Managing Engineering Liability and Risk
Natick, MA - Wednesday, March 25, 2020

Review risk management in the practice of engineering
Understand how contracts shift, reduce, or increase risk
Examine engineering malpractice law
Plan to reduce risk for yourself, your company, and your clients
Explore general and professional liability insurance coverage

Learning Objectives

You'll be able to:

Recognize common sources of professional liability claims and identify who can bring a claim.
Identify strategies to minimize engineering risk and maximize positive results.
Utilize contract terms to manage risk.
Implement document retention policies and procedures and quality control practices.
Understand the coverage provided by general and professional liability insurance policies.

Agenda

Managing Risk in the Practice of Engineering
D. Fine
Identifying engineering risks
Reviewing consequences of potential risks
Understanding principles of risk management
Complying with professional and ethical standards
Identifying strategies to minimize engineering risk and maximize positive results

Understanding How Contracts Can Shift, Reduce or Increase Risk
K. Sherman
An overview of contract law and key concepts
Understanding contract formation and revision
Recognizing liability exposure under contract
Reviewing standard contract provisions and understanding their impact on risk
Guarantees, warranties, and indemnities
Understanding consequences for delay, disruption, nonperformance, inadequate performance
Using contract terms to manage risk

Law of Engineering Malpractice
C. Sweeney
Reviewing the grounds for professional liability claims
Identifying who can bring a claim
Examining common sources of professional liability claims
Reviewing defenses to liability claims
Determining damages
Participating in dispute resolution: arbitration, mediation, litigation
Obtaining insurance coverage for professional liability claims

Reducing Risk for Yourself, Your Company and Your Clients
C. Bednar, T. McCraw
Negotiating fair and understandable contract terms
Maintaining adequate documentation
Implementing document retention policies and procedures
Utilizing forms and standard documents
Communicating with clients and other parties
Implementing quality control practices
Using alternative dispute resolution procedures

Managing Risk with General Liability and Professional Liability Insurance Coverage
B. Dunlop, D. Slocum
Coverage provided by general liability vs. professional liability policies
Certificates of insurance and additional insureds
Indemnities
Assignment
Insurance availability
Insurance policies
Warranties, guarantees and certifications
Recognizing and responding to design professional claims
Faculty

David L. Fine, a partner at Mirick, O’Connell, DeMallie & Lougee, LLP, represents and counsels clients in the construction industry, including owners and developers, general contractors and construction managers, specialty trade contractors, suppliers and manufacturers. He represents clients in adversive proceedings such as litigation and arbitration, and he consults regarding risk management, contract preparation and negotiation, and general business advice. Mr. Fine is the chair of his firm’s Construction Law Group, the president of the Home Builders and Remodelers Association of Central Massachusetts. He holds several leadership positions in local, regional and national construction trade and bar organizations. Mr. Fine was named a Massachusetts “Rising Star” by Boston Magazine and low Politics in 2017 and 2018, and he was named a Massachusetts “Rising Star” for several years prior.

Kenneth A. Sherman was named a Massachusetts “Rising Star” for several years prior. Sherman is a partner at Robinson & Cole, LLP, and he is an experienced construction attorney with significant construction litigation and transactional experience. He assists project owners, developers, general contractors, construction managers, and sub-contractors in construction disputes. He also assists clients in the construction industry with contract drafting, negotiation, licensure, and entity formation. Mr. Sherman has experience with a variety of matters, including breach of contract disputes, warranty, and surety bond claims, Miller Act claims, mechanic’s lien recovery and defense actions, delay and time impact claims, and construction defect disputes. He is a charter member of the Development and Construction Practice Group Section of the Massachusetts Bar Association and was named by Super Lawyers to the 2018 and 2019 Massachusetts Rising Stars for Construction.

Christopher K. Sweeney, an associate at Conn Kavanaugh Rosenthal Peisch & Ford LLP, joined the firm’s litigation department in 2012 and regularly handles matters involving commercial litigation, construction law, employment disputes, and professional liability. He has extensive experience representing both before state and federal courts of appeals. He was selected as a “Rising Star” by the publishers of Boston Magazine in 2010. During law school, Mr. Sweeney was an editor of the Suffolk University Law Review. He also was the winner of the Justice Tom C. Clark Appellate Advocacy Competition.

Seminar Information

Courtyard by Marriott Natick
342 Speen Street
Natick, MA 01760
(508) 655-6100

Tuition
$279 for individual registrations $279 for three or more registrants from the same company at the same time.

Registration
8:00 - 8:30 am Registration
8:30 am - 12:15 pm Lunch (On your own)
1:15 - 1:55 pm Afternoon Session
1:15 - 4:00 pm Complete the entire form. Attach duplicates if necessary.

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How to Register
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Cancellations: Cancel at least 48 hours before the start of the seminar, and receive a full tuition refund; minus a $59 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.

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 $279. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning module is eligible for continuing education credit.

Additional Learning

Webinar Series
Sail MECO and Slope Stability
• Soil Investigation and Classification
• Reviewing Hydraulic and Mechanical Properties of Soils
• Determining and Increasing Bearing Capacity
• Determining and Increasing Slope Stability

Designing for Climate Resilience
• Current and Historical Climate Effects on Structures and Communities
• Assessing the Impact of Sea Level Rise, Changing Temperature and Changing Weather Patterns
• Studying the Impact of Extreme Weather
• Events on Structures and Communities

Fri., Feb. 21, 2020, 11:00 AM - 12:30 PM CST
Wed., Feb. 26, 2020, 11:00 AM - 12:30 PM CST
Thurs., Feb. 27, 2020, 11:00 AM - 12:30 PM CST
Wed., Feb. 26, 2020, 1:30 - 3:00 PM CST
Thurs., Feb. 27, 2020, 1:00 - 3:00 PM CST

Registration
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How to Register
Online: www.halfmoonseminars.org
Phone: 715-835-5900
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Tuition
I will be attending the live seminar. Single Registrant - $299.00. Three or more registrants from the same company at the same time - $279.00 each.
I am not attending. Please send me the self-study package.

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