

Preventing or Minimizing Future **Construction Defect Litigation**



MAY 15, 2019

HAMPTON INN &
SUITES - BRICKELL
DOWNTOWN

Miami, FL

ACCREDITATION

**FL CLER, AIA, IRMI, FL
Contractors**

(see inside for details)

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

Seminar Overview

Construction and design defects are the scourge of the construction industry and can cause building damage and result in significant expenses for owners, designers, contractors, material suppliers and insurers. Defect claims can plague our court and arbitration systems, resulting in insurance claims and loss of productivity for the owners, designers, and contractors while the litigation proceeds. Some companies are changing how (and whether) they build condominiums. The standard assumptions related to risk transfer and insurance coverage no longer apply. Instead, companies are continually adjusting their practices in response to changes in market conditions, insurance availability, and the law.

This seminar will focus on strategies and tactics employed to address and avoid construction defect problems. The speakers at this seminar have a vast amount of experience with construction defect claims and are among the leaders in their trades. Attending this seminar will help keep you on the cutting edge of the ever-changing world of construction defects.

Who Should Attend:

Architects
Attorneys
Contractors
Engineers
Insurance Professionals

9:00 Introduction and Overview

EDT

Holly S. Harvey, Program Co-Chair
Clyde & Co.

Gary M. Stein, Program Co-Chair
Peckar & Abramson PC

9:10 Construction Law Overview and Update

- 558 Pre-Suit Notice
- Statute of Limitations
- Statute of Repose

Kimberly A. Ashby
Foley & Lardner LLP

Neal I. Sklar
Peckar & Abramson PC

10:30 Break

10:45 Consultant Perspective

- Hot Technical Issues
- Building Product Update
- Use of an Expert

Alexander A. Hockman, PE, President of Infrastructure
NV5, Inc.

12:00 Midday Break

1:15 Insurance Coverage

- OCIPS, CCIPS, WRAP Policies
- Insurance Triggers
- Bad Faith
- Rip and Tear
- 558 Process and Duty to Defend
- Assignments of Benefits

Mark A. Boyle
Boyle Leonard & Anderson PA

Holly S. Harvey
Clyde & Co.

2:30 Break

2:45 FIU Bridge Collapse

- Government Investigations/Regulations
- Civil Court Procedures, Staging and Requirements
- Protective and Confidentiality Orders
- Freedom of Information Act Requests
- Insurance Coverage
- Indemnity and Defense Tenders
- Exposure Evaluation
- Defense Group Management
- Global Resolution/Mediation
- Expense Management
- Electronic Discovery Protocols
- Expert Retention
- Trial and Appeals

Barry L. Davis
Clyde & Co.

3:30 Attacking a Claim: Plotting a Successful Resolution – A Panel Discussion

- In the Beginning (Intake and Getting Started)
- ADR/Take the Money
- When All Else Fails...

Denise M. Anderson
Butler Weihmuller Katz Craig LLP

Susan L. Domanski, CGC, AIA, LEED
Construction Disputes Consultants LLC

Christine A. Gudaitis
Ver Ploeg & Marino PA

Stuart Sobel
Siegfried Rivera Hyman Lerner De La Torre Mars & Sobel PA

5:00 Adjourn

Faculty - Construction Defect Litigation



Holly S. Harvey, Program Co-Chair, is a partner at Clyde & Co. She focuses her practice on insurance coverage and bad faith. She has more than 23 years of practice serving as coverage counsel in hundreds of high-risk claims, including construction defect cases, catastrophic losses and mass disasters, environmental claims and class actions. She has also served as an expert witness on multiple occasions.



Susan L. Domanski, CGC, AIA, LEED, is a consultant with Construction Disputes Consultants LLC. She has over 20 years' experience in the architecture and construction industry and over 10 years working in construction dispute resolution consulting. She has a wide variety of project experience, including a \$490 million Convention Center, extensive building envelope design, construction and failure analysis.



Gary M. Stein, Program Co-Chair, is co-managing partner of Peckar & Abramson PC's Miami office. He also currently serves as general counsel for the South Florida Chapter of the Associated General Contractors of America. His primary area of practice is construction law, he is certified by the Florida Bar as a Construction Law Specialist, and has authored numerous articles on construction-related topics.



