

25th Annual

# Washington Construction Law



SEPTEMBER  
13 & 14, 2018

COURTYARD BY MARRIOTT  
DOWNTOWN/PIONEER SQ.

Seattle, WA

Available Via:



Live  
Webcast

## ACCREDITATION

**WA MCLE** 11.25 Law & Legal & 1.0 Ethics Credits  
**OR CLE** 11.25 General & 1.0 Ethics Credits  
**CA CLE** 11.25 General & 1.0 Ethics Credits  
**GA CLE** 11.9 Hours, incl. 1.0 Ethics

**TN CLE** 12.25 Hours, incl. 1.0 Dual Hours  
**AIA** 12.75 LU's  
**IRMI** 7.0 CRIS Reaccreditation Credits  
**Contractors & Engineers** May Qualify

## Seminar Overview

If you practice Construction Law, desire to practice Construction Law, or are confronted with matters involving Construction Law, you cannot afford to miss this conference. Learn recent developments in Washington and Federal case law, statutes and regulations. Learn how to protect the rights of your clients when dealing with public contracts, cutting edge contracting delivery methods, insurance, and bankruptcy. Find out from the mediator what strategies and tactics can help you settle your disputes through Alternative Disputes Resolution (ADR).

The Construction Law legal terrain is ever changing. Protect your company's rights to receive payment for its work, and preserve defenses against unmeritorious demands. What you don't know will hurt you!

Construction industry participants need to have the latest information to navigate the complex construction process in today's world. Come learn from Washington State's top construction lawyers. Our format of presenting the latest developments, with practical insights on the issues, has been time tested for over two decades.

### Who Should Attend:

Architects  
Attorneys  
Contractors  
Engineers  
Municipal Employees  
Government Employees

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**9:00 Introduction and Overview – Day One**

PDT

**Bruce P. Babbitt**, Program Co-Chair  
*Jameson Babbitt Stites & Lombard PLLC*

**9:04 Special Presentation:  
Federal Construction Law - New  
Developments**

Changes in false claims, small business rules, and other developments in the age of Trump

**James F. Nagle**, Special Presenter  
*Oles Morrison Rinker & Baker LLP*

**9:41 Building in the Seattle Environment**

Noise, traffic, environmental considerations, cranes, police – how to plan

**Bruce P. Babbitt**  
*Jameson Babbitt Stites & Lombard PLLC*

**10:13 Public Works Competitive Bidding and Bid  
Protests**

Governing statutes; grounds for challenging; bid responsiveness; bidder responsibility; consideration of bids; ambiguous/restrictive specifications, owner/contractor negotiations; subcontractor bidding GC/CM projects, bid protests

**Arnold R. Hedeem**  
*Hedeem & Caditz PLLC*

**11:03 Break**

**11:14 Selected 2017 AIA Updates to Owner-  
Architect Contract (B-101), Owner-General  
Contractor Agreement (A-101, A-102), and  
General Conditions (A-201) Forms**

We address certain 2017 AIA-form contract updates and address customized contract terms in light of Washington law

**Alan Bornstein**  
*Jameson Babbitt Stites & Lombard PLLC*

**12:03 Consensus Documents**

**Garth A. Schlemlein**  
*Schlemlein Fick & Scruggs PLLC*

**12:21 Lunch ~ Sponsored By:**

**CSMI**  
CONSTRUCTION  
SYSTEMS  
MANAGEMENT, INC.

**2:00 Cutting-Edge Construction Project Tools**

Integrated Project Delivery; Building Information Modeling; parties involved; benefits and risks; contract forms

**Ellie A. Perka**  
*Ahlers Cressman & Sleight PLLC*

**2:46 Construction Changes/Differing Site  
Conditions**

Changes clause; owner's right to order changes; written/oral change orders; duty to proceed; change order costs; differing site conditions; common law general rule; risk of unforeseen difficulties; risk shifting contract clauses

**Scott D. MacDonald**  
*Ahlers Cressman & Sleight PLLC*

**3:32 Break**

**3:45 When Someone in the Chain Goes Bankrupt**

View of issues that may be confronted by owners, contractors and subcontractors when one of these parties file for bankruptcy protection

**James B. Zack**  
*Lane Powell PC*

**4:30 New Tools in Discovery**

Overview; unique aspects of discovery in construction claims; e-discovery; managing a large Amount of data; emerging issues and key cases

