

2012 CONSTRUCTION LAW



September 13–14, 2012
Belo Mansion ▪ Dallas, Texas

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THURSDAY MORNING, SEP. 13, 2012

Presiding Officer:

Cathy Lilford Altman,
Carrington, Coleman, Sloman &
Blumenthal, L.L.P., Dallas, TX

8:00 a.m. Registration Opens

Includes continental breakfast.

8:50 a.m. Welcoming Remarks

9:00 a.m. .75 hr

Construction Law Update

An overview of significant court decisions relating to the various areas of construction law and construction litigation.

Matthew B. Cano, Allensworth and Porter, L.L.P.,
Austin, TX

9:45 a.m. 1.00 hr

Top Construction Contract Issues and Pressure Points for the Players

Whether you are an owner, contractor or subcontractor, a project's success or failure depends on the construction contract's terms. Learn how to thoughtfully consider provisions regarding key tasks, deadlines and risks from every perspective.

Joe R. Basham, Allensworth and Porter, L.L.P.,
Austin, TX

John W. Nassen, Ford Nassen & Baldwin, Dallas, TX
Leslie C. Thorne, Haynes and Boone, LLP, Austin, TX

10:45 a.m. Break

11:00 a.m. .75 hr

Drafting Risk Management Provisions in Construction Contracts—the Impact of Statutory Anti-Indemnity/Insurance Limitations and More

A dialogue regarding drafting considerations with respect to indemnity and insurance procurement provisions after the passage of section 151.102 of the Texas Insurance Code. Also discussing drafting considerations regarding defense provisions, insurance coverage requirements and terminology, limitations and release of liability and waiver of subrogation.

Cynthia A. Holub, Porter Hedges LLP, Houston, TX
Michael W. Huddleston, Shannon, Gracey, Ratliff &
Miller LLP, Dallas, TX

11:45 a.m. .50 hr

Dealing with Everyday Insurance Roadblocks and Issues in the Construction Industry

Coverage issues that typically confront an insured and a plaintiff in construction cases are addressed. Learn what tactics have worked to overcome these issues as well as what tactics have failed so the insured and plaintiff are in an informed position to plead and structure their case.

R. Brent Cooper, Cooper & Scully, P.C., Dallas, TX

12:15 p.m. Break for Buffet Lunch

Included in conference registration fee.

THURSDAY AFTERNOON

Presiding Officer:

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

LUNCHEON PRESENTATION

12:35 p.m. .75 hr

Economic Prospects for the U.S., Texas and DFW: Short-Term and Long-Term

Three years after the "Great Recession," the American economy is performing well below par. Texas and Dallas/Fort Worth, however, are doing much better. An examination of why Texas and its major metropolitan areas should grow much faster than the nation for the next five years.

Bernard L. Weinstein, Southern Methodist University,
Dallas, TX

1:20 p.m. Break

1:30 p.m. .75 hr ethics

Ethics Issues Involving Government Contracts

A discussion of the difference between legal and ethical standards, sources of ethical guidance for government contractors and public owners, and common ethical issues in government contracting.

Eileen Rose Youens, The Law Office of
Eileen Youens, LLC, Dallas, TX

2:15 p.m. .33 hr

Certificates of Merit: Emerging Developments

This session details the current case law, identifies trends in the law and addresses the statute's potential interplay with the most recent round of tort reform legislation.

Charles J. Cain, Cain & Skarnulis LLP, Austin, TX

2:35 p.m. .50 hr

Claims Against Design Professionals by Contractors: Recent Developments

An active construction litigator explores the boundaries of potential liability of architects and engineers for negligent misrepresentation, in light of recent and pending cases.

C. A. "Joe" Davis, Brown McCarroll, L.L.P., Austin, TX

3:05 p.m. .50 hr

Construction Projects: What Happens When One or More Parties Goes Bankrupt

An overview of common issues that arise in bankruptcy cases involving construction industry debtors.

J. Mark Chevallier, McGuire, Craddock & Strother, P.C.,
Dallas, TX

3:35 p.m. Break

UPCOMING UT LAW CLE PROGRAMS OF INTEREST

46th Annual William W. Gibson, Jr.