Christine A. Gudaitis is a shareholder in the law firm of Ver Ploeg & Marino PA, with offices in Miami and Orlando. She concentrates her practice in the area of complex insurance coverage litigation, representing corporate policyholders in state and federal courts in Florida and nationwide.



Denise M. Anderson is a partner at Butler Weihmuller Katz Craig LLP and Chairperson of the Construction Litigation Practice Group. She practices primarily in the fields of Construction Defect and Product Liability. In her legal career she has handled a large variety of insurance related disputes involving coverage and subrogation. She represents general contractors, developers, and designers.



Alexander A. Hockman, PE, a licensed engineer with over 30 years of consulting experience, is the President and Chief Operating Officer of NV5, Inc. NV5 provides engineering and consulting services to public and private sectors, delivering solutions through five business verticals: Construction Quality Assurance, Infrastructure, Energy, Program Management, and Environmental.



Kimberly A. Ashby is a partner with Foley & Lardner LLP. She represents developers, contractors, and governmental entities on a range of complex litigation matters, including lenders and special servicers in CMBS foreclosures and workouts. She has handled more than 100 appeals and is a frequent lecturer and author on topics relating to appellate practice, construction, and business litigation.

Neal I. Sklar is a partner at Peckar & Abramson PC. He represents general contractors, construction managers and infrastructure contractors in a variety of construction related matters, including providing counsel on state and federal government projects as well as Public Private Partnerships (P3s) involving transportation, commercial, heavy and social infrastructure, energy and multifamily residential projects.



Mark A. Boyle is the managing shareholder of Boyle Leonard & Anderson PA. His current areas of practice include civil litigation, with a concentration in first and third-party insurance disputes, including extra-contractual and bad faith matters. Mr. Boyle represents corporate and individual policyholders in insurance and risk management counseling, claims presentation, and litigation.



Stuart Sobel is a shareholder of Siegfried Rivera Hyman Lerner De La Torre Mars & Sobel PA and a Florida Bar Board Certified Construction Lawyer. He has been trying and arbitrating construction disputes all over the country for 40 years. He has been privileged to participate in the resolution of disputes arising out of the most recognizable, most challenging construction projects in the U.S.



Barry L. Davis is a partner at Clyde & Co. He has more than 30 years of experience as a trial lawyer in high exposure, complex litigation. He has acted as lead counsel in more than 50 trials and handled thousands of high-profile civil litigation matters. Among them are product liability cases across a broad range of sectors, as well as cases involving construction, insurance bad faith, IP and fraud.

Construction Defect Litigation

Credits

FL CLER

This course has been approved by The Florida Bar for 7.5 general CLER credits (Live Credits for In Person Attendance & Webcast). 7.5 credits apply to Civil Trial certification and Construction Law certification.

AIA

This course has been approved by The American Institute of Architects for 6.25 LU's (Live Credits for In Person Attendance ONLY). 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 6.0 hours of CRIS reaccreditation credits (Live Credits for In Person Attendance ONLY). Credits for recorded courses not available.

FL Contractors

This course has been approved by the Florida Dept. of Business and Professional Regulation Construction Industry Licensing Board for 7.5 general hours (Live Credits for In Person Attendance ONLY).

Location

Hampton Inn & Suites - Brickell Downtown

50 SW 12th Street
Miami, FL 33130

Phone: (305) 377-9400

The seminar is located in the Ibis I room. Please call the venue for directions/questions.

SLEEPING ROOMS

To reserve a room please call (305) 377-9400 and mention The Seminar Group. You can also make a reservation online by going to the following page: https://secure3.hilton.com/en_US/hp/reservation/book.htm?ctyhocn=MIABVHX&corporateCode=0002846135&from=lnrlink

Fees

Live Seminar:

Attorney	\$549.00
Government / Tribal / Non-Profit	\$449.00
Other Professionals	\$449.00
Student / Professor	\$349.00

Live Webcast:

Attorney	\$549.00
Government / Tribal / Non-Profit	\$449.00
Other Professionals	\$449.00
Student / Professor	\$349.00

Pre Order On Demand:

All Sessions	\$549.00
Single Session	\$99.00

Pre Order MP3 Download:

All Sessions	\$549.00
Single Session	\$99.00

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All Sessions	\$599.00
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