage

Examine engineering malpractice law

Continuing Education Credits

This seminar offers Massachusetts professional engineers a six-hour continuing education opportunity.



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Faculty

David L. Fine, a partner at Mirick, O’Connell, DeMallie & Lougee, LLP, represents and counsels clients in the construction industry, including owners and developers, general contractors and construction managers, specialty trade contractors, suppliers and manufacturers. He represents clients in adverse proceedings such as litigation and arbitration, and he consults regarding risk management, contract preparation and negotiation, and general business advice. Mr. Fine is the chair of his firm’s Construction Law Group and the president of the Home Builders and Remodelers Association of Central Massachusetts. He holds several leadership positions in local, regional and national construction trade and bar organizations. Mr. Fine was named a Massachusetts “Super Lawyer” by *Boston Magazine* and *Law & Politics* in 2017 and 2018, and he was named a Massachusetts “Rising Star” for several years prior.

Kenneth A. Sherman, Counsel at Robinson & Cole, LLP, is an experienced construction attorney with significant construction litigation and transactional experience. He assists project owners, developers, general contractors, construction managers, and sub-contractors in construction disputes. He also assists clients in the construction industry with contract drafting, negotiation, licensure, and entity formation. Mr. Sherman has experience with a variety of matters, including breach of contract disputes, surety and bond claims, Miller Act claims, mechanic’s lien recovery and defense actions, delay and time impact claims, and construction defect disputes. He is a charter member of the Development and Construction Practice Group Section of the Massachusetts Bar Association and was named by Super Lawyers to the 2018 and 2019 Massachusetts Rising Stars for Construction.

Christopher K. Sweeney, an associate at Conn Kavanaugh Rosenthal Peisch & Ford LLP, joined the firm’s litigation department in 2012 and regularly handles matters involving commercial litigation, construction law, employment disputes, and professional liability. He has extensive experience representing clients before state and federal courts of appeals. He was selected as a “Rising Star” by the publishers of *Boston Magazine* in 2015-2018. During law school, Mr. Sweeney was an editor of the *Suffolk University Law Review*. He also was the winner of the Justice Tom C. Clark Appellate Advocacy Competition.

Seminar Information

Courtyard by Marriott Natick
342 Speen Street
Natick, MA 01760
(508) 655-6100

Tuition
\$299 for individual registration
\$279 for three or more registrants from the same company at the same time.
***Included with your registration:** 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

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.

Registration
8:00 - 8:30 am
Morning Session
8:30 am - 12:15 pm
Lunch (On your own)
12:15 - 1:15 pm
Afternoon Session
1:15 - 4:00 pm

Continuing Education Credit Information

This seminar is open to the public and offers a 6.0 continuing education opportunity to Massachusetts professional engineers. Continuing education is not presently mandatory for license maintenance in Massachusetts.

Professional engineers seeking continuing education credit in other some states will be able to apply the hours earned at this seminar, in some 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.

Can’t Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!
Audio recordings of this seminar are available for purchase starting at \$279. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Catherine A. Bednar is a partner in Freeman Mathis & Gary, LLP’s Boston office. She is a litigation attorney with extensive experience in both state and federal courts. Ms. Bednar has an active professional liability practice representing architects, engineers, OPMs, accountants, attorneys and other professionals in the defense of malpractice claims. She has defended design professionals against negligence claims arising from property damage; personal injury; alleged building code, zoning or other regulatory violations; and project cost overruns. She also represents clients in lawsuits involving contract disputes, state and federal environmental claims, premises liability actions and construction litigation.

Thomas K. McCraw is a partner in Freeman Mathis & Gary, LLP’s, Boston office. He represents clients in federal and state courts, in both jury and nonjury cases; before arbitration panels; and in mediations in Massachusetts and New Hampshire. Mr. McCraw has extensive experience in the evaluation, analysis, and implementation of defenses to claims made against architects, engineers, and surveyors concerning construction projects that range from property boundary line determinations to large public and private construction projects.

Ben N. Dunlap is a partner in Freeman Mathis & Gary, LLP’s, Boston office. He focuses his practice on complex civil litigation. Mr. Dunlap represents design and construction firms, lawyers, accountants, insurance companies, and other businesses in a wide variety of matters, including professional liability claims, commercial disputes, and insurance coverage matters. Mr. Dunlap has represented design and construction professionals in the defense of negligence and malpractice claims arising from property damage, personal injury, and alleged regulatory violations. He also advises clients on contract negotiations, risk management, and regulatory compliance.

David A. Slocum is a partner in Freeman Mathis & Gary, LLP’s, Boston office. He represents individual and institutional clients in a variety of civil litigation matters including primarily professional liability, commercial construction, insurance coverage, partnership disputes, and various contract, tort, fiduciary duty, and misrepresentation-based claims. Mr. Slocum has an active professional liability practice representing engineers, architects, attorneys, accountants, real estate agents and other professionals in the defense of claims for alleged professional negligence, breach of contract, and extra-contractual liability.

Additional Learning

Webinar Series
Soil Mechanics and Slope Stability

- **Soil Investigation and Classification**
Tues., Feb. 25, 2020, 11:00 AM - 1:00 PM CST
- **Reviewing Hydraulic and Mechanical Properties of Soils**
Tues., Feb. 25, 2020, 1:30 - 3:00 PM CST
- **Determining and Increasing Bearing Capacity**
Wed., Feb. 26, 2020, 11:00 AM - 1:00 PM CST
- **Determining and Increasing Slope Stability**
Wed., Feb. 26, 2020, 1:30 - 3:00 PM CST

Designing for Climate Resilience

- **Current and Anticipated Climate Effects on Structures and Communities**
Thurs., Feb. 27, 2020, 11:00 AM - 12:30 PM CST
- **Assessing the Impact of Sea Level Rise, Changing Temperature and Changing Weather Patterns**
Thurs., Feb. 27, 2020, 1:00 - 3:00 PM CST
- **Studying the Impact of Extreme Weather**
- **Events on Structures and Communities**
Fri., Feb. 28, 2020, 11:00 AM - 12:30 PM CST
- **Adapting Sites, Outdoor Spaces, New Construction and Existing Buildings to Withstand Extreme Weather Events**
Fri., Feb. 28, 2020, 1:00 - 3:00 PM CST

For more information and other online learning opportunities visit:
www.halfmoonseminars.org/webinars/

Registration

Managing Engineering Liability and Risk

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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. () I need special accommodations. Please contact me.

Tuition
() **I will be attending the live seminar.** Single Registrant - **\$299.00**. Three or more registrants from the same company registering at the same time - **\$279.00** each.
() **I am not attending.** Please send me the self-study package:

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- ☐ CD/Manual Package for **\$299.00**.
- ☐ USB/Manual Package **\$299.00**.

(S&H included. Please allow five weeks from seminar date for delivery)

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