

# Agenda

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Managing Risk in the Practice of Engineering</b><br>Identifying engineering risks<br>Reviewing consequences of potential risks<br>Understanding principles of risk management<br>Complying with professional and ethical standards of Texas engineers<br>Identifying strategies to minimize engineering risk and maximize positive results                                                                                                                                                                                       | <i>M. Gerstle</i> |
| <b>Understanding How Contracts Can Shift, Reduce (or Increase) Risk</b><br>An overview of contract law and key concepts<br>Understanding contract formation and revision<br>Recognizing liability exposure under contract<br>Reviewing standard contract provisions and understanding their impact on risk <ul style="list-style-type: none"><li>• Guarantees, warranties and indemnities</li></ul> Understanding consequences for delay, disruption, nonperformance, inadequate performance<br>Using contract terms to manage risk | <i>J. Pruden</i>  |
| <b>Law of Engineering Malpractice</b><br>Reviewing the grounds for professional liability claims<br>Identifying who can bring a claim<br>Examining common sources of professional liability claims<br>Reviewing defenses to liability claims<br>Determining damages<br>Participating in dispute resolution: arbitration, mediation, litigation<br>Obtaining Insurance coverage for professional liability claims                                                                                                                    | <i>J. Pruden</i>  |
| <b>Reducing Risk for Yourself, Your Company and Your Clients</b><br>Negotiating fair and understandable contract terms<br>Maintaining adequate documentation<br>Implementing document retention policies and procedures<br>Utilizing forms and standard documents<br>Communicating with clients and other parties<br>Implementing quality control practices<br>Using alternative dispute resolution procedures                                                                                                                      | <i>M. Gerstle</i> |
| <b>Recognizing and Responding to Malpractice Claims</b><br>Pre-claim/circumstance vs. pre-suit vs. litigated/arbitrated dispute<br>Setting internal reserves: defense within or outside deductible<br>Duty to cooperate<br>Understanding impact of limitations and repose<br>Settlement value v. legal liability and exposure<br>Mediation and refund of deductible                                                                                                                                                                 | <i>M. Gerstle</i> |
| <b>Handling Ethical Issues in Professional Engineering Practice</b><br>Promoting health and welfare vs. managing risk: complementary or conflicting duties?<br>Protecting the environment: meeting or exceeding legal requirements<br>Watching the bottom line: identifying and balancing economic pressures in design and construction<br>Integrating new technologies: identifying and balancing the benefits and risk                                                                                                            | <i>R. Derner</i>  |

## Managing Engineering Liability and Risk in Texas

Live, Interactive Webinar - Wednesday, May 25, 2022

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HalfMoon Education Inc.  
PO Box 278  
Altoona, WI 54720-0278



## Learning Objectives

- You'll be able to:**
- Review** the principles of risk management.
  - Analyze** contract law, contract formation, and liability under contract.
  - Evaluate** the grounds for professional liability claims.
  - Understand** how to negotiate fair and understandable contract terms (including correct documentation).
  - Discuss** the different steps of handling a malpractice claim.



## HalfMoon Education Live Webinars

# Managing Engineering Liability and Risk in Texas

Live, Interactive Webinar - Wednesday, May 25, 2022



- Analyze** how to manage risk in your engineering practice
- Evaluate** how contracts can shift or reduce risk
- Discuss** engineering malpractice
- Understand** how to reduce risk for yourself, your company, and your clients
- Discuss** how to recognize and respond to malpractice claims
- Examine** how to handle ethical issues in a professional engineering practice

### Continuing Education Credits

**Texas Professional Engineers**  
6.5 PDHs (1.0 Ethics)



# Faculty

**Michael Gerstle** *Founding Partner of the Law Firm of Gerstle Snelson, LLP*  
Since 1993, Mr. Gerstle has assisted participants in the design and construction industry assess risk, negotiate contracts, handle payment issues, evaluate change order requests, resolve claims, and litigate or arbitrate unresolvable conflicts. He provides advice, counsel and representation to clients throughout the State of Texas regarding many different types of projects. He has advised clients regarding federal, municipal, industrial, commercial, healthcare, multi-family, and single family residential projects in all the main metropolitan areas and many of the smaller towns and counties in the State. In addition to being a licensed attorney, Mr. Gerstle holds a professional engineer's license in the State of New York. He worked as a structural engineer and participated in the design of long-span suspension bridges and hydroelectric power plants. As an engineer, Mr. Gerstle participated in the inspection of construction sites and the monitoring of construction and rehabilitation projects. He also prepared environmental impact and transportation impact studies for private developers and non-profit entities. Mr. Gerstle routinely presents seminars to clients regarding risk management techniques in the construction and design fields. He is a Member of the State Bar of Texas Construction Section. Mr. Gerstle has previously held the position of adjunct professor at Texas Wesleyan University, where he taught courses in torts, legal writing, and intellectual property.

