

Agenda

Contracting for Sustainable Projects

M. DeVries

Understanding the basics of contract law
Contracting for sustainability
Setting goals, benchmarks and performance goals
Requiring specific methods and materials
Requiring commissioning/verification
Making changes to contracts

Legislative Updates in Tennessee Construction Law

A. Schrack/M. Less

Tennessee's Construction Industry Payment Protection Act
Changes to the Prompt Pay Act
New "stop work" procedure if not getting paid
Demand for reasonable assurance of payment

Meeting and Exceeding Federal, State and Local Safety Requirements in the Age of Coronavirus

J. Little

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

Reviewing Accessibility Standards and Compliance

J. Getz/B. Yoakum

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

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Tennessee Construction Law

Live, Interactive Webinar - Monday, October 26, 2020

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Learning Objectives

You'll be able to:

Understand the basics of contracting on sustainable projects.

Use contracts to set goals, benchmarks and verification procedures for sustainable projects.

Meet and **exceed** federal and local safety requirements during the construction project, protecting workers, construction observers, the owner and the general public.

Comply with federal accessibility standards (ADA, Architectural Barriers Act, Fair Housing Accessibility Guidelines), and with state and local building codes, to make projects accessible to all occupants and visitors.

Comply with new Tennessee state legislation that impacts construction projects, including the Construction Industry Payment Protection Act and changes to the Prompt Pay Act.



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Examine standard forms of agreement and contract document formation

Learn about Tennessee's Construction Industry Payment Protection Act

Explore Occupational Safety and Health Administration (OSHA) regulations

Discuss strategies for maintaining site safety

Review fair housing accessibility guidelines and ADA Standards for Accessible Design

Continuing Education Credits

Professional Engineers

6.0 HSW PDHs

Architects

6.0 HSW CE Hours

AIA

6.0 LU|HSW

International Code Council

.6 CEUs (Administration)



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Matthew DeVries *Attorney at Burr & Forman, LLP*

Mr. DeVries is a Shareholder at Burr & Forman, LLP, where his practice focuses on construction and transportation law, contractor and professional licensing and complex commercial litigation. He is also the founder and author of www.bestpracticesconstructionlaw.com, a nationally-recognized, construction-related blog that focuses on project management, claims, technology and legal trends. Mr. DeVries has received the *JD Supra* Reader's Choice award for five years in a row (2016-2020) for his blogging in the construction arena. He is listed in *The Best Lawyers in America*® for 2013-2019 and was named as a 2011 Rising Star by *Mid-South Super Lawyers* in the "Construction Law" category. In 2011, he also received the *ENR South Central* magazine's "Top 40 Under 40" award for leadership in the construction industry. Mr. DeVries practices in the areas of construction law and complex commercial litigation with a considerable emphasis on construction litigation, contractor and professional licensing compliance, construction contracts and finance, mechanic's lien enforcement and green building. His industry experience includes highways and bridges; power plants; waste water treatment facilities; offshore oil drilling pipelines; educational, medical and commercial buildings; and multi-family and single family residential development.

Andrew Schrack *Attorney at Butler Snow, LLP*

Mr. Schrack is a member of Butler Snow's litigation department and practices within the Commercial Litigation Group and the Construction Task Force. He represents owners, contractors, and subcontractors in construction litigation, including contract disputes, construction defects, lien enforcements, and bond claims. Mr. Schrack is licensed to practice law in Tennessee and in Arkansas.

Michael Less *Attorney at Butler Snow in Memphis, Tennessee*

Mr. Less is the chair of the Butler Snow Task Force for the Construction Industry and concentrates his practice in all aspects of construction law, including drafting and negotiating design contracts, construction contracts, and various other construction industry-related agreements. He provides legal problem solving advice to clients while projects are under construction and represents clients in disputes, both in court and alternative dispute resolution. Mr. Less has been involved with numerous private and public projects, serving as counsel for public and private owners, contractors, subcontractors, design professionals, financial institutions, insurance companies and sureties. He has also served as a mediator and an arbitrator.

