

CONSTRUCTION LAW

Rescheduled from September 2008

Earn up to 12.00 Hours of Credit Including 2.25 Hours of Ethics Credit

Specialization Approved for Real Estate

9.0 Hours of General Elective TREC Credit and 10.0 Hours of TDI Credit Available



January 29-30, 2009

JW Marriott Houston—Galleria
Houston, Texas

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THURSDAY MORNING, JANUARY 29, 2009

Presiding Officer:

M. Gavin McGee, Houston, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .50 hr

Residential Construction Law Update

A review of recent cases affecting residential construction disputes.

Clayton C. Cannon, Houston, TX
Author: Ian P. Faria, Houston, TX

9:30 a.m. 1.00 hr

Alternative Approaches to Construction Contracts: The AIA A201 General Conditions, 2007 Edition and the New ConsensusDOCS

There are new forms, choices and strategies for "standard form" construction contracts. This session will help you understand the important changes made to the 2007 edition of the AIA A201 General Conditions and the alternative approaches contained in the ConsensusDOCS family of contract documents.

Thomas W. Myers, Houston, TX
Chris S. Stacy, Austin, TX

10:30 a.m. Break

10:45 a.m. 1.00 hr

Key Contract Provisions from the General Contractor and Subcontractors' Perspective—Don't You Trust Me?

The speakers will review critical subcontract provisions which are "must have" or "can't live with," depending on whether you represent the general contractor or a subcontractor.

Michael R. Johnson, Dallas, TX
Thomas J. Walthall Jr., San Antonio, TX

11:45 a.m. .50 hr

Contracting with the Sovereign—Moving Away from the Low Bidder

A survey of broadened discretion given to Texas state, county and local governments for their construction needs, focusing on "alternative" delivery systems, procurement processes, and sovereign immunity issues.

Curtis W. Martin, Houston, TX

THURSDAY AFTERNOON

Presiding Officer:

Clayton C. Cannon, Houston, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:35 p.m. 1.00 hr ethics

The Noble Lawyer and the Search for the Lost Ark: Retaining Integrity in the Legal World to Come

The practice of all types of law, including construction law, is rapidly changing. How do we rehabilitate our public image and maintain our professional culture in this brave new world?

William J. Chriss, Austin, TX

1:35 p.m. Break

1:50 p.m. 1.00 hr

Pay-If-Not-Paid: Living with the New Contingent Payment Law

A technical and practical analysis of Texas Civil Practice & Remedies Code §35.521, Payment of Construction Subcontractor. This new law significantly restricts, but does not prohibit, the use and enforcement of contingent payment clauses in certain construction contracts.

M. Gavin McGee, Houston, TX

2:50 p.m. .50 hr

Managing Construction Risk Through Builder's Risk Insurance

Building owners and contractors face a variety of special risks, e.g., losses due to theft, fire, collapse as well as related liability risks, inherent in the construction or renovation of buildings. This session covers key aspects of builder's risk policies, with particular attention to how broad the coverage is or can be, as well as key issues that must be addressed to maximize the value and use of such policies, including contractual efforts to shift risk and costs.

Leo Jordan, Dallas, TX

3:20 p.m. Break

3:35 p.m. .50 hr

Torts on the Construction Site

Discussing numerous hot issues regarding construction site tort liability, including Entergy and "statutory employees," negligent hiring and entrustment issues, attribution of comparative fault, and contractual indemnity issues.

Michael W. Huddleston, Dallas, TX

4:05 p.m. .75 hr

Worksite Compliance: Immigration Issues on the Construction Site

An update on the increased enforcement focus for contractors and subcontractors including: employment verification compliance; and recent E-verify mandates for federal contractors and their subs.

Kathleen Campbell Walker, El Paso, TX

4:50 p.m. .50 hr

Copyright and IP Issues Involving Construction

This topic will address the application of copyright laws to construction companies. There will be discussion of the nature of the litigation, the types of damages available, and insurance coverage available for this type of litigation.

R. Brent Cooper, Dallas, TX

5:20 p.m. Adjourn

FRIDAY MORNING, JANUARY 30, 2009

Presiding Officer:

C. A. (Joe) Davis, Austin, TX

8:30 a.m. Conference Room Opens

Includes continental breakfast.

9:00 a.m. .75 hr

Green Building: Certifications, Added Value, Contracts, Performance, and Liability

This session opens with a discussion of the structural items, equipment, materials and finishes that LEED Certification requires, i.e. what should be included in the contract, as well as the inspection and "commissioning" procedure for attaining the LEED certification post-construction. The second part of the presentation will discuss the construction contract issues invoked by LEED standards; acceptance and certification procedures; warranties, regulatory issues, and building "performance" issues.

