

Agenda

Overview of Contract Law

W. Venoit

- Understanding the basics of contract law
- Standard forms of agreement
- Negotiating contract terms
- Contract documents and formation
- Scope of services and changes
- Making changes to contracts

Stormwater Management on Construction Sites

D. Phillips

- Overview of Stormwater Law
- EPA's Construction General Permit (CGP) requirements
- Regulatory minimum requirements, 40 CFR 450.21

Discussing Women in Construction

J. Murphy

- Industry trends
- Attracting and keeping female employees
- Avoiding legal issues with employment discrimination
- Protecting employees and the company from sexual harassment issues

Meeting and Exceeding Federal, State and Local Safety Requirements

G. Fonte

- Occupational Safety and Health Administration update
- State and local safety regulations
- Allocating responsibility for construction site safety
- Strategies for maintaining site safety
- Reporting construction site injuries

Handling Ethical Issues in Construction

J. McNamara

- 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
- The ethics of safety: fulfilling duties to employees and the public

Reviewing Accessibility Standards and Compliance

E. Kuehn

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

Construction Law

Natick, MA - Thursday, May 21, 2020

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Learning Objectives

You'll be able to:

Discuss the essentials of construction contracting, including whether to use standard contract forms, how to negotiate contract terms, and when to make changes to contracts.

Comply with federal construction site stormwater requirements, which are designed to protect water quality.

Discuss strategies to attract and retain female workers in the construction industry.

Reference and comply with federal, state and local safety requirements for construction sites.

Comply with accessibility standards, including ADA Standards for Accessible Design and Fair Housing Accessibility Guidelines.



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Understand contract terms and review standard contract forms

Examine stormwater management requirements on construction sites

Recruit and **retain** women in construction

Meet and exceed federal, state, and local construction safety requirements

Prevent ethical issues in construction

Review accessibility standards

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Wendy Venoit *Attorney and Partner at Hinckley Allen*

Ms. Venoit is a partner in the Construction Practice Group of Hinckley Allen. Her practice focuses on the litigation and arbitration of domestic and international construction disputes, including litigation in state and federal forums, and mediation and arbitration before the AAA, JAMS, LCIA, ICDR and ICC. She is also regularly called upon to draft and negotiate contracts, and to counsel clients during the course of construction projects so as to avoid disputes, but (if necessary) to develop, prosecute and defend claims. Ms. Venoit is a past chair of the ABA Forum on Construction Law, a fellow of the American College of Construction Lawyers, and co-chair of the National Dispute Resolution Committee of the American Arbitration Association. Ms. Venoit is a board member of Women in Construction, and she has served as the president, treasurer and secretary of the Connecticut Chapter of the Professional Women in Construction (PWC).

Dianne Phillips *Attorney and Partner at Holland & Knight*

Ms. Phillips is an attorney in Holland & Knight’s Boston office who concentrates her practice in litigation, regulatory, energy and environmental law. Ms. Phillips’ environmental practice focuses on brownfields redevelopment and remediation, including former military installations, former manufactured gas plants (MGPs) and vapor intrusion sites. Her energy practice focuses on LNG terminal operations, natural gas pipeline permitting and operations, construction, and eminent domain. Her litigation experience involves hazardous waste disputes, civil and administrative enforcement defense under federal and state environmental regulatory programs, and defense of citizen suits under the CWA and RCRA, as well as construction, land use, permitting, utilities, regulatory, toxic tort and contract matters.

Jessica Murphy *Of Counsel Attorney at Mirick O’Connell*

Ms. Murphy is of counsel with Mirick O’Connell DeMallie & Lougee, LLP in Massachusetts. She is part of the firm’s Litigation Department, Construction Group and Creditors’ Rights, Bankruptcy and Reorganization Group. For the past 15 years, she has litigated commercial disputes and construction issues. Ms. Murphy represents a variety of local and national companies, including manufacturing companies, construction companies, banking and financial institutions, and professional service firms. Ms. Murphy is a member and past president of the Greater Worcester Chapter of the National Association of Women in Construction (NAWIC). She is also currently president of the Board of Habitat for Humanity MetroWest/Greater Worcester, Inc.

Seminar Information

Courtyard by Marriott Natick

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Gina Fonte *Senior Counsel Attorney at Holland & Knight*

Ms. Fonte is senior counsel at Holland & Knight’s Boston office and concentrates her practice in the areas of commercial litigation, construction, Occupational Safety and Health Administration (OSHA) law, and whistleblower claims. Ms. Fonte is co-chair of Holland & Knight’s OSHA, Workplace Safety and Whistleblower Claims Practice Team. She is OSHA 10-hour and 30-hour certified and has lectured as a program instructor at the OSHA 30-Hour Safety Course for the Associated General Contractors of Massachusetts. As part of her OSHA workplace safety and whistleblower practice, Ms. Fonte has counseled construction, manufacturing, university and retail industry clients through OSHA investigations, the citation contest and negotiation phase, and through legal proceedings in matters involving workplace near-misses, accidents, serious injury and death. She has also advised public transportation clients and financial institutions on OSHA whistleblower claims.

John McNamara *Attorney and Founding Partner at Lane McNamara*

Mr. McNamara is a founding partner of the law firm of Lane McNamara LLP. His practice areas include construction law, employment law, suretyship, trial practice and insurance defense. The Martindale-Hubbell National Law Directory has awarded Mr. McNamara an AV Rating, the highest rating for legal ability and professional ethics. He has also been named a New England Super Lawyer by *Law & Politics* and *Boston Magazine*. This designation is limited to the top five percent of attorneys in New England. Mr. McNamara has been selected for Top Lawyers as published in the *Boston Globe*.

Elise Kuehn *Attorney at Lane McNamara*

Ms. Kuehn is an associate at the law firm of Lane McNamara LLP. Her practice areas include construction and employment law. A graduate of the University of Michigan (B.A., 2009), Ms. Kuehn earned her law degree from the University of Connecticut School of Law with a certificate in Intellectual Property (J.D., 2013). Her practice areas include construction and surety law and litigation. Ms. Kuehn has worked in the field of litigation since graduating and has served as a graduate judicial intern with the Honorable Timothy S. Hillman in the United States District Court for the District of Massachusetts. Ms. Kuehn joined Lane McNamara LLP in 2016, and in 2019 she was named a New England Rising Star by *Boston Magazine*.

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