**Heather L. Heindel, PE**  
*Perkins Coie LLP*

**Brendan J. Peters, AIA**  
*Perkins Coie LLP*

**5:10 Adjourn & Reception ~ Sponsored By:**

**IBSL**  
JAMESON BABBITT STITES & LOMBARD PLLC  
ATTORNEYS AT LAW

**AC** Ahlers & Cressman PLLC  
999 THIRD AVE, SUITE 3800  
SEATTLE, WA 98104-4023

**Friday, September 14, 2018**

**9:00 Introduction and Overview - Day Two**

**PDT**

**Paul R. Cressman, Jr.**, Program Co-Chair  
*Ahlers Cressman & Sleight PLLC*

**9:01 Washington Construction Law – New Developments**

Recent cases of interest addressing claim/notice issues; lien and bond claims; damage issues; insurance; labor and employment; construction defects; the independent duty doctrine; dispute resolution and more; legislative developments - legislation of interest to the construction industry passed during the 2017 legislative session

**Paul R. Cressman, Jr.**  
*Ahlers Cressman & Sleight PLLC*

**10:06 Claims Against Design Professionals**

Recent decisions, legislation, and other issues of concern to those involved with claims against design professionals

**Stanton P. Beck**  
*Lane Powell PC*

**10:31 Break**

**10:44 Labor & Employment Concerns in the Construction Setting - Basics to Best Practices**

The construction industries' top 3 employment and labor law issues for 2018

**Chris Farias**  
*Law Offices of Chris Farias PLLC*

**11:29 Ethical Considerations for Construction Lawyers**

**John A. Strait**, Emeritus Professor of Law  
*Seattle University School of Law*

**12:30 Midday Break**

**1:45 Insurance in the Construction Industry**

Commercial general liability policies; additional insured coverage; builder's risk; drafting a checklist

**Thomas M. Williams**  
*Harper | Hayes PLLC*

**2:30 The Current Status of Construction Defect Litigation**

The size and scope of construction in the Northwest has many considering, "what does the future hold for construction defect and liability litigation?"

**Sommer B. Clement**  
*Carney Badley Spellman PS*

**3:16 Break**

**3:30 Construction Mediation/ What You Need to Know About ADR**

Effective advocacy in construction mediation to settle your case; what works and does not work; key provisions in contract ADR agreements – claim procedures, DRB, mediation, arbitration, litigation; what to watch out for in industry standard forms

**Bruce P. Babbitt**  
*Jameson Babbitt Stites & Lombard PLLC*  
**Hon. Paris K. Kallas**, (Retired)  
*Judicial Dispute Resolution LLC*

**4:35 Adjourn**

# Faculty



**Bruce P. Babbitt, Program Co-Chair**, is a founding member of Jameson Babbitt Stites & Lombard PLLC. His practice encompasses nearly all aspects of construction law and government contracting. He represents architects, private owners, public agencies, subcontractors, and general contractors.



**Sommer B. Clement** is Of Counsel with Carney Badley Spellman PS. She practices in the areas of construction and real estate transactions and litigation, civil litigation, and insurance defense. She drafts contracts and provides risk management advice to companies involved in construction.



**Paul R. Cressman, Jr., Program Co-Chair**, is a founding member of the Seattle law firm of Ahlers Cressman & Sleight PLLC, where he co-chairs the firm's Construction Industry Practice Group. His practice involves the representation of clients in both public and private construction projects.



**Chris Farias** is the founding member of Law Offices of Chris Farias PLLC. She has a broad-ranging commercial litigation practice, with significant work on labor and employment law cases in state and federal court. She counsels on discrimination, wage and hour, employment policies and trade secrets.



**James F. Nagle, Special Presenter**, is a partner with Oles Morrison Rinker & Baker LLP, and a nationally renowned expert on federal contracting. He has experience in supply and services, international, major system, and construction contracts. He has litigated in federal courts, boards of appeals, the GAO and the SBA.



**Arnold R. Hedeem** is a member of Hedeem & Caditz PLLC, where his practice focuses on construction and government contract law and general civil litigation. He has 30 years of experience representing owners, prime contractors, subcontractors, material suppliers, and construction industry trade associations.



**Stanton P. Beck** is a shareholder of Lane Powell PC with the firm's Construction Services Group. He serves as counsel for public and private owners, design firms, insurers, product manufacturers and professional organizations. He has been involved in most of the major construction projects in the PNW.



**Heather L. Heindel, PE**, is of counsel with Perkins Coie LLP. She has over 15 years of combined experience as a construction attorney and engineer assisting in the completion of construction projects from conception through closeout. She prepares and negotiates complex contracts.



**Alan Bornstein** is a member of Jameson Babbitt Stites & Lombard PLLC where he has tried cases in state and federal courts, board of contract appeals, and arbitrations. He is a past Chair of the Construction Law Section of the Washington State Bar.



**Hon. Paris K. Kallas**, a panelist with Judicial Dispute Resolution LLC, was appointed to the King County Superior Court in 2001 by Governor Gary Locke and served until 2010. She presided over the full range of civil and criminal cases, including complex litigation and high-profile matters.



