

2007 Construction Law Conference
October 11-12, 2007 • Belo Mansion • Dallas, TX

Thursday Morning, Oct. 11, 2007

Presiding Officer:

Michael B. Gerstle, Gerstle, Minissale & Snelson, L.L.P. - Dallas, TX

8:00 am	Registration Opens Includes continental breakfast.
	Welcoming Remarks
9:00 am 0.75 hr	A Primer on Delivery Systems and Corresponding Contract Forms This program will review construction and delivery systems in vogue today contrasting traditional, design-bid-build with CM and design-build. John R. Hawkins, Porter & Hedges, LLP - Houston, TX Amy Kathleen Lucas, Porter & Hedges LLP - Houston, TX
9:45 am 1.00 hr	AIA Doc 201: Evolution and New Changes AIA Document 201 is the foundational document used to describe the typical relationship between Owner and Contractor. This session looks at how this key document has evolved and at expected changes in 2007. Mark D. Petersen, Farella Braun + Martel LLP - San Francisco, CA Commentator: Michael B. Gerstle, Gerstle, Minissale & Snelson, L.L.P. - Dallas, TX
10:45 am	Break
11:00 am 0.75 hr	A Litigator's View of Troublesome Contract Clauses An overview of common AIA contracts that will highlight troublesome clauses for owners, contractors, and design professionals. Chris S. Stacy, Dubois, Bryant & Campbell, L.L.P. - Austin, TX
11:45 am 0.50 hr	Reaching the Contractor's CGL Policy: A Primer on Where We Are and Where We're Going An overview of current trends with CGL coverage as it relates to construction defect litigation. In addition, the discussion will address developments with respect to the law on trigger, extrinsic evidence, and declaratory judgments. Lee H. Shidlofsky, Visser Shidlofsky LLP - Austin, TX

Thursday Afternoon, Oct. 11, 2007

Presiding Officer:

12:15 pm	Luncheon Presentation Pick Up Box Lunch
12:30 pm 0.50 hr ethics	Conflicts Involving Construction Issues: The Engineer Perspective Mark McGivern, CCA, LLP - Bedford, MA
1:00 pm 0.50 hr ethics	Conflicts Involving Construction Issues: The Legal Perspective W. Wade Porter, Allensworth and Porter LLP - Austin, TX
1:30 pm	Break
1:40 pm 1.00 hr	Insuring the Construction Project: Drafting Strategies, Risk Management Considerations, and Insurance Options A broad discussion of key issues in managing risk in connection with construction projects, including strategies regarding builder's risk coverage, consideration of drafting issues for insurance procurement and contractual indemnity provisions, drafting to obtain statutory employer protection under the Workers Compensation Act, currently available insurance products and their plusses and minuses, and additional insured issues and considerations. Please note the time change. A 10 minute break has been added after lunch. All Thursday afternoon sessions now start 10 minutes later than previously stated. Blake S. Evans, Schubert & Evans PC - Dallas, TX Burl Daniel, Burl Daniel Associates - Fort Worth, TX Michael W. Huddleston, Shannon, Gracey, Ratliff & Miller LLP - Dallas, TX
2:40 pm 0.50 hr	The Condominium Craze: Managing the Players, the Project, and the Potential Liability Condominium construction has become a craze in Texas in recent years. This presentation seeks to address the legal affects and potential liabilities associated with the discovery of condominium defects. Allison J. Snyder, Porter & Hedges, LLP - Houston, TX
3:10 pm	Break
3:25 pm 0.75 hr	Employment Law, Labor Law, and Immigration Issues on Construction Projects A look at those employment laws that affect contractor's on the jobsite - including discrimination claims, harassment issues, OSHA considerations, NLRA issues and immigration issues - and what contractor's should be doing to avoid problems or deal with them when they arise. This session has moved to 10:15 am on Friday Linda Ottinger Headley, Littler Mendelson, P.C. - Houston, TX

