

28th Annual

Washington

Construction Law



SEPT. 9 & 10, 2021

LIVE WEBCAST FROM

Seattle, WA

ACCREDITATION

WA MCLE,
OR CLE, CA CLE,
AIA, IRMI, APA
(see inside for details)

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

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
Engineers
Municipal Employees
Conservationists
Government Employees

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LANE POWELL



Washington Construction Law
Thursday, September 09, 2021

9:00 Introduction and Overview – Day One
PDT

Stanton P. Beck, Program Co-Chair
Lane Powell PC

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

9:10 Special Presentation: Federal Construction Update

New statutes; new regulations; new cases; new initiatives from the Biden administration

James F. Nagle
Oles Morrison Rinker & Baker LLP

10:00 COVID-19 Update

Impact of COVID on construction industry, contracts, drafting and claims status.

Ryan W. Sternoff
Ahlers Cressman & Sleight PLLC

10:45 Break

11:00 Residential Construction and Low-Income Housing Issues

Construction/design; disputes; state bar contracts; permitting and zoning; tax credits and incentives

Thaddaeus J. Gregory
Hillis Clark Martin & Peterson PS

11:45 Liens & Bonds – Public and Private

Brian M. Guthrie
Ashbaugh Beal LLP

Seth Millstein
Pillar Law PLLC

12:30 Midday Break

1:45 Discovery & Technology: Survival 101

Critical terms; planning ahead; discovery services; finding the finish line

Laura Marquez-Garrett
Lane Powell PC

2:30 Public Works Competitive Bidding and Bid Protests

The sources of law governing state agency public works procurement; the grounds for challenging the contract award including bid responsiveness, bidder responsibility, consideration of bids of other than announced bid evaluation criteria, owner/bidder negotiations, ambiguous or unduly restrictive specifications; bid protest procedures

Arnold R. Hedeem
Schlemlein Fick & Franklin PLLC

3:15 Break

3:30 Labor & Employment Concerns in the Construction Setting

Review of 2020-21 cases and statutes addressing wage and hour law, workplace discrimination and disability

Darren A. Feider
Sebris Busto James

4:15 Changes and Differing Site Conditions Update

COVID-19 constructive acceleration & supply chain disruption; recent case developments; notice dilemma

John P. Ahlers
Ahlers Cressman & Sleight PLLC

5:00 Adjourn

Washington Construction Law
Friday, September 10, 2021

9:00 Introduction and Overview - Day Two
PDT

Stanton P. Beck, Program Co-Chair
Lane Powell PC

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

9:05 Washington Construction Law – New Developments

Arbitration, Attorneys' Fees, Boundary Trees, Claim Notice Issues, Indemnification, Lien and Bond Claims, Lis Pendens, Personal Jurisdiction, Public Bidding, Public Duty Doctrine, Service of Process, Spearin Doctrine, Statute of Repose, Workplace Safety, and More.

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

10:00 Claims Against Design Professionals and Owners

Independent duty doctrine; design professional duty; risk reduction

Stanton P. Beck
Lane Powell PC

10:30 Break

10:45 Key Subcontracting Issues

Evan A. Brown
Groff Murphy PLLC

11:30 Ethical Considerations

Kainui M. Smith
Schwabe Williamson & Wyatt PC

12:30 Midday Break

1:45 Construction Defect Litigation

When to use pre-claim notices; advising clients on risks and benefits of proceeding with litigation; key claims to assert in construction defect lawsuits; calculating damages; subcontractor tenders, and AI issues; mixed claims – covered and uncovered claims, and how to avoid ethical problems

Katie J. Comstock
Levy | von Beck | Comstock | PS

Joseph L. Hogan
Scheer Law PLLC

2:30 Insurance Considerations

Builder's risk insurance—recent developments in what constitutes “physical loss”; issues with “wrap-ups”; “last-dollar” subrogation and subrogation waivers; CGL coverage for construction defects; how to handle the insured's counterclaim in a settlement

Todd C. Hayes
Harper | Hayes PLLC

3:15 Break

3:30 Special Presentation – What's Happening in Seattle

Permitting, zoning, construction and design issues; recent changes to the Seattle Residential Code and the Seattle Building Code

Nathan Torgelson, Director
Department of Construction and Inspections
City of Seattle

4:15 Alternative Dispute Resolution

Mediation; arbitration/litigation; Disputes Review Board

Richard H. Skalbania
Ashbaugh Beal LLP

5:00 Adjourn

Faculty - Washington Construction Law



Stanton P. Beck, Program Co-Chair, is a shareholder with Lane Powell PC and member of the Construction Services Group. He has been involved in most of the major construction projects in the PNW and has served in contracting/dispute roles in national & international projects. He is nationally recognized for his experience in construction litigation.



Thaddaeus J. Gregory is an attorney at Hillis Clark Martin & Peterson PS who focuses on land use, real estate, and environmental law. He advises a broad range of clients in real property matters, including purchases and sales, extensive due diligence investigations, industrial waste issues, and environmental damage insurance disputes.



Paul R. Cressman, Jr., Program Co-Chair, is a founding member of Ahlers Cressman & Sleight PLLC. He has practiced construction law for over 40 years, representing general contractors, subcontractors, suppliers, owners, and design professionals in public & private construction projects. He routinely participates in CLE programs on construction law topics.



Brian M. Guthrie is an attorney with Ashbaugh Beal LLP. His practice focuses on Commercial and Business Litigation as well as Construction Law, including contract review & drafting, delay claims, contract/payment disputes, differing site conditions claims, bid protests, lien claims, and bond & retainage claims. He is a frequent speaker at Construction Law seminars in Washington and Idaho. He is also a member of the Associated Builders and Contractors (ABC).



