

CONSTRUCTION LAW CONFERENCE

*Construction contracts, subcontracts, A&E contracts, scheduling,
payment, liability, insurance and more.*

Special Session The TRCCA, One Year Later

Earn up to 11.50 Hours of MCLE Credit

Also available: TREC Credit, TDI Credit, CPE Credit for Accountants
and CEP Credit for Professional Engineers (P.E. credit required as of Jan. 2005)



October 21-22, 2004
Sheraton Suites Hotel
Houston, Texas

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THURSDAY MORNING	THURSDAY AFTERNOON	FRIDAY MORNING
Presiding Officer: William R. Allensworth, Austin	Presiding Officer: Chris E. Ryman, Houston	Presiding Officer: C. A. (Joe) Davis, Austin
8:00 a.m. Registration Opens Includes continental breakfast.	1:15 p.m. (0.50 hour) Show Me the Money: Payment and Securing Payment A review of issues arising under mechanic's lien and bond claims, trust fund theory, contractor's certificates, pay-when-paid clauses, and other vehicles ensuring (or obstructing) payment for construction work. C. A. (Joe) Davis, Austin	8:00 a.m. Conference Room Opens Includes continental breakfast.
8:50 a.m. Welcoming Remarks	1:45 p.m. (0.50 hour) Time is Money Schedule and completion issues including delay damages, waivers of delay claims, time extension provisions, concurrent delays and acceleration claims. Jeffrey A. Ford, Dallas	8:30 a.m. (0.50 hour) Warranties and Quality Control Express and implied warranties in contract documents. Analysis of historical and recent case law. David D. Peden, Jr., Houston
9:00 a.m. (0.75 hour) Construction Contracting: An Introduction to Construction Contracts and to Project Delivery Systems An overview of the contractual relationships between members of the construction team, the use (and abuse) of form contracts, and the significance of contracts to construction litigation. William R. Allensworth, Austin	2:15 p.m. (1.00 hour) Residential Construction Contracts The speakers will discuss contrasting views of owners and builders on contract provisions relating to risk shifting, limitations on liability and relationships with third parties. Bruce W. Merwin, Houston Stephen B. Paxson, Houston	9:00 a.m. (0.50 hour) Contracting with the Government Contracting with the State of Texas, its agencies and local governments is full of snap and surprises. We will focus on the most significant, beginning with the State's immunity from suit. George C. Baldwin, Austin
9:45 a.m. (0.75 hour) Understanding the General Contract Fundamental discussion of the basic issues of the general contract, with particular emphasis on the AIA General Conditions A-201, including scope of work, payment, quality of work/ performance, warranties, schedule and risk allocation. This topic shall also address the bid process and its impact on the General Contract. Gregory M. Cokinos, Houston	3:15 p.m. Break	9:30 a.m. (0.50 hour) Dispute Resolution Clauses A survey of dispute resolution provisions prevalent in major segments of the construction industry with an emphasis on those provisions that work and those that are problematic. William K. Andrews, Houston
10:30 a.m. Break	3:30 p.m. (0.25 hour) TRCCA Overview What a difference a year makes! The TRCC—a year in review. John R. Krugh, Houston	10:00 a.m. Break
10:45 a.m. (0.50 hour) Subcontracts This session will discuss subcontract drafting considerations, especially identification and analysis of frequently disputed subcontract provisions. Patrick Gaas, Houston	3:45 p.m. (1.50 hour) Texas Residential Construction Commission Act (TRCCA) A moderated question and answer discussion designed to inform you about how the commission works, practice tips for attorneys, and to allow the audience to ask questions. Chris E. Ryman, Houston, Moderator Clayton C. Cannon, Houston Patrick H. Cordero, Jr., Midland Gregory Harwell, Dallas John R. Krugh, Houston	10:15 a.m. (0.75 hour) Looking For Money in All the Right Places — Risk Allocation Devices in Construction Cases. Including discussions of contractual indemnity, coverage for additional insureds, certificates of insurance, subcontractor and independent contractor exclusions, contractual agreements to procure insurance, wrap-ups, wrap-arounds, subrogation and waiver of subrogation, and allocation or priority of coverage. Michael W. Huddleston, Dallas
11:15 a.m. (0.75 hour) Architecture and Engineering Contracts A survey of Texas law governing the relationships and duties of design professionals with guidelines for contract drafting. Chris S. Stacy, Austin	5:15 p.m. Adjourn to reception Sponsored by: Rimkus Consulting Group, Inc.	11:00 a.m. (0.75 hour) CGL Coverage For Defective Construction: The Saga Continues This presentation will cover property damage, occurrence, business risk exclusions and performance bond/economic loss arguments. Lee H. Shidlofsky, Austin
12:00 p.m. Lunch on your own		11:45 a.m. Lunch on your own

FRIDAY AFTERNOON

Presiding Officer:

William R. Allensworth, Austin

1:00 p.m. (0.75 hour)

Theories of Liability in Construction Litigation

This topic will cover contract and tort theories of liability, the economic loss rule, risk shifting issues and defenses encountered in construction litigation.

