

Agenda

Distinguishing between Construction Defects and Failures

S. Powers

Defining defects

- Causes of defects: problems with design, materials and/or construction

Defining failures

- Causes of failures: deterioration, unintended use, "Acts of God"

Examining Common Defects and Failures

D. Farmer

Analyzing defects and failures for methodology and causality

- Site selection and engineering
- Building design
- Foundation design and construction
- Design and construction of floors, walls and roofing
- Exploring defects and failures in mechanical and electrical systems

Understanding Insurance Coverage Issues

D. Bostwick

Commercial general insurance coverage for defects and failures

Design professional liability insurance coverage

Insurance carrier duty to defend

Handling Ethical Issues Associated with Defects and Failures

D. Bostwick

Understanding the parties roles and relationships

Understanding the liability and indemnification provisions
in construction documents

Duty to raise potential safety, durability issues

Making warranties and guarantees

Working outside areas of competence

Adopting Practices that Reduce Liability for Defects and Failures

T. Foutz

Reviewing proposed use and preparing construction documents

Clearly allocating responsibilities: Who is doing what?

Allocating risks in contracts and subcontracts

Identifying applicable codes and standards

Communication, coordination and documentation

Monitoring and inspecting construction

Quality assurance and quality control

Stopping or suspending work

Correcting problems before project completion

Building operation and maintenance

Resolving Disputes Related to Defects and Failures

L. Hinton

Identifying defenses to liability

Timelines, contractual defenses, crossclaims and counterclaims

Participating in conflict resolution procedures

Mediation, arbitration, litigation

Reviewing types of damages and how they are calculated

Preventing and Addressing Construction Defects and Failures

Live, Interactive Webinar - Friday, January 29, 2021

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Learning Objectives

You'll be able to:

Distinguish between construction defects and failures.

Understand available insurance coverage for defects and failures.

Analyze defects and failures to determine methodology and causality.

Explore common defects in site selection, building design, foundation design, construction, and installation of mechanical and electrical systems.

Adopt practices, including quality control and code compliance, that will reduce the occurrence of defects and failures.

Take steps to resolve disputes related to defects and failures.



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HalfMoon Education Online Learning Preventing and Addressing Construction Defects and Failures

Live, Interactive Webinar - Friday, January 29, 2021



Distinguish between construction defects and failures.

Gain the ability to handle ethical issues associated with defects and failures.

Analyze defects and failures for methodology and causality.

Adopt practices that reduce defects and failures

Understand potential insurance coverage issues.

Continuing Education Credits

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6.5 Professional Ed. Hours/PDHs

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6.5 AIA HSW Learning Units

International Code Council

.65 CEUs (Building)



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Scott Powers *Attorney at Snow Christensen & Martineau*
Mr. Powers’ practice involves a broad range of commercial litigation matters with an emphasis on construction, surety, and insurance-related issues. Licensed in Utah, Idaho, and Nevada, Mr. Powers has litigated disputes across the Intermountain West. He has successfully represented clients in a wide variety of legal matters including construction contract claims, defect claims, surety bond claims, mechanics lien claims, insurance coverage litigation, general liability claims, catastrophic injury claims, and class action lawsuits. His experience working for multiple contractors, including union and non-union electrical contractors, commercial landscaping companies, and systems integration companies, provides insider expertise and knowledge to his construction litigation practice and allows him to more closely understand the unique needs of these industry clients.

Dana Farmer *Attorney at Durham Jones & Pinegar, P.C.*
Mr. Farmer is a construction and commercial lawyer focused construction contracts, disputes, litigation; and commercial transactions and litigation involving construction, transportation and storage of goods, and the Uniform Commercial Code. As general or legislative counsel to many construction trade groups in Utah, Mr. Farmer focuses his practice on helping contractors, subcontractors and construction material suppliers resolve problems with construction projects and sales accounts. This work includes the preparing and filing construction notices, reviewing and negotiating contracts, and resolving contract and payment disputes. Mr. Farmer also advises his clients about legal concerns relating to the operation of their businesses, such as purchases and sales of businesses; employees; buying, selling, or leasing business property; vendor agreements; licensing; and other legal issues typical of businesses in the construction industry.

