

Agenda

Facilitating the Project with Effective Construction Contracting

M. Rowley

- Understanding the legal rights/duties of project participants:
 - owners, contractors, design services firms, subcontractors and suppliers
- Understanding your project delivery system: design-bid-build, design-build, construction manager, construction manager-at-risk
- Using standard or custom contract documents: AIA, ConsensusDocs, others
- Understanding key contract concepts and terms: performance, breach, warranties, guarantees, indemnity, damages
- Modifying contracts and selecting dispute resolution mechanisms

Protecting the Project with Bonds and Insurance

A. Bergstrom

- Obtaining construction bonds
 - Performance
 - Payment
 - Alternatives to bonds
- Obtaining insurance
 - Commercial general liability insurance
 - Builder's risk insurance
 - Errors and omissions insurance
 - Additional/alternative insurance
- Claims and notice issues

Making Changes and Resolving Disputes during the Construction Process

J. Short

- Making changes to the contract and contracted work
 - Types of changes: ordered and constructive changes
 - The contract change clause
 - Requirements for making changes
 - Liability issues
- Solving problems during the construction process
 - Site conditions
 - Delays
 - Disruption
 - Acceleration
 - Accidents

Handling Ethical Issues in Construction, Part 1

J. Steckler

- Avoiding ethical issues during the bidding process
 - Gifts, favors and the appearance of impropriety
- Your duties to your employer, the project owner, and other project participants
- Adopting practices that minimize ethics issues

Handling Ethical Issues in Construction, Part 2

B. Steffes

- The ethics of safety: fulfilling duties to employees and the public
- Incorporating environmental ethics and sustainability into construction and development projects
- Ethical considerations and implications in pursuing projects which involve interfering with others' contracts

Construction Law and Ethics

Eagan, MN - Wednesday, June 12, 2019



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PO Box 278
Altoona, WI 54720-0278

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Learning Objectives

You'll be able to:

- Learn** about project delivery systems and key contract terms.
- Consider** protecting the project with bonds and insurance.
- Make** changes and resolve disputes during the construction process.
- Avoid** ethical issues during the bidding process.
- Incorporate** environmental ethics and sustainability into construction projects.



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Learn about project delivery systems and key contract terms

Protect the project with bonds and insurance

Make changes and resolve disputes during the construction process

Avoid ethical issues during the bidding process

Incorporate environmental ethics and sustainability into construction projects

Continuing Education Credits

Professional Engineers

7.0 HSW PDHs (2.0 Ethics Hours)

Architects

7.0 HSW PDHs (2.0 Ethics Hours)

7.0 AIA HSW Learning Units



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Faculty

Michael S. Rowley *Attorney with Goetz & Eckland P.A. in Minneapolis*

Mr. Rowley primarily practices in commercial and residential construction defect litigation. He has extensive experience representing all types of parties, including cities and school districts, private owners, design professionals, contractors, and their insurance companies. He has drafted and defended numerous construction contracts for commercial and residential projects. His practice includes analysis and motions involving contractual indemnity and insurance coverage related to construction projects. He is a frequent speaker on construction defect topics to insurance industry groups and in continuing legal education seminars. Mr. Rowley is a board member of the Construction Section of the Minnesota State Bar Association. He is named a Minnesota Super Lawyer by *Minnesota Law & Politics*.

Adina R. Bergstrom *Partner with Sauro & Bergstrom in Oakdale*

Ms. Bergstrom is one of the founding partners of Sauro & Bergstrom, PLLC, a plaintiff's firm located in Oakdale, Minnesota. With a background in insurance claims and regulatory compliance, she has decades of experience analyzing, resolving, and litigating insurance claim disputes and construction matters both as a plaintiff's attorney and formerly as staff counsel for several large insurance companies. She regularly handles insurance appraisals, arbitrations, and litigation at both district and appellate courts in Minnesota and elsewhere. She has served as an expert on insurance coverage and bad faith issues. Ms. Bergstrom is an active member of several national organizations, including the National Association of Public Insurance Adjusters and the American Bar Association's Tort and Insurance Practice Section, where she has served for numerous years as a vice co-chair on the Property Insurance Litigation Committee. Ms. Bergstrom was named by *Minnesota Law and Politics* as a Rising Star in 2011, 2012, and 2013 and as a Super Lawyer in 2014 - 2018. She was also selected for the *National Business Directory* for Super Lawyers in 2014 - 2018 as a top insurance coverage litigator.

Justin P. Short *Partner at Best & Flanagan LLP in Minneapolis*

Mr. Short is a partner in the firm's Construction, Real Estate and Litigation practice groups where he represents prime contractors, subcontractors and commercial landowners. He specializes in construction claims relating to highway and bridge projects, Department of Transportation claims,

federal MATOC agreements, mechanic's liens, surety and bond claims, bid protests, indemnity obligations, construction contract disputes and commercial and multi-family residential construction defects. He has represented contractors on these construction matters throughout Minnesota, North Dakota, South Dakota, Iowa, Illinois, Arizona, Texas and Colorado. Mr. Short is recognized as a Rising Star by *Minnesota Law & Politics* and is a national lecturer on construction and real estate industry topics for the Minnesota State Bar Association, Thompson-West Corporation, and HalfMoon Education Inc., and at private seminars for contractors and commercial landowners throughout the United States.