Jamie Little *Attorney at Stites & Harbison, PLLC*

Ms. Little is an attorney in the Construction Service Group and has over 10 years of legal experience. She routinely represents owners, general contractors, subcontractors, design professionals, and suppliers with contract drafting, contract negotiation, contract disputes, payment disputes, and lien enforcement. Ms. Little has guided clients throughout all stages of litigation from pre-litigation negotiations through trial.

Webinar Information

Log into Webinar 8:00 - 8:30 am CDT	Break 11:45 am - 12:45 pm CDT
Morning Session 8:30 - 11:45 am CDT	Afternoon Session 12:45 - 4:00 pm CDT

Tuition

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She has successfully argued before trial and appellate courts in Tennessee, West Virginia, and Pennsylvania. She also has extensive experience representing clients in alternative dispute resolution such as mediation and arbitration. Ms. Little is a member of the Tennessee Association of Construction Counsel (TACC) and the American Bar Association Forum on Construction Law.

Joseph Getz *Attorney at Evans Petree PC*

Mr. Getz leads the Construction and Surety Law Practice Group and has focused his practice exclusively on construction and surety bond contract claims for more than 25 years. He has worked on contract negotiations, insurance requirements, surety bonding issues, LEED certification, CPM scheduling and delay analysis claims, change orders, defective and nonconforming work, differing site conditions, warranty issues, mechanics and material men's lien claims and project close-out issues. Mr. Getz's representation experience includes multipurpose sports arenas, public university facilities, multifamily residential developments, office buildings, government facilities, hotels, industrial and process manufacturing and design build industrial contracting and development. Mr. Getz has been a Super Lawyer in the field of construction law for six years and was recently selected by his peers for inclusion in *The Best Lawyers in America 2015* in the fields of Construction Law and Litigation.

Brian Yoakum *Attorney at Evans Petree, PC*

Mr. Yoakum's practice includes a wide range of complex commercial litigation in the areas of general and business law, premises liability defense, mass tort defense, contract and transactional disputes and business divorces among owners of all types of business entities. Mr. Yoakum regularly represents property owners and businesses such as restaurants, retail stores, and apartment communities in defense of lawsuits brought pursuant to the Americans with Disabilities Act, Fair Housing Act, and the Neighborhood Preservation Act. He also handles commercial tort actions such as procurement of breach of contract, tortious interference with business relations, interference with contracts and breach of restrictive covenants. Mr. Yoakum is a shareholder at Evans Petree, having served on the firm's Board of Directors. He is a member of the American, Tennessee, and Memphis Bar Associations. He has been selected by *Super Lawyers* magazine as a Rising Star in the field of business litigation every year since 2014. He was recently selected by his peers for inclusion in *The Best Lawyers in America 2020* in the field of Commercial Litigation for the third year. Mr. Yoakum has experience aggressively advocating the interests of his clients before state and federal trial courts, administrative bodies, the Tennessee Court of Appeals, and the U.S. Court of Appeals for the Fifth Circuit and the Sixth Circuit. In addition, Mr. Yoakum regularly resolves disputes to his clients' benefit through alternative dispute resolution vehicles, including negotiations, mediations, and arbitrations.

Continuing Education Credit Information

This webinar offers 6.0 HSW PDHs to professional engineers and 6.0 HSW continuing education hours to architects licensed in Tennessee. Educators and courses are not subject to preapproval in Tennessee.

The American Institute of Architects Continuing Education System has approved this course for 6.0 LU|HSW (Sponsor No. J885). Only full participation is reportable to the AIA/CES.

Architects and engineers seeking continuing education credit in other states will be able to claim the hours earned with this webinar, in many cases. Refer to specific state rules to determine eligibility.

The International Code Council has approved this event for .6 CEUs in the specialty area of Administration (Preferred Provider No. 1232).

Completion certificates will be awarded to participants who complete this event and earn a passing score (80%) on the quiz that follows the presentation (multiple attempts allowed).

Registration

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