

2008 Construction Law
January 29-30, 2009 • JW Marriott Houston-Galleria • Houston, TX

Thursday Morning, Jan. 29, 2009

Presiding Officer:

M. Gavin McGee, Attorney at Law - Bellaire, TX

8:00 am	Registration Opens Includes continental breakfast.
8:50 am	Welcoming Remarks
9:00 am 0.50 hr	Residential Construction Law Update A review of recent cases affecting residential construction disputes. Clayton C. Cannon, Stumpf Farrimond, PC - Houston, TX Materials By: Ian P. Faria, Coats, Rose, Yale, Ryman & Lee, P.C. - Houston, TX
9:30 am 1.00 hr	Alternative Approaches to Construction Contracts: The AIA A201 General Conditions, 2007 Edition and the New Consensus DOCS 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, Andrews Myers Coulter & Cohen PC - Houston, TX Chris S. Stacy, Dubois, Bryant & Campbell, L.L.P. - Austin, TX
10:30 am	Break
10:45 am 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 of a subcontractor. Michael R. Johnson, Johnson & Wolfarth, L.L.P. - Dallas, TX Thomas J. Walthall Jr., The Gardner Law Firm - San Antonio, TX
11:45 am 0.50 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, Attorney At Law - Houston, TX

Thursday Afternoon, Jan. 29, 2009

	LUNCHEON PRESENTATION
12:15 pm	Pick up Box Lunch
12:35 pm 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, Texas Center for Legal Ethics and Professionalism - Austin, TX
1:35 pm	Break
1:50 pm 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, Attorney at Law - Bellaire, TX
2:50 pm 0.50 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, Shannon, Gracey, Ratliff & Miller, LLP - Dallas, TX
3:20 pm	Break
3:35 pm 0.50 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, Shannon, Gracey, Ratliff & Miller LLP - Dallas, TX
4:05 pm 0.75 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, Brown McCarroll, L.L.P. - El Paso, TX

4:50 pm 0.50 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. Gordon K. Wright, Cooper & Scully PC - Dallas, TX
5:20 pm	Adjourn

Friday Morning, Jan. 30, 2009

Presiding Officer:

C. A.(Joe) Davis, Brown McCarroll, L.L.P. - Austin, TX

8:30 am	Conference Room Opens Includes continental breakfast.
9:00 am 0.75 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., Attorney at Law - Houston, TX Brian M. Malarkey, Kirksey - Houston, TX Bruce W. Merwin, Haynes And Boone, LLP - Houston, TX
9:45 am 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. Jerry Hoover, Attorney Mediator Arbitrator - Houston, TX William K. Andrews, Andrews Myers Coulter & Cohen PC - Houston, TX Karl Bayer, Dispute Resolution Expert - Austin, TX Curtis W. Martin, Attorney At Law - Houston, TX Mark McGivern, CCA, LLP - Bedford, MA
11:00 am	Break

11:15 am 0.50 hr	<p>A Primer on Project Delivery Systems</p> <p>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.</p> <p>Thomas Vaughn, Vaughn Construction - Houston, TX</p>
11:45 am 0.50 hr	<p>Avoidance and Handling of Licensure Issues for Design Professionals</p> <p>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.</p> <p>W. Wade Porter, Allensworth and Porter LLP - Austin, TX</p>

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C. A.(Joe) Davis, Brown McCarroll, L.L.P. - Austin, TX

	LUNCHEON PRESENTATION
12:15 pm	<p>Pick up Box Lunch</p> <p>Included in conference registration fee.</p>
12:30 pm 0.75 hr	<p>Demonstration: Thermal Imaging as a Tool to Diagnose Construction Defects</p> <p>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 some observations on the best uses of and limitations with this tool.</p> <p>Jeff W. Gibeaux, Rimkus Consulting - Red Rock, TX Kurt M. Hanson, Mustang Cat - Houston, TX</p>
1:15 pm	Break
1:30 pm 1.00 hr	<p>General Counsel Panel: Managing Litigation Risks and Hiring Outside Counsel</p> <p>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.</p> <p>Moderator: C. A.(Joe) Davis, Brown McCarroll, L.L.P. - Austin, TX Kurt M. Hanson, Mustang Cat - Houston, TX Robert M. Reed Jr., Atrium Companies, Inc. - Dallas, TX Gregory D. Timmons, Eramet North America, Inc. - Coraopolis, PA</p>
2:30 pm	Adjourn