Darrel Bostwick *Attorney at Bostwick Law, PLLC*
Mr. Bostwick is an attorney in the Salt Lake City area where his practice areas include construction litigation, general commercial litigation, real estate, contract negotiation and drafting, legal and regulatory compliance, licensing and permitting, business consulting, transactions, labor and employment, insurance and risk management, municipal and other governmental legal matters, and litigation and appellate matters in federal courts,

state courts and federal and state regulatory agencies. He has served as in-house counsel for a global civil explosives company. Mr. Bostwick earned his B.S. degree in Construction Management from Brigham Young University and his J.D. degree from the J. Reuben Clark Law School. Mr. Bostwick taught Construction Law as an adjunct professor at Brigham Young University. He is a member of the Utah State Bar (member and past chair, Construction Law Section; and member, Corporate Counsel Section.

Tyler Foutz *Attorney at Fetzer Simonsen Booth & Jenkins, PC*
Mr. Foutz’s law practice has focused on commercial litigation for the last 15 years. He represents companies, both large and small; HOA’s; and individuals in disputes pertaining to construction, real estate, landlord-tenant, and a variety of other areas. He became a partner at Fetzer Booth in 2020. Before joining Fetzer Booth, Mr. Foutz was a partner at a commercial litigation firm specializing in construction and real estate litigation. He has been involved in litigation ranging from small disputes to complex multi-million dollar cases. Mr. Foutz has successfully completed jury and bench trials in state and Federal Court and frequently appears in courts in all districts in the State of Utah. He has also argued before the Utah Court of Appeals and the Utah Supreme Court, and participated in arguments at the 10th Circuit Court of Appeals. Mr. Foutz received his J.D. degree from the University of Oregon School of Law.

Loni Hinton is an associate attorney in Stoel Rives’ Construction and Design group, and is licensed to practice in Alaska, Washington, and California. She advises public and private owners, developers, contractors, subcontractors, design professionals, and product manufacturers on risk management, contract drafting and negotiation, course of construction disputes, and construction defect claims. Ms. Hinton has also assisted owners and product suppliers with unique legal needs such as emergency repairs and insurance claims following natural disasters; and cross-border, multi-jurisdictional, complex commercial litigation arising from widespread product defects in high-rise condominium towers. She regularly leverages her legal knowledge and experience in the field to devise practical and cost-effective solutions to the issues facing her clients. Before joining Stoel Rives, Ms. Hinton was an associate at a national construction and complex commercial litigation boutique firm located in Kirkland, Washington (2016–2018).

Webinar Information

Log into Webinar 8:00 - 8:30 am MST	Break 11:45 am - 12:45 pm MST
Morning Session 8:30 - 11:45 am MST	Afternoon Session 12:45 - 4:30 pm MST

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Continuing Education Credit Information
This webinar is open to the public and offers 6.5 professional education hours/PDHs to professional engineers and 6.5 HSW continuing education hours to architects licensed in Utah.

The American Institute of Architects Continuing Education System has approved this program for 6.5 LU|HSW (Sponsor No. J885). Only full attendance can be reported to the AIA/CES.

Engineers and architects seeking continuing education credit in other states will be able to claim the hours earned at this webinar, in most cases. Refer to specific state rules to determine eligibility.

The International Code Council has approved this activity for .65 CEUs in the specialty area of Building.

Completion certificates will be awarded to participants who complete this event, respond to prompts and earn a passing score (80%) on the quiz that follows the presentation (multiple attempts allowed).

Additional Learning

Structural Forensic Engineering
- Wed., Jan. 13, 2021 | 10:00 am - 1:45 pm CST
- Thurs., Jan. 14, 2021 | 10:00 am - 1:45 pm CST

Practical Site Engineering: Science & Techniques
- Thurs., Jan. 14, 2021 | 11:00 am - 3:15 pm CST
- Fri., Jan. 15, 2021 | 11:00 am - 2:15 pm CST

Slab-on-Grade Concrete and Pavement for Private Facilities
- Tues., Jan. 19, 2021 | 11:00 am - 2:45 pm CST
- Wed., Jan. 20, 2021 | 11:00 am - 2:45 pm CST

Structural Design Loads under the ASCE 7 Standard
- Fri., Jan. 22, 2021 | 8:30 am - 5:00 pm CST

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Registration

Preventing and Addressing Construction Defects and Failures
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How to Register	Registrant Information Name: _____ Company/Firm: _____ Address: _____ City: _____ State: _____ Zip: _____ Occupation: _____ Email: _____ Phone: _____ Additional Registrants: Name: _____ Occupation: _____ Email: _____ Phone: _____ Name: _____ Occupation: _____ Email: _____ Phone: _____ Email address is required for credit card receipt, program changes, and notification of upcoming seminars and products. Your email will not be sold or transferred. () I need special accommodations. Please contact me.
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