

7th Annual

# California Construction Law



APR. 29, 2021

LIVE WEBCAST FROM

Los Angeles, CA

**ACCREDITATION**

CA CLE, AIA, IRMI

*(see inside for details)*

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

## Seminar Overview

California's top construction lawyers, mediators, judges, and industry professionals have gathered for an advanced Construction Law conference designed to provide practical advice for real situations facing the industry today. This program will cover the latest developments and issues that you need to understand to complete a successful project. Our recognized experts will share with you the nuances that have made them the very best in their chosen fields.

This seminar is essential for contractors, subcontractors, owners (public and private), attorneys, construction managers, bond program managers, surety representatives, architects, and engineers. If you are a stakeholder in the California construction industry, this is the one conference you cannot afford to miss.

### **Who Should Attend:**

- Architects
- Attorneys
- Contractors
- Engineers
- Municipal Employees
- Government Employees

# California Construction Law

Thursday, April 29, 2021

## 9:00 Introduction and Overview

PDT

**John P. Dacey**, Program Co-Chair  
*Cauvel & Dacey PC*

**Hector H. Espinosa**, Program Co-Chair  
*Pierce Kavcioglu Espinosa & Cesar LLP*

**Daniel D. McMillan**, Program Co-Chair  
*Jones Day*

## 9:10 State and Federal Case Law Update

- New developments in construction law

**Daniel D. McMillan**, Moderator  
*Jones Day*

**Jacqueline S. DeCamara**  
*Jones Day*

**Erich R. Luschei**  
*Theodora Oringher PC*

## 10:30 Break

## 10:45 A View from the Field

- Forman, Superintendents, Construction Managers, and Others discuss what they have been experiencing this past year on the sites.
- Pragmatic realities and how people are coping with them.

**Hector H. Espinosa**, Moderator  
*Pierce Kavcioglu Espinosa & Cesar LLP*

**Christopher Beirise**  
*HKA*

**Justin Davis**, DBIA  
President of Business Development  
*Pinner Construction Company, Inc.*

**Stephen Montoya**, Vice President  
*MATT Construction Corporation*

## 12:15 Midday Break

## 1:15 Managing Design & Construction Risk in the COVID-19 Environment

- Is there a need to assess and change (or not) contract risk shifting contract provisions fairly to plan for the risk?
  - Considerations for pre-COVID-19 contracts and post COVID-19 contracts.
- What should such contract risk shifting provisions look like?
  - Provisions regarding time extensions.
  - Provisions regarding compensability for delay related costs (general conditions, acceleration).
  - Provisions regarding other extra costs (shutdowns, remobilization, price escalation, labor shortage, safety/PPE, inefficiency).
- What are the options and potential ramifications for contractors, owners and others that took out Federal Paycheck Protection Program loans?
- How is this current environment effecting public and private financing and costs?

**John P. Dacey**, Moderator  
*Cauvel & Dacey PC*

**Hector H. Espinosa**  
*Pierce Kavcioglu Espinosa & Cesar LLP*

**Daniel D. McMillan**  
*Jones Day*

**David C. Rybicki**  
*K&L Gates LLP*

## 2:30 Break

## 2:45 Mediation, Arbitration & Litigation in the COVID-19 Environment

- How should construction project participants be thinking about their options given current circumstances?
- The Pro's and Con's of each option.
- What can you do to resolve disputes in a timely and cost-effective manner without giving up contractual or statutory rights?
- There are other alternatives!

**Hector H. Espinosa**, Moderator  
*Pierce Kavcioglu Espinosa & Cesar LLP*

**Matthew A. Argue**  
*Arbitration, Mediation, Conciliation Center*

**Michael J. Bayard**  
*Dispute Resolution Services*

**Armenak Kavcioglu**  
*Pierce Kavcioglu Espinosa & Cesar LLP*

## 4:00 Ethical Considerations for Attorneys in the Construction Industry given Changing Circumstances

- “Zealous Advocate” vs. “Pragmatic Problem Solver”.
- “How should an Attorney make that difficult money call vs. hard legal call?”
- Are Attorneys a Profession or a Business? What Governs? Or should?
- Where does the “Duty of Loyalty” rest, and what Exactly does it mean?

**Daniel D. McMillan**, Moderator  
*Jones Day*

**Kelly M. Cauvel**  
*Cauvel & Dacey PC*

**John P. Dacey**  
*Cauvel & Dacey PC*

**Marilyn Klinger**  
*SMTD Law LLP*

## 5:00 Adjourn

# Faculty - California Construction Law



**John P. Dacey, Program Co-Chair**, is a Co-Managing Senior Shareholder of Cauvel & Dacey PC, a civil litigation firm providing legal services throughout California. Over the last 31 years, he has represented predominantly public entity clients, while representing some private entity clients in construction related contract procurements; complex litigation; appeals; arbitration; mediation and claim resolution.



**Justin Davis, DBIA**, is the Director of Pinner Construction Company, Inc. Pinner has been providing high-quality & sustainable facilities that contribute to the development of the local communities of Southern California for over 100 years. Recognizing a growing need for collaborative management, Pinner meets the demand for new schools, libraries and essential service facilities as a public works contractor.



**Hector H. Espinosa, Program Co-Chair**, is a founding partner at Pierce Kavcioglu Espinosa & Cesar LLP. He focuses his practice in the construction industry, working with clients from the onset of a project and contract formation to the resolution of claims through settlement and litigation. He represents general contractors, subcontractors and owners in a broad range of private and public projects.