Mortgage Lending Institute

October 4–5, 2012

Belo Mansion
Dallas, Texas

October 25–26, 2012

Four Seasons Hotel
Austin, Texas

Video Replay

November 29–30, 2012

Norris Conference Center - City Centre
Houston, Texas

17th Annual

Insurance Law Institute

October 18–19, 2012

Courtyard Marriott
Austin, Texas

Presented by

The University of Texas School of Law
The Insurance Law Section of the State Bar of Texas

3:50 p.m. .92 hr

**Collaborative Project Delivery:
Lessons from the New Parkland Hospital**

The new Parkland Hospital is a 1.9 million SF acute care facility that will serve as a teaching hospital for the University of Texas Southwestern School of Medicine. Representatives of the owner, architect and contractor discuss the collaborative approaches they used to design and complete the new facility to serve a patient load that has doubled since the hospital was originally built.

Heidi Higgason, HDR, Inc., Dallas, TX
Walter Jones Jr., Parkland Health & Hospital System, Dallas, TX
Pleas Mitchell, Balfour Beatty, Dallas, TX

4:45 p.m. .75 hr

Innovative Construction Financing

A practical guide to what stakeholders should know before getting involved with public private partnerships (P3) projects. From identifying and managing risks to general tips on what should be included in contracts, different perspectives on P3 projects are discussed.

Moderator:
Anthony J. Gonzales, Spire Consulting Group, LLC, Austin, TX

Panelists:
Declan McManus, KPMG Corporate Finance LLC, Austin, TX
Rodney Moss, Balfour Beatty, Dallas, TX

5:30 p.m. Adjourn

FRIDAY MORNING, SEP. 14, 2012

Presiding Officer:

Jerry Mercer, Rimkus Consulting Group, Houston, TX

8:00 a.m. Conference Room Opens

Includes continental breakfast.

8:30 a.m. .75 hr

**Construction Liens:
What's New, What Can Hurt You**

An update on recent legislative changes to Texas Mechanics' and Materialmen's Lien law, including new retainage notice and lien deadlines, releases, and related retainage lien issues.

Steven Eugene Kennedy, McGuire, Craddock & Strother, P.C., Dallas, TX

9:15 a.m. .50 hr

Construction Pre-Litigation and Litigation Deadlines

While meeting deadlines is a critical part of any case, construction disputes present unique issues in this respect. Learn practical tips on identifying and preparing for key dates.

Erika L. Bright Blomquist, Haynes and Boone, LLP, Dallas, TX

9:45 a.m. Break

10:00 a.m. .50 hr

**Construction Litigation:
Preparing Witnesses for Deposition**

Practical tips on how to best prepare a witness for deposition.

Jennifer Evans Morris, Carrington, Coleman, Sloman & Blumenthal, L.L.P., Dallas, TX

10:30 a.m. .75 hr

**Construction Litigation:
Taking Effective Depositions**

Effective methods for taking depositions in construction litigation.

Lawrence T. Bowman, Kane Russell Coleman & Logan PC, Dallas, TX

11:15 a.m. .75 hr

Anatomy of a Construction Defect Case

From initial pleadings to discovery, depositions and expert investigation, learn how multi-party cases can be developed and resolved efficiently and economically in lieu of protracted litigation and trial with real-world examples.

D. Mark Davis, Craddock Davis & Krause LLP, Dallas, TX
Mark McGivern, CCA, Construction Consulting Associates, LLC, Bedford, MA
Leonard W. Woods Jr., Jackson Walker L.L.P., Austin, TX

12:00 p.m. Break for Buffet Lunch

Included in conference registration fee.

FRIDAY AFTERNOON

Presiding Officer:

Dale E. Butler, Winstead PC, Fort Worth, TX

LUNCHEON PRESENTATION

12:20 p.m. .50 hr

Effective Use of Animations, Simulations and Demonstrative Evidence in Construction Cases

Construction cases present unique difficulties in the presentation of evidence. The need to simplify technical issues can only be accomplished through the use of compelling graphics and carefully placed visual strategies. This session addresses various types of demonstrative exhibits—from low-tech to high-tech—and the special considerations the use of such evidence requires.

Edward Josiah, Nautilus Consulting, LLC, Syosset, NY

12:50 p.m. Break

1:00 p.m. 1.00 hr ethics

Ethical Issues in Construction Litigation

While the complexity of construction litigation is well-known, do litigators see or understand the ethical quandaries that can arise due to that complexity? Learn the dangers that can face the construction litigator and how to defuse them.

