

Agenda

Facilitating the Project with Effective Construction Contracting

J. Hays,
P. Estill

Understanding the legal rights/duties of project participants: owners, contractors, design services firms, subcontractors and suppliers
Understanding your project delivery system: design-bid-build, design-build, construction manager, construction manager-at-risk
Using standard or custom contract documents: AIA, ConsensusDocs, others
Understanding key contract concepts and terms: performance, breach, warranties, guarantees, indemnity, damages
Modifying contracts and selecting dispute resolution mechanisms

Protecting the Project with Bonds and Insurance

M. Miller

Obtaining construction bonds

- Performance
- Payment
- Alternatives to bonds

Obtaining insurance

- Commercial general liability insurance
- Builder's risk insurance
- Errors and omissions insurance
- Additional/alternative insurance

Claims and notice issues

Making Changes and Resolving Disputes During the Construction Process

S. Smith

Making changes to the contract and contracted work

- The contract change clause
- Types of changes: ordered and constructive changes
- Requirements for making changes
- Liability issues

Solving problems during the construction process

- Site conditions
- Delays
- Disruption
- Acceleration
- Accidents

Understanding Statutory and Contractual Duties of Design Professionals and Contractors in Green Construction

M. George,
A. Klein

General scope of duty
Public buildings
Contractual duties under AIA contract documents
Duties on LEED projects

Participating in the Bidding Process

C. McCloud

Understanding competitive bidding requirements
Reviewing bid package
Prequalification of bidders, bid bonding
Submitting bids
Handling errors and changes

Construction Law
Lexington, KY - Friday, March 29, 2019

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Learning Objectives

You'll be able to:

Understand key construction contract concepts and terms, and you'll get tips on making changes to contracts.

Understand competitive bidding requirements, and participate effectively in the bidding process.

Protect the project with performance and payment bonds, and with liability insurance.

Handle problems that arise during construction, such as site conditions, accidents and delays.

Discuss special legal considerations on green or sustainable construction projects.



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Learn how to facilitate the project with effective construction contracting

Protect the project with bonds and insurance

Understand how to make changes and resolve disputes during the construction process

Continuing Education Credits

Engineers
6.5 PDHs

Architects
6.5 HSW Continuing Ed. Hours
6.5 AIA HSW Learning Units

Consider legal issues facing design professionals in green construction

Receive tips on participating in the bidding process

Contractors
Non-Credit Continuing Ed.



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Faculty

John W. Hays is a member in the construction industry group at Jackson Kelly PLLC, focusing primarily on construction litigation, contracts, and commercial litigation. Mr. Hays represents owners, design professionals, contractors, construction managers, subcontractors, and suppliers. He is also the co-chair of the firm’s construction and development industry group, helping to grow the firm’s practice in the construction area. Mr. Hays has extensive training and experience as a mediator in construction, commercial, employment, and personal injury disputes and has often served as an arbitrator. He is a specialist in his fields, serving as a member of numerous professional associations, a past president to several boards, and a frequent author and lecturer. Mr. Hays has an AV Preeminent rating by Martindale-Hubbell, and was named Lexington Construction Law “Lawyer of the Year” in 2018 and 2016 by *The Best Lawyers in America*. He has been named in the Kentucky Super Lawyers list since 2009, named in *The Best Lawyers in America* for Construction Law since 2013, and been a member of The National Academy of Distinguished Neutrals since 2012.

Patrick F. Estill is an associate in the construction and equine industry groups at Jackson Kelly PLLC, focusing primarily on construction law, public-private partnerships, and commercial litigation. As an associate, he has gained a wide range of experience and is growing a strong, multidisciplinary practice. Mr. Estill’s career at Jackson Kelly has allowed him to explore many facets of the law. He uses this experience to better serve clients’ interests and solve legal problems in the most efficient way possible. He particularly enjoys drawing on his litigation experience to draft better contracts and guard against risk for corporate and construction clients.