**Jacqueline S. DeCamara** is Of Counsel at Jones Day. Her practice focuses on complex business and construction law, as well as public works and regulatory compliance issues. She represents and advises owners, design professionals, and contractors in the successful resolution of large business and construction disputes in mediations, arbitrations, settlement negotiations, and all aspects of litigation.



**Daniel D. McMillan, Program Co-Chair**, a partner with Jones Day, focuses on complex commercial, business, and construction litigation/transactions. As co-leader of the firm's *Chambers USA* recognized global construction practice, he represents owners, design professionals, and contractors in large construction disputes and in negotiating and drafting the full panoply of contracts for large projects.



**Armenak Kavcioglu** is a founding partner with Pierce Kavcioglu Espinosa & Cesar LLP. His practice focuses on public works and commercial construction projects. He counsels industry clients, including builders and subcontractors, in matters relating to procurement, scope of work disputes, cost growth, delays, disruptions, and other impacts. He has extensive trial experience in complex construction matters.



**Matthew A. Argue** is a member of the Arbitration, Mediation, Conciliation Center ("AMCC") and the owner of One Mediator, Inc. He has over 30 years of experience in construction disputes, mediation and arbitration, and has successfully mediated over 600 construction cases to settlement and served as lead arbitrator on over 300 cases. He has represented defendants and plaintiffs in construction defect cases.



**Marilyn Klinger** is the office managing partner of the construction/surety boutique law firm, SMTD Law. She is involved in all aspects of construction law on a state and national level. She represents the full spectrum of the construction industry, from owners, contractors, subcontractors, and sureties. Her practice includes claims and litigation, legal advice and counsel regarding the contracting process.



**Michael J. Bayard** is a full time neutral at Dispute Resolution Services, limiting his practice to construction disputes. He has more than three decades of experience as a construction attorney. A full-time neutral since 2000, he has resolved hundreds of construction and real estate disputes ranging from small residential projects to high-profile, multi-million dollar, multi-party cases.



**Erich R. Luschei** is a Senior Attorney at Theodora Oringher PC. He has represented private and public owners, design professionals, contractors and subcontractors for over 30 years in complex disputes and transactional matters. His matters have included some of the largest and most difficult construction projects in California, including bridges, fireboats, subways/stations, freeways, pipelines, and light rail.



**Christopher Beirise**, a partner at HKA, is a delay/damages, and quantum expert with over 30 years of experience in the construction and engineering industries. Chris has testified in courts, arbitrations and international arbitrations, delivered sworn depositions, and presented in mediations/ADR proceedings. He has been engaged as an expert on schedule and damages matters in excess of US \$90 million.



**Stephen Montoya** is the Vice President of Operations for Matt Construction Corporation. He has overseen many of MATT's most complex projects, all within schedule and budget, and maintains impeccable relationships with clients/design teams through his collaborative process and style. He spent seven years managing large construction projects, such as the Ronald Reagan State Office Building.



**Kelly M. Cauvel** is a co-managing senior shareholder at Cauvel & Dacey PC. Her practice focuses primarily on the representation of public entities, either defending and/or prosecuting, complex construction, contract and bond claims, dispute avoidance, and risk management matters involving contractors, as well as claims involving professional service providers, such as architects and engineers.



**David C. Rybicki** is a partner in the Washington DC office of K&L Gates LLP and a member of the investigations, enforcement, and white collar practice group. He recently served in the Criminal Division of the U. S. Department of Justice as Acting Principal Deputy Assistant Attorney General and Deputy Assistant Attorney General, the second- and third-highest ranking positions in the division.

# California Construction Law

## Credits

### **CA CLE**

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 5.5 general and 1.0 ethics CLE credits (Live Credits for Webcast).

### **AIA**

This course has been approved by The American Institute of Architects for 6.5 LUs (Live Credits for Webcast). 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 & Webcast). If you plan to attend the webcast and need CRIS credits please let us know in advance. We will need to add extra viewing verification for you to receive credits. Credits for recorded courses not available.

## Location

### **Live Webcast broadcast from Los Angeles, CA**

LIVE WEBCAST broadcast from Los Angeles, CA

Phone: 206-463-4400

Due to growing health concerns regarding the spread of COVID-19, The Seminar Group has opted to hold the seminar strictly webcast.

## Fees

### **Live Webcast:**

|                                  |          |
|----------------------------------|----------|
| Attorney                         | \$549.00 |
| Government / Tribal / Non-Profit | \$499.00 |
| Other Professionals              | \$449.00 |
| Student / Professor              | \$349.00 |

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

|                |          |
|----------------|----------|
| All Sessions   | \$549.00 |
| Single Session | \$99.00  |

### **Pre Order MP3 Download:**

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| All Sessions   | \$549.00 |
| Single Session | \$99.00  |

### **Pre Order DVD Homestudy:**

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| All Sessions | \$649.00 |
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### **Pre Order CD Homestudy:**

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| All Sessions | \$649.00 |
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### **Pre Order Materials Download:**

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| All Sessions | \$169.00 |
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### **Pre Order Printed Materials:**

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| All Sessions | \$199.00 |
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**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 4/23/21. 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/6103](http://TSGregistration.net/6103)**