Jon R. Steckler *Attorney at The Coleman Law Firm, LLC, in Minneapolis*

Mr. Steckler's practice is focused on the areas of commercial law and litigation/appeals, including construction law and ethics, insurance coverage and defense, real estate, franchise, and general business law. Mr. Steckler represents construction project owners and developers, contractors, subcontractors, and design/engineer professionals. He routinely prepares and negotiates complex contracts for clients in all facets of the construction industry and has successfully represented them in related litigation and arbitration matters in state and federal jurisdictions nationwide. Mr. Steckler regularly represents clients in complex transactional and litigation matters involving buy-sell agreements, commercial contracts and leases, construction and design defect claims, insurance coverage and defense, product liability, and franchise/dealership disputes.

Brian D. Steffes *Attorney with Fisher Bren & Sheridan, LLP, in Minneapolis*

Mr. Steffes practices civil litigation with a focus on representing developers, contractors, and businesses. He litigates high exposure claims and complex cases in a broad range of areas, including personal injury, construction defects, trucking liability, product liability, commercial litigation, and environmental claims. He is a successful trial attorney, who has obtained favorable jury verdicts and settlements. Mr. Steffes has litigated matters throughout the country and is licensed in Minnesota, Wisconsin and Illinois. He is also a member of the Minnesota Defense Lawyers Association, the Minnesota State Bar Association, the Transportation Lawyers Association and the Twin Cities Claims Association.

Seminar Information

Holiday Inn Airport SE-Mall Area

2700 Pilot Knob Road
Eagan, MN 55121
(651) 454-3434

Registration
8:00 - 8:30 am
Morning Session
8:30 - 11:45 am
Lunch (On your own)
11:45 am - 12:45 pm
Afternoon Session
12:45 - 5:00 pm

Tuition

\$289 for individual registration
\$269 for three or more registrants from the same company at the same time.

Included with your registration: Complimentary continental breakfast and printed seminar manual.

Receive a reduced tuition rate of \$101 by registering to be our on-site coordinator for the day. For availability and job description, please visit www.halfmoonseminars.org.

How to Register

- Visit us online at www.halfmoonseminars.org
- Mail-in or fax the attached form to 715-835-6066
- Call customer service at 715-835-5900

Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund, minus a \$39 service charge for each registrant. Cancellations within 48 hours will receive a credit toward another seminar or the self-study package. You may also send another person to take your place.

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 HSW PDHs/continuing education hours to professional engineers and architects in all states. Educators and courses are not subject to preapproval in Minnesota. This courses offers 2.0 Ethics hours.

This seminar is approved by the American Institute of Architects for 7.0 HSW Leaning Units (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

Professional engineers and architects seeking continuing education credit in other states will be able to claim the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

Attendance will be monitored and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Additional Learning

Webinar Series

Soil Engineering

• Introduction to Soil Engineering

Thurs., April 25, 2019, 11:00 AM - 12:30 PM CDT

• Design of Excavation Support Systems

Thurs., April 25, 2019, 1:00 - 2:30 PM CDT

• Slope Repair Techniques

Fri., April 26, 2019, 11:00 AM - 12:30 PM CDT

• Soil Engineering after College: Practical Approaches to Foundations and Retaining Structures

Fri., April 26, 2019, 1:00 - 2:30 PM CDT

For more information visit:
www.halfmoonseminars.org/webinars/

Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!

Audio recordings of this seminar are available for purchase starting at \$269. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Construction Law and Ethics

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How to Register		Registrant Information
Online: www.halfmoonseminars.org		Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____
Phone: 715-835-5900		Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____
Fax: 715-835-6066	Code:	Name: _____ Occupation: _____ Email: _____ Phone: _____
Mail: HalfMoon Education Inc., PO Box 278, Altoona, WI 54720-0278		Name: _____ Occupation: _____ Email: _____ Phone: _____
Complete the entire form. Attach duplicates if necessary.		Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred.
		() I need special accommodations. Please contact me.

Tuition

() **I will be attending the live seminar.** Single Registrant - **\$289.00**. Three or more registrants from the same company registering at the same time - **\$269.00** each.

() **I am not attending.** Please send me the self-study package:

Downloadable MP3 Audio/PDF Manual for **\$269.00**.

CD/Manual Package for **\$289.00**.

(S&H included. Please allow five weeks from seminar date for delivery)

Checks: Make payable to HalfMoon Education Inc.

Credit Card: *Mastercard, Visa, American Express, or Discover*

Credit Card Number: _____

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