

Agenda

Contract Law Primer for Engineers

M. Wagner, Jr.

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

J. Smith

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

Cyber Security Issues for Engineers

S. Pollock

Rapidly evolving legal landscape regarding data security and cybersecurity
Cyber security threats and business exposure to data breaches
Anatomy of a data breach or cyber-attack and the spectrum of possible responses
Examples of actual cyber events, with lessons learned from those events

Complying with Rules of Professional Conduct

R. Kelly

Sealing of documents
Standards for responsible charge of engineering work
Unauthorized practice of engineering
National Society of Professional Engineers’ Code of Ethics

Handling Ethical Issues in Professional Engineering Practice

E. Saboura-Polkovotsy

Promoting health and welfare vs. managing risk: complementary or conflicting duties?
Protecting the environment: meeting or exceeding legal requirements
Watching the bottom line: identifying and balancing economic pressures in design and construction
Integrating new technologies: identifying and balancing the benefits and risks

Professional and General Liability Insurance for Engineers

E. Saboura-Polkovotsy

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

Maryland Engineering Law & Ethics

Online - Thursday, August 20, 2020

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Learning Objectives

You'll be able to:

Review the necessary elements of any contract and determine what constitutes a contract breach.

Understand the grounds for professional liability claims and identify who can bring a claim.

Discuss cyber security threats and business exposure to data breaches.

Comply with the rules of professional conduct, including sealing of documents, standards for responsible charge of engineering work, and the National Society of Professional Engineers’ Code of Ethics.

Identify and discuss ethical issues in the professional engineering practice, including promoting health and welfare vs. managing risk, protecting the environment, and integrating new technologies.



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Maryland Engineering Law & Ethics

Live, Interactive Webinar - Thursday, August 20, 2020



Understand contract law

Explore cyber security issues
for engineers

Learn the difference between
general liability vs. professional
liability insurance policies

Analyze ethical issues in
professional engineering practice

Discuss the specifics of
professional liability law

Continuing Education Credits

This course offers Maryland engineers
6.5 PDHs, including 1.0 ethics hour and
1.0 professional conduct hour.



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Faculty

Michael E. Wagner, Jr is an Associate at Seyfarth Shaw, LLP. He regularly drafts and negotiates construction and design contracts on behalf of owners, general contractors, and subcontractors in order to allocate and mitigate risks and avoid disputes and the associated expense. He has drafted customized agreements for clients and also has experience working with form agreements, such as the AIA, DBIA, and ConsensusDocs. Mr. Wagner's transactional work spans multiple different project delivery methods, including design-bid-build, design-build, EPC, and public-private partnerships (P3). He has participated in all aspects of a construction project—from project conception, design, contract negotiation, and preconstruction—through the stages of project delivery, construction, close-out, and operation. As a result, he has substantial experience in both transactional work and claims and disputes. Prior to becoming an attorney, Mr. Wagner worked for a general contractor, where he was involved in preconstruction and project and risk management for multiple commercial and government construction projects, with a focus on heavy-civil, highways, utilities, and other public infrastructure work.

Jason N. Smith is a Partner at Seyfarth Shaw, LLP, and is co-chair of the Washington, D.C. Litigation Practice Group. His practice focuses on the representation of owners, design-builders, design professionals, construction managers, and general contractors in all phases of the construction process. Mr. Smith's pre-construction experience includes drafting and negotiating construction contracts, construction management, and design agreements. Mr. Smith assists clients with pursuing their rights through litigation and alternative dispute resolution. His litigation experience includes all manner of construction and design disputes, including impact and delay claims, construction and design defects, differing site conditions and design negligence. Mr. Smith has substantial experience arbitrating and litigating design and construction claims, with a proven track record of success. He is an advocate for early case assessment and mediation, and he has successfully resolved numerous claims through mediation. Mr. Smith has represented clients in state courts throughout the United States, federal courts, the U.S. Court of Federal Claims, the American Arbitration Association, and in several non-administered arbitrations.

Spencer S. Pollock, Esq., CIPP/US, CIPM is an attorney in the Corporate and Litigation Departments at Niles, Barton, & Wilmer, LLP, concentrating his practice in date security, cybersecurity, and privacy law. As an attorney, Certified Information Privacy Professional (CIPP-US) and Certified Information Privacy Manager (CIPM), Mr. Pollock assists clients in navigating and complying with the applicable state, federal, and

international data security, cybersecurity, and privacy laws and regulations. Further, he performs the necessary due diligence on the client's third-party service providers to assess and confirm their compliance with these laws and regulations. In the event of a data breach, Mr. Pollock analyzes and determines the applicable laws impacting clients and assists each with all the necessary steps to stay compliant to avoid fines, penalties, and potential regulatory investigations and civil lawsuits.

Robert N. Kelly is a director at Jackson & Campbell, P.C. in Washington D.C. His practice has concentrated on the counseling and defense of clients in litigation arising out of construction defect and delay claims, professional liability claims, environmental and toxic tort disputes and pharmaceutical product liability claims. He also assists insurance companies in resolving coverage questions arising under general liability policies, and he represents insurers in coverage litigation. Mr. Kelly speaks and publishes frequently on litigation and insurance coverage topics. He authors and provides annual updates to the chapters on District of Columbia law in the highly-regarded *Tort Law Desk Reference* and the *Product Liability Desk Reference*. He has been appointed a fellow of the American Bar Foundation, and has received the coveted "SuperLawyer" designation for Washington, DC, in the field of professional liability defense. Mr. Kelly's education includes a BSE degree in Civil Engineering from Princeton University.

Elias G. Saboura-Polkovotsy is a practicing litigation and trial attorney at Saboura, Goldman & Colombo, PC, in North Bethesda, Maryland. He litigates complex commercial, business, malpractice and professional regulatory matters throughout Maryland, Virginia and the District of Columbia. Over the past 15 years, Mr. Saboura-Polkovotsy has defended professionals in all types of professional liability matters arising out of alleged errors and omissions related to professional services in a wide range of professions including, attorneys, architects, engineers, design professionals, real estate professionals and healthcare professionals. He has also represented professionals with respect to peer review and other disciplinary matters and advised them in various other regulatory compliance matters. Prior to Saboura, Goldman & Colombo P.C., Mr. Saboura-Polkovotsy was a shareholder at a 30+ attorney civil litigation and insurance defense firm in the Washington Metropolitan area. Prior to law school, he served as the director of International Sales and Marketing for a primary contractor to the US Department of Defense.

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- Tues., July 28, 2020, 11:00 am – 3:00 pm CDT

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- Tues., July 28, 2020, 10:30 am – 1:30 pm CDT

Seismic Design of Buildings: Importance of Seismic Ground Motions
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