John P. Ahlers, a founding member of Ahlers Cressman & Sleight PLLC, focuses on the resolution of construction disputes. His experience spans from small private construction projects to complex engineering, building, heavy construction, and insurance matters. He represents owners, contractors, subcontractors, suppliers, and architects.



Todd C. Hayes is a member of Harper | Hayes PLLC, where he represents contractors, developers, and other business owners in insurance coverage disputes, construction defect litigation, and appeals. He frequently lectures on insurance coverage, and recently helped author the insurance section of the *WSBA Construction Law Deskbook*.



Evan A. Brown is an attorney at Groff Murphy PLLC. He serves as counsel to construction industry and government contracts clients. His practice includes bid protests; contract negotiation/procurement; and complex litigation/dispute resolution arising from public and private construction projects, including trial and appellate practice, mediation, and arbitration.



Arnold R. Hedeem is Of Counsel at Schlemlein Fick & Franklin PLLC, where his practice focuses on construction/government contract law and general civil litigation. He has more than 30 years' experience representing public & private owners, prime contractors, subcontractors, material suppliers, and construction industry trade associations.



Katie J. Comstock is a shareholder at Levy | von Beck | Comstock | PS. Her practice focuses primarily on construction defect litigation, real estate disputes, commercial collection, and homeowner and condominium association disputes. She is also a fellow of the Construction Lawyers Society of America.



Joseph L. Hogan is an attorney at Scheer Law PLLC. He focuses his practice on complex civil litigation, including defending businesses and individuals against a variety of personal injury, products liability, construction defect, and property damage lawsuits. He has second-chaired a 10-day construction defect trial and written summary judgment motions.



Darren A. Feider is a shareholder with Sebris Busto James. His practice involves general employment litigation, wage and hour disputes, trade secret, covenant not to compete and non-solicitation litigation as well as copyright infringement and trademark matters. He focuses on wrongful discharge, discrimination claims, and the drafting of contracts.



Laura Marquez-Garrett is a shareholder at Lane Powell PC and chair of the Electronic Discovery team. She has extensive experience representing clients in all manners of litigation and business disputes. She regularly consults and serves as discovery counsel on matters of critical proof, as well as discovery policies, protocols, and litigation practice.



Seth Millstein, a member of Pillar Law PLLC, has been practicing construction law in Washington since 2004. He formed Pillar Law in 2010 to assist subcontractors, suppliers and owners. He handles a range of litigation matters, with an emphasis on real estate and construction law. Working with Kerry Lawrence since 2015, liens are at the core of his practice.



James F. Nagle, a retired partner, now Of Counsel at Oles Morrison Rinker & Baker LLP, is a nationally recognized attorney and thought leader in government contract law. He serves as consultant, expert witness or arbitrator/mediator to the government and federal contractors. He has experience with international, major systems and construction contracts.



Richard H. Skalbania is a partner at Ashbaugh Beal LLP and has been with the firm since its inception in 1987. During his 30-year career, he has successfully represented clients in some of the most high-profile construction disputes in the Pacific Northwest. He has been on the AAA construction panel of arbitrators since 2000 and frequently serves as a mediator.



Kainui M. Smith is an attorney at Schwabe Williamson & Wyatt PC. He provides comprehensive and client-centric legal services to real estate and construction companies from the inception of a project, and if necessary, through litigation. He handles a variety of cases as both plaintiff and defense counsel through mediation, arbitration and litigation.



Ryan W. Sternoff is a Member at Ahlers Cressman & Sleight PLLC, where he focuses his practice on representing owners, property managers, developers, general contractors, subcontractors, and suppliers in construction and real estate matters. He represents clients in the drafting and negotiation of a wide array of construction and real estate contracts.



Nathan Torgelson serves as Director of the City of Seattle's Department of Construction and Inspections. He leads a staff of 375, with a budget of \$85 million, who are responsible for the City's permitting, code compliance and land use code development work. Previously he was Deputy Director of the City's Department of Planning and Development.

Washington Construction Law

Credits

WA MCLE

This course has been approved for 11.25 hours of law and legal credit and 1.0 hours of ethics CLE credit by the Washington MCLE board (Live Credits for 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 Webcast).

CA CLE

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 11.5 general and 1.0 ethics CLE credits (Live Credits for Webcast).

AIA

This course has been approved by The American Institute of Architects for 12.5 LUs (Live Credits for Webcast). Day one is approved for 6.25 LUs and day two is approved for 6.25 LUs. 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 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.

APA

This course has been approved by the American Planning Association for 12.5 CM credits (Live Credits for Webcast). Credits for recorded courses available upon request.

Location

Live Webcast broadcasted from Seattle, WA

LIVE WEBCAST broadcast from Seattle, WA

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	\$899.00
Government / Tribal / Non-Profit	\$799.00
Other Professionals	\$799.00
Student / Professor	\$699.00
Day One	\$561.88
Day Two	\$561.88

Pre Order On Demand:

All Sessions	\$899.00
Single Session	\$99.00

Pre Order MP3 Download:

All Sessions	\$899.00
Single Session	\$99.00

Pre Order DVD Homestudy:

All Sessions	\$999.00
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Pre Order CD Homestudy:

All Sessions	\$999.00
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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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Go to our website to register:
www.TheSeminarGroup.net or call our office at 206-463-4400. You can also contact us at 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 9/3/21. 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

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