John Alex Huddleston, San Antonio

1:45 p.m. (1.25 hour)

Handling Construction Claims in Practice: Plaintiff and Defense Perspectives on Effective Trial and Settlement Strategies

The panelists will discuss some of the practical aspects of construction litigation, including litigation strategy and theories of liability and defense.

William R. Allensworth, Austin, Moderator
Gregory M. Cokinos, Houston
John Alex Huddleston, San Antonio
David D. Peden, Jr., Houston

3:00 p.m. Adjourn

Course Binders

The Construction Law Conference generates the year's definitive set of resource materials. Don't miss a comprehensive guide of sample contracts and forms, checklists, the latest industry developments, and practical tips – over 500 pages of user-friendly materials.

Audio CD Set

The Construction Law Conference presentations are available on CD. Listen to the entire conference or individual sessions, at your convenience.

eBinder on CD

Get the entire conference binder on CD, in electronic PDF format. Only \$50 if added to a registration or purchase of course binder or audio CD set; \$200 if purchased alone.

Group CLE

Would your firm like to run an in-house version of this conference, with full participatory MCLE credit? Order Group CLE and we'll accredit the course for you; includes Audio CD Set, and a course binder for every participant.

2004 Construction Law Conference

This conference is ideal for beginning and intermediate practitioners, as well as anyone in the construction industry — including engineers, architects, developers, builders, lenders, and real estate agents. Get an in-depth look at contracts, scheduling, liability and insurance. Highlights include a TRCCA overview, special sessions on subcontracts and A&E contracts, plus presentations on payment and insurance issues.

Mail this registration form or fax a copy to: (512) 475-6876

REGISTRATION FOR CL04
The University of Texas School of Law • Office of Continuing Legal Education
Attn: CL04 • Post Office Box 7759 • Austin TX 78713-7759

PLEASE PRINT CLEARLY

Bar Card# _____ ☐ TX ☐ Other State: _____ ☐ N/A

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REGISTRATION

Includes Course Binder

☐ Early Registration Fee due by Wed., October 13, 2004 \$375.00

☐ Registration Fee after Wed., October 13, 2004 \$425.00

CONFERENCE PUBLICATIONS AND MEDIA

Available by November 15, 2004.

☐ Course Binder \$200.00

Note: Conference registration includes course binder.

☐ Audio CD Set \$175.00

☐ eBinder on CD (PDF format) \$200.00/\$50.00
(\$200 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

GROUP CLE: Bring the conference in-house and learn at your convenience.

Available by November 15, 2004.

☐ Group CLE for 2 - Includes Audio CD Set and 2 Course Binders \$750.00

_____ Add participants (includes Course Binder) for \$200 each \$ _____

TOTAL ENCLOSED \$ _____

METHOD OF PAYMENT

☐ Check (make checks payable to: The University of Texas at Austin)

☐ VISA or ☐ Mastercard (sorry, no AMEX or Discover)

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HOUSTON

Oct. 21-22, 2004

CONFERENCE LOCATION



Sheraton Suites Hotel
2400 West Loop South
Houston, TX 77027
(800) 325-3535

\$129 single or double special
group rate good through
September 24, 2004

Self-parking: \$7 daily, \$10 overnight
Valet-parking: \$8 daily, \$15 overnight

KEY DATES:

Cancellations & last-minute registrations

October 13, 2004, 5 p.m.

• **last day for early registration**
add \$50 for registrations
received after this time

October 15, 2004, 5 p.m.

• **last day for full refund**

October 18, 2004, 5 p.m.

(Monday before conference)
• **last day for partial refunds**
(\$50 processing fee applied)

October 21, 2004, 9 a.m.

• **conference begins**

**M
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This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 11.50 hours, of which 0.00 credit hours will apply to legal ethics/professional responsibility credit.

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Mark Your Calendar:

Texas Water Law Institute

November 4-5 • Hyatt on Town Lake • Austin

Join attorneys, consultants, engineers, county judges and commissioners at the well-known Texas Water Law Institute, offered this year and in future years by The University of Texas School of Law. Topics include legislative and case law updates, environmental issues, water marketing, groundwater districts and more.

Visit www.utcle.org for registration and program updates.

CONSTRUCTION LAW ONLINE COURSES

www.utcle.org

For a collection of short online courses on a variety of construction law topics. Ideal for CLE and CEP credit for Professional Engineers, P.E. **Available Dec 1, 2004.**



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This program is not printed or mailed at state expense.

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Specialization credit expected for: Civil Trial Law, Consumer & Commercial Law, Real Estate Law

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