**James B. Pruden** *Associate Attorney with Fisk Attorneys*  
Mr. Pruden represents a range of architects, engineers, and other small business owners in professional liability, business, and construction disputes. He thrives on bringing various legal issues to a swift resolution and strongly believes in approaching the practice of law with a focus on client-service and communication, often pursuing creative, efficient and cost-effective solutions to problems. Mr. Pruden coordinates complex multi-party litigation

disputes and represents design professionals in the defense of professional claims, project disputes, contract negotiation, fee collection, and board complaint responses. He also works closely with insurance carriers to quickly and economically defend and resolve conflicts, nimbly balancing all parties' interests. A Midland native, he graduated, *cum laude*, from Texas A&M University with a bachelor of science degree in Economics. In college, he was a member of the Corps of Cadets, the Fightin' Texas Aggie Band, and an active member of Student Bonfire. Mr. Pruden received his Juris Doctor degree from Texas Tech University, and served as the president of the Energy Law Society, and as a member of the Federalist Society and American Inns of Court. As a member of the Texas Construction Bar and a National Allied Member of American Institute of Architects, Mr. Pruden is passionate about serving clients within one of the most important sectors of the American Economy.

**Robert Derner** *Attorney at Allensworth Law*  
Mr. Derner's practice is based in Austin, and his deeply analytical mind, insatiable workethic, and exacting attention to detail fuel his review and analysis of complex construction contracts and his approach to resolving industry disputes. Mr. Derner's practice centers mainly on professional services agreements for architects, engineers, and professional consultants, but regardless of the players, he scours each document to identify potential risks, untapped opportunities, and legal gray areas that can be leveraged during negotiation. With an appreciation of each clause and how the wider agreement operates, Mr. Derner preserves coherence and clarity in each document, using close review and analysis to help the partner in charge advance negotiations and close the deal on favorable terms for the client. As with the construction industry itself, details matter in construction law, and he thrives on untangling complex legal issues.

# Webinar Information

|                                        |                                          |
|----------------------------------------|------------------------------------------|
| Log into Webinar<br>8:00 - 8:30 am CDT | Break<br>11:45 am - 12:15 pm CDT         |
| Morning Session<br>8:30 - 11:45 am CDT | Afternoon Session<br>12:15 - 4:00 pm CDT |

**Tuition**  
**\$319** for individual registration  
**\$289** for two or more registrants from the same company at the same time.  
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- Visit us online at [www.halfmoonseminars.org](http://www.halfmoonseminars.org)
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**Cancellations:** Cancel at least 48 hours before the start of the webinar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another webinar or the self-study package. You may also authorize another person to take your place.

**Continuing Education Credit Information**  
This webinar is open to the public and offers 6.5 PDHs, including 1.0 ethics hour, to professional engineers in the state of Texas. Engineers seeking continuing education credit in other states will be able to apply the hours earned at this event, in most cases. Refer to specific state rules to determine eligibility.

The Texas Board of Professional Engineers and Land Surveyors does not pre-approve any courses, seminars, presentations, or other activities. This course is designed to qualify for Texas engineers.

Attendance will be monitored, and attendance certificates will be available after the webinar for those who attend the entire course and score a minimum 80% on the quiz that follows the course (multiple attempts allowed).

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**Order the Webinar as a Self-Study Package!**  
Recordings of this webinar are available for purchase. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

# Additional Learning

## Legal, Regulatory and Ethical Issues for Texas Engineers Webinar

Thursday, April 21, 2022 | 8:30 am - 4:00 pm CDT

**Agenda Highlights**

- Recognizing Your Rights, Responsibilities and Risks under Contracts
- Preventing and Defending Professional Liability Claims
- Determining What Insurance You Need in Your Engineering Practice
- Intellectual Property Essentials for Engineers: Patents, Trademarks, Copyrights, and Trade Secrets
- Ethical Issues in Sustainable Design: Understanding and Preventing Greenwashing

**Credits**  
Texas Professional Engineers:  
6.5 CE Hours, Including 1.0 Ethics Hour

**Presented by**  
Olaide A. Banks *Principal Attorney at Banks & Associates*  
Larry W. Johnson *Attorney at Cobb Martinez Woodward*  
Garrett Hicks *Attorney at Munsch Hardt Kopf & Harr*  
Stephen Mason *Attorney at Dickenson Wright*  
Lauren Valastro *Partner & Attorney at Diamond McCarthy*

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# Registration

## Managing Engineering Liability and Risk in Texas

Live, Interactive Webinar - Wednesday, May 25, 2022

| How to Register                                                                          |              | Registrant Information                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Online:</b><br><a href="http://www.halfmoonseminars.org">www.halfmoonseminars.org</a> |              | Name: _____<br>Company/Firm: _____<br>Address: _____<br>City: _____ State: _____ Zip: _____<br>Occupation: _____<br>Email: _____<br>Phone: _____                                                                                                                                                                                                                                                                    |
| <b>Phone:</b><br>715-835-5900                                                            |              |                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Fax:</b><br>715-835-6066                                                              | <b>Code:</b> | <b>Additional Registrants:</b><br>Name: _____<br>Occupation: _____<br>Email: _____<br>Phone: _____<br><br>Name: _____<br>Occupation: _____<br>Email: _____<br>Phone: _____<br><br>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.<br><br>( )  I need special accommodations. Please contact me. |
| <b>Complete the entire form.</b><br>Attach duplicates if necessary.                      |              |                                                                                                                                                                                                                                                                                                                                                                                                                     |

**Tuition**

( ) **I will be attending the live webinar.** Single Registrant - **\$319.00**. Two or more registrants from the same company registering at the same time - **\$289.00** each.

( ) **I am not attending.** Please send me the webinar recording:

☐ Streamable MP4 Video/PDF Manual for **\$329.00**.

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