Agenda

Preventing and Defending Professional Liability Claims *L. Pederson*
- 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

Recognizing Your Rights, Responsibilities and Risks under Contracts *S. Roeder*
- 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

Determining What Insurance You Need in Your Engineering Practice *A. Bergstrom*
- Understanding business insurance coverage: general liability vs. professional liability policies
- Additional insureds: obtaining certificates of insurance
- Understanding insurance policies:
  - Indemnity
  - Defense
  - Claims made vs. occurrence coverage
  - Recognizing and responding to claims

Handling Ethical Issues in Professional Engineering Practice *R. Bowman*
- National Society of Professional Engineers' Code of Ethics
- Promoting health and welfare vs. managing business risk: complementary or conflicting duties?
- Watching the bottom line: identifying and balancing economic pressures in design and construction
- Protecting the environment: evolving standards of care and meeting or exceeding legal requirements
- Competence and integrating new technologies: identifying and balancing the benefits and risks

Handling Ethical Issues Associated with Defects and Failures *C. Ofori-Amanfo*
- Importance of ethics on the project
- Behaviors that can be viewed as unethical
- Rules of professional conduct
- Behaviors that can be viewed as ethical

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Live, Interactive Webinar - Thursday, May 19, 2022

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Learning Objectives

You'll be able to:

Identify common sources of professional liability claims and determine who can bring claims.

Explain liability-shifting contract provisions, including warranties, guarantees, and indemnities.

Distinguish the coverage provided by general liability insurance from that provided by professional liability insurance.

Review the National Society of Professional Engineers' Code of Ethics.

Discuss the importance of ethics on engineering projects and examine examples of ethical and unethical behavior.

HalfMoon Education Live Webinars

Legal, Regulatory, and Ethical Issues for Minnesota Engineers

Live, Interactive Webinar - Thursday, May 19, 2022



Discuss preventing and defending professional liability claims

Understand your rights, responsibilities, and risks under contracts

Review what insurance you need in your engineering practice

Explore ethical issues in professional engineering practice

Examine ethical issues associated with defects and failures

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Faculty

Lenae M. Pederson is a partner at Meagher & Geer, P.L.L.P. She focuses her practice on complex civil litigation, with an emphasis on disputes related to design professionals and products liability. In her professional liability practice, Ms. Pederson defends architects and engineers in private and public construction projects of all types, including claims associated with highway design, building design, roof design, parking ramp design, heating and refrigeration system design, oven equipment design, and several other commercial designs. She has won successful jury verdicts in litigation defending engineers when millions of dollars were at stake. In her products liability practice, Ms. Pederson defends manufacturers and distributors faced with claims involving construction equipment, recreational vehicles, and small machinery. Additionally, she has defended a major auto manufacturer in several Lemon Law cases, including jury trials. She also defends international companies in food litigation as part of the firm's Safety, Toxic Tort & Environmental practice group. Ms. Pederson speaks regularly on a wide range of litigation topics at seminars hosted by local and national organizations. She is also an adjunct professor at Mitchell Hamline for the Lawyering: Advice and Persuasion program.

Sarah E. Roeder is corporate counsel at Wunderlich-Malec Engineering, Inc. where she leads and executes the strategic and day-to-day functions of the corporate legal department, including oversight of contract reviews and risk management. Wunderlich-Malec is a 100% employee-owned company with over 400 engineers and other professionals in 35+ business units across the United States, specializing in professional engineering and architecture services, systems integration, industrial automation and controls, and custom electrical fabrication. Prior to joining Wunderlich-Malec, Ms. Roeder practiced construction law at several Minnesota firms where she regularly represented general contractors and design professionals and earned recognition as a Minnesota Super Lawyers Rising Star in Construction Litigation. She earned a J.D. degree, *cum laude*, from the University of St. Thomas School of Law and a B.A. degree, *summa cum laude*, from Drake University.

Adina R. Bergstrom is one of the founding partners of Sauro & Bergstrom, PLLC, a plaintiff's firm located in Oakdale, Minnesota. With a background in insurance claims and regulatory compliance, she has decades of experience analyzing, resolving, and litigating insurance claim disputes and construction matters both as a plaintiff's attorney and formerly as staff counsel for several large insurance companies. She regularly handles insurance appraisals, arbitrations, and litigation at both district and appellate courts in Minnesota and elsewhere. She serves as an AAA arbitrator, as well as an expert on insurance coverage and bad faith issues. Ms. Bergstrom is an active member of several national organizations, including the National Association of Public Insurance Adjusters and the American Bar Association's Tort and Insurance Practice Section, where she is the current chair of the Property Insurance Litigation Committee. Ms. Bergstrom was named by *Minnesota Law and Politics* as a Rising Star in 2011, 2012, and 2013 and as a Super Lawyer in 2014 - 2021.

Rebecca A. Bowman, Esq., P.E., is a sole proprietor, practicing in dispute resolution, estate planning, civil engineering, real estate, legal services, strategic development, and training. She is experienced in dispute resolution, estate planning and administration, engineering design and forensic analysis, construction/project management, real estate, small business start-up, employment law, and nonprofit support. She is a registered professional engineer and a certified arbitrator and mediator. Mrs. Bowman writes a column for the *PE Reporter*, "Risky Business," and she lectures for the Community College of Allegheny County, Pennsylvania State University, the Washington County Bar Association, the Pennsylvania Society of Professional Engineers and others. She earned her B.S. degree in Civil Engineering from the University of North Dakota, her M.B.A. degree from Oklahoma University, and her J.D. degree from Duquesne University. She recently joined the National Society of Professional Engineers as their senior director of Ethics and Professional Practice.

Collins Ofori-Amanfo P.E. is the owner and principal engineer of Collins Forensics LLC. Mr. Ofori-Amanfo's broad-based experience includes investigation of construction defects and damage, investigation of condensation in building envelopes, evaluation of roof and wall leakage, field water spray testing of windows, and assessment of wind and hail damage to roofing materials. His work also involves giving expert testimony and assisting attorneys in resolving disputes over construction and materials-related problems. Prior to establishing Collins Forensics LLC, Mr. Ofori-Amanfo previously worked for many years at Wiss, Janney, Elstner Associates, Inc. (WJE), the Illinois Department of Transportation and Twin City Testing Corporation. He received his B.S. degree in Civil Engineering from the University of Science and Technology in Ghana and his M.S. degree in Structural Engineering from the University of Minnesota, Minneapolis. Mr. Ofori-Amanfo is a registered professional engineer in Minnesota, Wisconsin, Iowa and Illinois.

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