Mason L. Miller is managing partner at Miller Edwards Rambicure PLLC. Mr. Miller focuses his practice on business law, both transactional and litigation, and he has extensive experience in construction, minerals, banking, and other commercial matters. His clients include construction companies, developers, professional athletes, municipalities, private equity funds, energy companies, regional and national banks, and other large institutions. Mr. Miller has personally represented over a dozen publicly-traded companies in a wide variety of engagements.

Stephen E. Smith’s primary areas of practice are construction, public acquisition, and corporate law. Before joining Goldberg Simpson, LLP in 1989, Mr. Smith served the public sector with the United States Army Corps of Engineers for 15 years, serving as a district counsel and as senior legal advisor to the commander. Mr. Smith represents all participants in construction projects, including public and private

owners, large general contractors and construction managers, and specialty subcontractors. He is a member of both the American Arbitration Association Panel of Construction Arbitrators and the Panel of Construction Mediators. Mr. Smith is approved as a mediator and arbitrator for all disputes arising under the Greater Louisville Association of Realtors. He has been selected by members of the Louisville Bar as a *Louisville Magazine* “Top Lawyer” in the areas of “Construction,” “Arbitration and Mediation-Non-Family” for the last four years. He has been selected as a Kentucky “Super Lawyer” annually since 2007. Mr. Smith was selected to *The Best Lawyers in America* in 2015 and 2016. He earned both his Bachelor of Arts and his law degree from the University of Louisville. He is a frequent lecturer and instructor in the areas of federal acquisition and construction claims administration. Mr. Smith is a member of the Federal, Kentucky, and Louisville Bar Associations and the ABA Forum on The Construction Industry. He is a founding member of the Kentucky Bar Association Construction Practice Section.

Megan K. George is a member of the Construction Service Group at Stites & Harbison, PLLC. She counsels clients on construction matters and routinely drafts, negotiates and reviews contracts for clients. Before joining the firm, she was an attorney with a firm in Lexington, was an Assistant Attorney General with the Kentucky Attorney General’s Office of Criminal Appeals in Frankfort, (2016-17) and was also a staff attorney for Judge Laurance VanMeter, Kentucky Court of Appeals in Lexington, (2013-16).

Aaron R. Klein is an attorney with Stites & Harbison, PLLC’s Louisville office and is a member of the Construction Service Group. His practice focuses on advising clients on all types of construction related matters. He provides construction clients with experience in both transactional and litigation practice. Prior to joininlso serveStites & Harbison, Mr. Klein was an attorney with a regional litigation firm based in Louisville. Prior to that, he was an attorney with a regional litigation firm based in Nashville, Tennessee. He also serves in an advisory role to a nonprofit board dedicated to the Louisville addiction services community. Mr. Klein is also involved in his church community. Outside of work, he enjoys all types of sports. You may also find him on a variety of “CraneWatch” websites checking up on the latest projects in both Louisville and Nashville.

Craig L. McCloud is an attorney with McCloud Law Group, with offices in Lexington and Columbia. McCloud Law Group represents a diverse clientele of individuals and business owners in Kentucky. With a proactive approach and commitment to developing creative solutions, the firm assists clients with a wide array of business and employment law matters.

Seminar Information

Courtyard by Marriott Keenland/Airport
3100 Wall Street
Lexington, KY 40513
(859) 224-0460

Registration
8:00 - 8:30 am

Morning Session
8:30 - 11:45 am

Lunch (On your own)
11:45 am - 12:45 pm

Afternoon Session
12:45 - 4:30 pm

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Additional Learning

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Special Inspections

- **Introduction to Chapter 17: Special Inspections**
Wed., Feb. 13, 2019, 11:00 AM -12:30 PM CST
- **Soils and Foundations**
Wed., Feb. 13, 2019, 1:00 -2:30 PM CST
- **Reinforced Concrete and Structural Steel**
Thurs., Feb. 14, 2019, 11:00 AM -12:30 PM CST
- **ACT Ceiling Grid, Epoxy Anchors, and Fire Penetrations**
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Registration

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