**Scott D. MacDonald** is an attorney at Ahlers Cressman & Sleight PLLC. His practice focuses on commercial law, public and private contracting, and all areas of construction litigation working with general contractors, subcontractors, and construction suppliers on public and private contracts.



**Thomas M. Williams** is an attorney at Harper | Hayes PLLC. He represents contractors, developers, homeowners, associations, businesses and other commercial policyholders in insurance coverage, construction defect, and complex commercial litigation.



**Ellie A. Perka** is a partner at Ahlers Cressman & Sleight PLLC. She has experience handling multi-million-dollar complex construction disputes including terminations; differing site conditions, delay, and change order claims; GC/CM alternative procurement disputes; construction defect litigation; and lien claims.



**James B. Zack** is an attorney at Lane Powell PC. His practice focuses on representing clients in all areas of bankruptcy and related creditors' rights matters. He previously served as a Judicial Law Clerk to the Honorable Brian D. Lynch and as a Judicial Extern to the Honorable Karen A. Overstreet.



**Brendan J. Peters, AIA**, is a partner with Perkins Coie LLP in the firm's Litigation practice. He focuses on construction litigation, construction transactions, and complex commercial litigation. He has over 15 years of combined experience in the legal and construction fields as an attorney and an architect.



**Garth A. Schlemlein**, a founding member of Schlemlein Fick & Scruggs PLLC, has 35 years' experience in the construction industry. His practice includes the representation of prime contractors, subcontractors, design professionals, fabricators, suppliers, and owners, sureties and lending institutions.



**John A. Strait**, Emeritus Professor of Law and Professional Ethics Counsel, Seattle University School of Law. He maintains a private practice as a consulting expert in legal malpractice and professional responsibility. He has appeared as an expert witness in ten states and fifteen counties in WA.

## Credits

### **WA MCLE**

This course has been approved for 11.25 hours of law and legal CLE credit and 1.0 hours of ethics CLE credit by the Washington MCLE board (Live Credits for In Person Attendance & Webcast). Self-Study credit will be available, specific credit amount to be determined.

**The Seminar Group is an accredited sponsor with the Washington State Bar**

### **OR CLE**

This course has been approved by the Oregon State Bar for 11.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast).

### **CA CLE**

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 11.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast).

### **GA CLE**

This course has been approved by the Commission on Continuing Lawyer Competency of the State Bar of Georgia for mandatory continuing legal education credit in the amount of 11.9 hours, of which 1.0 hours will also apply in the area of ethics (Live Credits for In Person Attendance ONLY. Webcast is considered Self-Study Credit). Self Study credits are approved for 6.0 hours, of which 1.0 hours will also apply in the area of ethics.

### **TN CLE**

This course has been approved by the Tennessee Commission on Continuing Legal Education for a maximum of 12.25 hours of credit including 1.0 dual hours (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

### **AIA**

This course has been approved by The American Institute of Architects for 12.75 LU's (Live Credits for In Person Attendance ONLY). Day one is approved for 6.75 LU's and day two is approved for 6.0 LU's. Credits for recorded courses not available. The Seminar Group is an AIA CES Approved Provider.

### **IRMI**

This course has been approved by the IRMI for 7.0 hours of CRIS reaccreditation credits (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

## **Contractors & Engineers**

Contractors and engineers may qualify for continuing education hours through the American Institute of Constructors or the Construction Management Association of America.

## Location

### **Courtyard Marriott Seattle Downtown/Pioneer Square**

612 2nd AVE  
Seattle, WA 98104

Phone: 206-625-1111

The seminar is located in Alaska Club Ballroom. Please call the venue for directions/questions.

#### SLEEPING ROOMS

A block of sleeping rooms has been reserved until 8/22/18. To reserve a room please [click here](#).

#### PARKING

Event valet parking is available. Please contact the venue for the current rate.

## Fees

### **Live Seminar:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$499.00
Day One	\$499.38
Day Two	\$499.38

### **Live Webcast:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$499.00
Day One	\$499.38
Day Two	\$499.38

### **Pre Order On Demand:**

All Sessions	\$799.00
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### **Pre Order MP3 Download:**

All Sessions	\$799.00
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### **Pre Order DVD Homestudy:**

All Sessions	\$849.00
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### **Pre Order CD Homestudy:**

All Sessions	\$849.00
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### **Pre Order Materials Download:**

All Sessions	\$229.00
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### **Pre Order Printed Materials:**

All Sessions	\$259.00
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[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at 800-574-4852 or 206-463-4400. You can also contact us at [info@theseminargroup.net](mailto:info@theseminargroup.net) or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 9/7/18. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

### **Register at**

**[TSGregistration.net/5853](http://TSGregistration.net/5853)**