

**2012 Construction Law**  
**September 13-14, 2012 • Belo Mansion • Dallas, TX**

**Thursday Morning, Sep. 13, 2012**

**Presiding Officer:**

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

8:00 am	<b>Registration Opens</b>  Includes continental breakfast.
8:50 am	<b>Welcoming Remarks</b>
9:00 am 0.75 hr	<b>Construction Law Update</b>  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 am 1.00 hr	<b>Top Construction Contract Issues and Pressure Points for the Players</b>  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 Ramsey Basham, Allensworth and Porter, L.L.P. - Austin, TX John W. Nassen, Ford Nassen & Baldwin - Dallas, TX Leslie Conant Thorne, Haynes and Boone, LLP - Austin, TX
10:45 am	<b>Break</b>
11:00 am 0.75 hr	<b>Drafting Risk Management Provisions in Construction Contracts – The Impact of Statutory Anti-Indemnity/Insurance Limitations and More</b>  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 am 0.50 hr	<b>Dealing with Everyday Insurance Roadblocks and Issues in the Construction Industry</b>  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.  Tarron L. Gartner, Cooper Scully, P.C. - Dallas, TX

12:15 pm

**Break for Buffet Lunch**

Included in conference registration fee.

**Thursday Afternoon, Sep. 13, 2012**

**Presiding Officer:**

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

**Luncheon Presentation**

12:35 pm  
0.75 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 pm

**Break**

1:30 pm  
0.75 hr ethics

**Ethics Issues Involving Government Contracts**

A discussion 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 Bamberger Youens, The Law Office of Eileen Youens, LLC - Dallas, TX

2:15 pm  
0.33 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 pm  
0.50 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 pm  
0.50 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 pm

**Break**

<p>3:50 pm 0.92 hr</p>	<p><b>Collaborative Project Delivery: Lessons from the New Parkland Hospital</b></p> <p>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.</p> <p>Hank Adams, HDR, Inc. - Dallas, TX Walter Jones Jr., Parkland Health &amp; Hospital System - Dallas, TX Pleas Mitchell, Balfour Beatty - Dallas, TX</p>
<p>4:45 pm 0.75 hr</p>	<p><b>Innovative Construction Financing</b></p> <p>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.</p> <p>Moderator: Anthony J. Gonzales, Spire Consulting Group, LLC - Austin, TX Panelists: Daniel Jones, KPMG Corporate Finance LLP - Austin, TX Panelists: Rodney Moss, Balfour Beatty - Dallas, TX</p>
<p>5:30 pm</p>	<p><b>Adjourn</b></p>

## Friday Morning, Sep. 14, 2012

### Presiding Officer:

**Jerry Mercer**, Rimkus Consulting Group - Houston, TX

<p>8:00 am</p>	<p><b>Conference Room Opens</b></p> <p>Includes continental breakfast.</p>
<p>8:30 am 0.75 hr</p>	<p><b>Construction Liens: What's New, What Can Hurt You</b></p> <p>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.</p> <p>Steven Eugene Kennedy, McGuire, Craddock &amp; Strother, P.C. - Dallas, TX</p>
<p>9:15 am 0.50 hr</p>	<p><b>Construction Pre-Litigation and Litigation Deadlines</b></p> <p>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.</p> <p>Michael L. Hood, Haynes and Boone, LLP - Dallas, TX</p>
<p>9:45 am</p>	<p><b>Break</b></p>

10:00 am 0.50 hr	<p><b>Construction Litigation: Preparing Witnesses for Deposition</b></p> <p>Practical tips on how to best prepare a witness for deposition.</p> <p>Jennifer Evans Morris, Carrington, Coleman, Sloman &amp; Blumenthal, L.L.P. - Dallas, TX</p>
10:30 am 0.75 hr	<p><b>Construction Litigation: Taking Effective Depositions</b></p> <p>Effective methods for taking depositions in construction litigation.</p> <p>Lawrence T. Bowman, Kane Russell Coleman &amp; Logan PC - Dallas, TX</p>
11:15 am 0.75 hr	<p><b>Anatomy of a Construction Defect Case</b></p> <p>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.</p> <p>D. Mark Davis, Craddock Davis &amp; Krause LLP - Dallas, TX  Mark McGivern, CCA, Construction Consulting Associates, LLC - Burlington, MA  Leonard W. Woods Jr., Jackson Walker L.L.P. - Austin, TX</p>
12:00 pm	<p><b>Break for Buffet Lunch</b></p> <p>Included in conference registration fee.</p>

## Friday Afternoon, Sep. 14, 2012

### Presiding Officer:

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

	<p><b>Luncheon Presentation</b></p>
12:20 pm 0.50 hr	<p><b>Effective Use of Animations, Simulations and Demonstrative Evidence in Construction Cases</b></p> <p>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.</p> <p>Edward Josiah, Nautilus Consulting, LLC - Syosset, NY</p>
12:50 pm	<p><b>Break</b></p>
1:00 pm 1.00 hr ethics	<p><b>Ethical Issues in Construction Litigation</b></p> <p>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.</p> <p>William J. Chriss, Gravely &amp; Pearson, L.L.P. - Austin, TX</p>

2:00 pm  
0.75 hr  
0.25 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

Panelists:

Hon. Timothy King Fifer, Dallas County Court At Law No. 2 - Dallas, TX

Panelists:

Robert C. Prather Sr., Snell, Wylie & Tibbals P.C. - Dallas, TX

Panelists:

Hon. Karen Brown Willcutts, JAMS - Dallas, TX

2:45 pm  
0.50 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.

Moderator:

Corbet F. Bryant Jr., Carrington, Coleman, Sloman & Blumenthal, L.L.P. - Dallas, TX

Panelists:

Tonya Powers Johannsen, The Beck Group - Dallas, TX

Panelists:

Guillermo Ramos, The University of Texas Southwestern Medical Center - Dallas, TX

3:15 pm

**Adjourn**