William J. Chriss, Law Office of William J. Chriss, P.C., of Counsel to Gravelly & Pearson, L.L.P., Austin, TX

2:00 p.m. .75 hr including .25 hr ethics

**Arbitrators' and Judges' Panel:
Tips for Your Case**

Current judges and construction arbitrators provide their thoughts and advice on effectively presenting a construction case to a judge, jury or arbitrator.

Moderator:
Dale E. Butler, Winstead PC, Fort Worth, TX

Panelists:
Hon. Bob Carroll, 40th Judicial District Court, Waxahachie, TX
Hon. T. King Fifer, Dallas County Court At Law No. 2, Dallas, TX
Hon. Nancy A. Thomas (Retired), Attorney, Arbitrator and Mediator, Dallas, TX
Hon. Karen Brown Willcutts (Former), JAMS, Dallas, TX

2:45 p.m. .50 hr

**Dispute Resolution During Project Delivery:
How Outside Counsel Can Help Rather than Hinder the Effort**

A dialogue between an attorney and a project manager on effective ways to manage and resolve disputes during a project.

Corbet F. Bryant Jr., Carrington, Coleman, Sloman & Blumenthal, L.L.P., Dallas, TX
Guillermo Ramos, The University of Texas Southwestern Medical Center, Dallas, TX

3:15 p.m. Adjourn

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Excellent program—liked the way topics are clustered around issues, such as litigation, etc.

Nice variety of topics and practical knowledge provided

Good presentations and very well-paced.

Great content and knowledgeable presentations. Diverse topics that are very current to today's concerns.

This program is uniformly superior—excellent papers and very informative presentations

Good balance between litigation and transactional matters

HOW TO REGISTER

Register online:
www.utcle.org

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The University of Texas
School of Law
Attn. Registration
P.O. Box 7759
Austin, TX 78713-7759

Or fax to:
512-475-6876

Questions? Call us at 512-475-6700

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*Texas MCLE credit only.

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P.O. Box 7759, Austin, TX 78713-7759 or fax a copy to: 512-475-6876

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Registrant's Email (required) _____

Assistant's Email (optional) _____

Invoices, confirmations and receipts are emailed to these addresses.

GREEN REGISTRATION—Includes Electronic Materials on USB Key ONLY, and Thursday and Friday Luncheon Presentations

- Early Registration Fee due by Wednesday, September 5, 2012.....\$470
- Registration Fee after Wednesday, September 5, 2012.....\$520

STANDARD REGISTRATION—Includes Printed Course Binder ONLY, and Thursday and Friday Luncheon Presentations

- Early Registration Fee due by Wednesday, September 5, 2012\$475
- Registration Fee after Wednesday, September 5, 2012.....\$525

CONFERENCE PUBLICATIONS AND MEDIA

Allow 3-5 weeks from the conference date for delivery.

- Course Binder WITHOUT Conference Registration.....\$225
Note: Conference Registration includes Course Binder.
- Audio MP3 Speeches on CD.....\$130
- Audio CD Set.....\$210
- eBinder on CD (PDF format).....\$225/\$50
(\$225 purchased alone, \$50 with Registration or purchase of Course Binder or Audio MP3 Speeches on CD or Audio CD Set)

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

Allow 3-5 weeks from the conference date for delivery. Approved for Texas MCLE credit.

- In-House CLE for 2—Includes Audio CD Set and Course Binders\$825
- _____ Add participants (includes Course Binder) for \$225 each..... \$ _____

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DALLAS

September 13–14, 2012

CONFERENCE LOCATION



Belo Mansion
 2101 Ross Avenue
 Dallas, TX 75201
 214-220-0239

Parking:

\$4/day for Dallas Bar Members
 \$10/day for non-Dallas Bar Members

KEY DATES

September 5, 2012

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

September 7, 2012

last day for full refund

September 10, 2012

last day for partial refund
 \$50 processing fee applied

September 13, 2012, 8:50 a.m.

Conference begins

**M
C
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E**

This course has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 2.00 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), and an Oklahoma Bar Association MCLE presumptively-approved provider (#169).

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