4:25 pm 0.50 hr	<p>Construction Permits: Rights and Obligations</p> <p>A discussion of the rights and obligations triggered for owners, contractors, the city, and others by the issuance of building permits, especially if issued by error.</p> <p>C. A.(Joe) Davis, Brown McCarroll, L.L.P. - Austin, TX</p>
4:55 pm 0.50 hr	<p>Hot Topics in Construction Litigation</p> <p>This presentation will cover the latest cases on the issues most common in construction litigation, including the economic loss doctrine, warranty claims and measures of damages.</p> <p>Clayton C. Cannon, Stumpf Farrimond, PC - Houston, TX</p>
5:25 pm	Adjourn

Friday Morning, Oct. 12, 2007

Presiding Officer:

Richard E. Schellhammer, Goins, Underkofler, Crawford & Langdon, L.L.P. - Dallas, TX

8:30 am 0.50 hr	<p>Securing Payments for Construction Projects</p> <p>Discusses methods and strategy for securing payments to contractors, subcontractors, suppliers, and others involved in Texas construction projects, with focus on mechanic's liens and payment bond claims.</p> <p>Keith Webb, Miller & McCarthy, P.C. - Dallas, TX</p>
9:00 am 0.50 hr	<p>2007 Construction Law Legislative Update</p> <p>An update and resource guide to the construction related legislation passed in 2007.</p> <p>James L. Dougherty Jr., Attorney at Law - Houston, TX</p>
9:30 am 0.50 hr	<p>Top 10 Mistakes by Design Professionals</p> <p>Design professionals often manage risks with a "reactive" approach, that is addressing issues only after the "oops" moment has struck. This presentation will highlight mistakes common to professional designers and emphasize the benefits of a "proactive" approach, designed to minimize your exposure and your stress levels.</p> <p>Matthew B. Cano, Allensworth And Porter, LLP - Austin, TX Leonard G. Lane Jr., Chelsea Place Design, Inc. - Houston, TX</p>
10:00 am	Break

10:15 am 1.00 hr ethics	<p>Arbitration and Alternative Dispute Resolution Options for Construction Disputes</p> <p>Resolving construction disputes through arbitration, mediation, and other dispute resolution mechanisms: from the parties', the attorneys', the mediator's and the arbitrator's perspective. Pros and cons of various dispute resolution mechanisms.</p> <p>Karl Bayer, Bayer & Hargrove - Austin, TX Donald E. Hemke, Carlton Field - Tampa, FL</p>
11:00 am 1.00 hr 0.25 hr ethics	<p>E-Discovery: A Guide for Construction Litigation</p> <p>Understanding and minimizing the impact of e-discovery on construction businesses.</p> <p>Thomas H. Watkins, Brown McCarroll, L.L.P. - Austin, TX</p>

Friday Afternoon, Oct. 12, 2007

Presiding Officer:

Anne P. Stark, The Law Office of Anne P. Stark - Dallas, TX

12:00 pm	<p>Luncheon Presentation</p> <p>Pick Up Box Lunch</p>
12:30 pm 1.00 hr	<p>Demo: HVAC Defects</p> <p>Through the use of a mock up, this session will illustrate common construction defects related to light commercial/residential air conditioning equipment. There will be a mock up of an operating air conditioning system with viewing windows to showing the internal parts, fans that circulate the air and water used to simulate condensation. This demonstration will allow participants to actually put their hands on and see first hand the most common construction defects found in air conditioning systems.</p> <p>Jeffery H. Peters, Rimkus Consulting Group, Inc. - Houston, TX Moderator: Richard E. Schellhammer, Goins, Underkofler, Crawford & Langdon, L.L.P. - Dallas, TX</p>
1:45 pm 0.50 hr	<p>Rights and Remedies Involving Inspections Including Third Party Inspections</p> <p>A presentation about theories of liability, standard of care, defenses, insurance considerations, and effective contractual liability limitations in claims against inspectors.</p> <p>Debra B Norris, Debra B Norris PC - Houston, TX</p>
2:15 pm 0.75 hr	<p>Update on the TRCCA and Residential Construction Litigation</p> <p>The discussion will include recent amendments to the Texas Residential Construction Commission Act in H.B. 1038 and the pitfalls of the dispute resolution process (SIRP) for clients and practitioners. This session will address the progression of a typical construction defect claim from first notice through the state inspection, RLCA offer, and final resolution.</p> <p>Anne P. Stark, The Law Office of Anne P. Stark - Dallas, TX</p>
3:00 pm	<p>Adjourn</p>