James L. Dougherty Jr., Houston, TX
Brian M. Malarkey, Houston, TX
Bruce W. Merwin, Houston, TX

9:45 a.m. 1.25 hrs ethics

ADR: Mediation and Arbitration Options and Strategies for Construction Disputes

This highly qualified and experienced panel of mediators, arbitrators and construction experts will explore various techniques they have found beneficial for successful results at mediation, and will discuss various strategies they have effectively used in construction industry arbitration cases.

Moderator: W. Gerald Hoover, Houston, TX
William K. Andrews, Houston, TX
Karl Bayer, Austin, TX
Curtis W. Martin, Houston, TX
Mark McGivern, Bedford, MA

11:00 a.m. Break

11:15 a.m. .50 hr

A Primer On Project Delivery Systems

An overview of some of the most common alternative project delivery methods for construction projects including design-build and construction manager at risk. This topic will include a comparison of several such methods against the traditional design-bid-build process, along with discussion of the variations in the roles of the contracting parties for each.

Thomas Vaughn, Houston, TX

11:45 a.m. .50 hr

Avoidance and Handling of Licensure Issues for Design Professionals

This topic will deal with licensure issues facing the design professional and will include a survey of, and guide to dealing with, the Texas State Boards which regulate architects and engineers.

W. Wade Porter, Austin, TX

FRIDAY AFTERNOON

Presiding Officer:

C. A. (Joe) Davis, Austin, TX

LUNCHEON PRESENTATION

12:15 p.m. Pick up Box Lunch

Included in conference registration fee.

12:30 p.m. .75 hr

Demonstration: Thermal Imaging as a Tool to Diagnose Construction Defects

This session provides a demonstration of thermal imaging tools and technology and illustrates how thermal imaging can be used to diagnose construction defects, including water intrusion through roofs, walls and floors, and building envelope issues relating to insulation. The session closes with some observations on the best uses of and limitations with this tool.

Duncan E. Doss, Houston, TX
Scott R. Jetton, Houston, TX

1:15 p.m. Break

1:30 p.m. 1.00 hr

General Counsel Panel: Managing Litigation Risks and Hiring Outside Counsel

A discussion of the real concerns of in-house counsel in handling litigation, including methods employed and factors considered in the process

of identification, engagement, management and change of outside litigation counsel.

Moderator: C. A. (Joe) Davis, Austin, TX
Robert M. Reed, Jr., Dallas, TX (Invited)
Gregory D. Timmons, Pittsburgh, PA (Invited)

2:30 p.m. Adjourn

REGISTRATION FOR CL08

Mail this registration form to: The University of Texas School of Law, Attn. CL08
P.O. Box 7759, Austin, TX 78713-7759 **or fax a copy to: (512) 475-6876**
Online registration available at www.utcle.org

PLEASE PRINT CLEARLY

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Telephone _____ Fax _____

Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations, and receipts are emailed to these addresses.

REGISTRATION

Includes Course Binder, Thursday and Friday Box Lunch Presentations

Early Registration Fee due by Wednesday, January 21, 2009 \$450.00

Registration Fee after Wednesday, January 21, 2009 \$500.00

CONFERENCE PUBLICATIONS AND MEDIA

Allow 2-4 weeks from conference date for delivery.

Course Binder \$225.00

Note: Conference registration includes Course Binder.

Audio CD Set \$175.00

eBinder on CD (PDF format) \$225.00/\$50.00

(\$225 purchased alone, \$50 with registration or purchase of Course Binder or Audio CD Set)

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

Allow 2-4 weeks from conference date for delivery.

In-House CLE for 2 includes Audio CD Set and 2 Course Binders \$800.00

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

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HOUSTON
January 29-30, 2009
CONFERENCE LOCATION



JW Marriott Houston—Galleria
 5150 Westheimer
 Houston, TX 77056
 713-961-1500

SPECIAL ROOM RATE: \$189
 Good through January 7, 2009
 (subject to availability)

Parking: Event Valet: \$12;
 All Day Self-Park: \$15
 (subject to change)

KEY DATES

Registration & Cancellation

January 21, 2009–5 p.m.
last day for early registration
 add \$50 for registrations
 received after this time

January 23, 2009–5 p.m.
last day for full refund

January 26, 2009–5 p.m.
last day for partial refunds
 \$50 processing fee applied

January 29, 2009–9 a.m.
conference begins

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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 12.00 hours, of which 2.25 credit hours will apply to legal ethics/professional responsibility credit. The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944).

E-mail us at
utcle@law.utexas.edu
 or call us at
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