

Agenda

Understanding How Contracts Can Shift, Reduce (or Increase) Risk S. Gay

- 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 Z. Davis

- 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 D. Loiselle W. Ohle

- 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 R. Desjardins

- 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

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Managing Engineering Liability and Risk in Oregon

Live, Interactive Webinar - Friday, February 25, 2022

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Learning Objectives

- You'll be able to:**
- Identify** strategies to minimize engineering risk and maximize positive results.
 - Review** standard contract provisions and their impact on risk.
 - Identify** common sources of professional liability claims and discuss defenses to such claims.
 - Implement** document retention and quality control practices.
 - Explore** coverage provided by general and professional liability policies.
 - Recognize** and respond to design professional liability claims.



HalfMoon Education Live Webinars

Managing Engineering Liability and Risk in Oregon

Live, Interactive Webinar - Friday, February 25, 2022



- Explore** how contracts can shift, reduce (or increase) risk
- Review** grounds and common sources for professional liability claims
- Examine** defenses to liability claims and participate in alternative dispute resolution
- Learn** about implementing document retention practices and quality control practices
- Manage** risk with general liability and professional liability insurance coverage

Continuing Education Credits

Professional Engineers
6.0 PDHs



Faculty

Sean Gay *Partner in Stael Rives’ Construction and Design Group in Portland, OR*
Mr. Gay is a former construction professional who applies his extensive industry experience to help clients achieve their goals. Before joining Stael Rives, he managed construction projects in Washington and Hawaii. As a construction project manager, Mr. Gay was intimately involved in the technical and financial aspects of his projects. He advises clients on a broad range of matters, including project management issues, contract negotiations, public contracting issues, bid protests, and disputes. Mr. Gay has extensive experience litigating and arbitrating a wide variety of complex construction matters. His knowledge about how construction projects get managed and built - and occasionally result in disputes - has proved an invaluable resource in his legal career.

Zachary Davis *Associate in Stael Rives’ Construction and Design Group in Portland, OR*
Mr. Davis is an experienced construction and design attorney who advises clients in a broad spectrum of legal matters, with specific emphasis on resolving complex commercial disputes. He employs a proactive approach in assisting clients in developing pre-litigation and litigation avoidance strategies. Mr. Davis has advocated on behalf of clients before a variety of adversarial tribunals including federal and state courts, arbitration panels and administrative bodies. His clients have included corporations, business owners and entrepreneurs in the construction, real estate, technology, hospitality, telecommunications, financial services and insurance industries. Mr. Davis has significant experience drafting and negotiating project agreements. He also advises clients as issues arise during the course of a project and has successfully resolved disputes in multiple forums, including mediation, arbitration and litigation.

Darien Loiselle *Shareholder at Schwabe Williamson & Wyatt in Portland, OR*
Over several decades as a construction lawyer, Mr. Loiselle has built a comprehensive, solutions-oriented practice as a key leader in Schwabe’s Real Estate and Construction

industry group. His clients include owners, general contractors, designers and engineers, specialty contractors, insurers and maritime interests. Mr. Loiselle has extensive experience negotiating agreements, solving complex disputes and representing clients in litigation on major construction and marine projects. He has served as general counsel to the Columbia River Chapter of Associated General Contractors (AGC), chair of the Maritime Commerce Club, a member of AGC’s Foundation Board, counsel to Associated Builders and Contractors, and chair of the Construction and Maritime Sections of the Oregon State Bar.

William Ohle *Shareholder at Schwabe Williamson & Wyatt in Portland, OR*
Mr. Ohle brings a strong industry background to representing public utilities and industries in state and federal regulatory matters. He represents both private and public clients before the Bonneville Power Administration, the Federal Energy Regulatory Commission and the Oregon Public Utilities Commission. Mr. Ohle has more than 20 years of experience representing clients in construction defect and housing accessibility claims, with an emphasis on claims involving design defects by architects and engineers. He defends design professionals against professional malpractice claims and drafts professional service contracts to minimize the risk of construction disputes and meet the needs of specific design disciplines and projects.

Ryan Desjardins *Associate at Parsons Farnell & Grein, LLP in Portland, OR*
Mr. Desjardins is an associate in PFG’s insurance recovery group and its national policyholder practice. One of the most soughtafter policyholder firms on the West Coast, PFG 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. Ryan has been selected as a Rising Star by Oregon Super Lawyers for 2020-2021. He also participates in commercial business civil litigation.

Webinar Information

Log into Webinar 8:00 - 8:30 am PST	Break 12:15 - 1:15 pm PST
Morning Session 8:30 am - 12:15 pm PST	Afternoon Session 1:15 - 4:00 pm PST

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

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Additional Learning

Erosion and Sediment Control
- Tuesday, January 25, 2022 | 8:30 am - 5:00 pm CST

A Drainage Technology Update
- Tuesday, January 25, 2022 | 10:00 am - 12:00 pm CST

Air-Source Heat Pumps, Mini-Splits, and Heat Pump Water Heaters
- Wednesday, January 26, 2022 | 12:00 - 3:30 pm CST
- Thursday, January 27, 2022 | 12:00 - 3:30 pm CST

Seismic Design and Construction
- Thursday, January 27, 2022 | 8:30 am - 5:00 pm CST

Stormwater Best Management Practices
- Thursday, January 27, 2022 | 8:30 am - 5:00 pm CST

Cogeneration System Principles and Practices
- Monday, January 31, 2022 | 8:30 am - 4:30 pm CST

Introduction to HEC-HMS Modeling
- Monday, January 31, 2022 | 8:30 am - 5:00 pm CST

Passive House: Planning, Design and Construction
- Monday, February 7, 2022 | 8:30 am - 4:30 pm CST

Project Management for Engineers
- Friday, February 11, 2022 | 8:30 am - 5:00 pm CST

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Registration

Managing Engineering Liability and Risk in Oregon
Live, Interactive Webinar - Friday, February 25, 2022

How to Register	Registrant Information Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____ Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____ 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.
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