

# Agenda

## Understanding the Law of Professional Liability

Understanding common sources of professional liability claims

- Breach of contract
- Strict liability
- Fraud
- Negligence
- Misrepresentation

Litigating professional liability cases

Insurance coverage issues

Strategies for preventing professional liability claims

## The Architect's Standard of Care

Definitions

Review of cases

Builder's set of drawings

Shop drawings

Satisfying permit requirements

## Understanding the Law of Architectural Copyright

Determining what information is copyrightable

Understanding the benefits of architectural copyright

Preserving your copyrights and preventing infringement of others' copyrights

## Architects and Construction Liens

Eligibility – tier and timing

Project type

Format / filing / amendment

Scope

Duration

Enforcement

Discharge

## Overview of Contract Law for Architects

Understanding the basics of contract law

Standard forms of agreement

Negotiating contract terms

Contract documents and formation

Scope of services and changes

Risk allocation provisions

Making changes to contracts

Breach of contract

Dispute resolution

## Complying with Massachusetts Rules of Professional Conduct

Ensuring competence

Complying with duty to report and cooperate

Avoiding conflicts of interest

Understanding responsibility for full disclosure

Preventing unauthorized practice

## Understanding Massachusetts Building Design Law

Classification of buildings and structures

Contracts for services: what you agree to do

Engineering systems designed by architects: what can architects do?

Violations

## Climate Change and Recent Developments in Massachusetts Law

The new Massachusetts Climate Change Law

Massachusetts Building Code review cycle

Anticipated changes in the 10th Edition

Stretch code, net zero

Changes in energy code development process

**Laws for Massachusetts Architects**  
Live, Interactive Webinar - Monday, September 13, 2021

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## Learning Objectives

### You'll be able to:

**Identify** common sources of professional liability, including breach of contract, misrepresentation, negligence and fraud.

**Adhere** to ethical standards in construction, including honesty, integrity, fair-dealing, and quality assurance.

**Comply** with Massachusetts rules of professional conduct to protect the interest and welfare of clients and project owners, to ensure competence and avoid unauthorized practice of architecture or engineering.

**Discuss** contract provisions and learn how they impact clients and can facilitate the completion of quality construction projects.

**Talk** about issues in construction contract administration, including ordered and constructive changes, as well as dispute resolution.



## HalfMoon Education Online Learning

# Laws for Massachusetts Architects

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**Understand** common sources of professional liability claims

**Analyze** the architect's standard of care

**Review** the law of architectural copyright

**Examine** the contract law for architects

**Comply** with Massachusetts Rules of Professional Conduct

**Explore** Massachusetts Building Design Law

**Discuss** recent developments in Massachusetts building codes

### Continuing Education Credits

#### Architects

7.0 HSW CE Hours

#### AIA

7.0 LU | HSW

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# Faculty

**Eric A. Howard** *Partner in the Boston office of Donovan Hatem LLP*

Mr. Howard focuses his practice on representing clients in complex business disputes, including professional malpractice, construction, intellectual property rights, tort and commercial litigation matters. He has represented clients in state and federal courts, administrative and arbitration tribunals and mediations. Mr. Howard frequently provides risk management seminars regarding construction and commercial law topics.

**Jon C. Cowen** *Partner at Donovan Hatem LLP*

Mr. Cowen represents businesses and individuals facing a wide variety of matters involving complex litigation, breach of contract, duty of care, intra-corporate disputes, real estate and professional liability claims. In addition to his significant courtroom experience, he is a skilled negotiator and regularly represents clients in mediation. Mr. Cowen's trial experience includes numerous appearances in the Massachusetts Appeals Courts. He has represented clients in jurisdictions across the country, including New York, California, Florida, Delaware and Nevada.

**Patricia B. Gary** *Of Counsel at Donovan Hatem LLP*

Ms. Gary focuses her practice on the defense of professional liability actions against architects and engineers. She provides legal advice to construction project participants in drafting and negotiating their design and construction contracts. An experienced trial and appellate attorney, she also concentrates her practice in the area of insurance coverage litigation and advice. Ms. Gary is an editor and author of numerous books on construction law and is the lead editor and author of a new book, *Climate Change and the Built Environment*, to be published by ACEC in July 2021.

**Jennifer A. Lincoln** *Associate of Donovan Hatem LLP*

Ms. Lincoln concentrates primarily on representing design professionals. Her expertise includes composition and negotiation of complex contractual arrangements, including DB and Designer-led DB, EPC and EPCM agreements, RFPs, intellectual property, transfer and assignment agreements, project finance, FAR and termination and indemnity arrangements.

Ms. Lincoln also focuses her practice on professional negligence claims and litigation. Prior to joining Donovan Hatem, she was counsel for a multi-national engineering and project management firm based in the Middle East. She is an Associate Fellow of the Construction Lawyers Society of America and has been ranked by Super Lawyers as a top-rated Rising Star in construction litigation in Boston for 2019, 2020, and 2021.

**Adam C. Benevides** *Partner at Donovan Hatem LLP*

Mr. Benevides focuses his practice on representing clients in a variety of complex civil litigation matters, including insurance and tort defense, premises liability, employment matters, construction litigation and professional malpractice litigation. He also counsels clients with respect to contract formation and risk management.

**Stephen F. Willig** *Partner in Donovan Hatem LLP*

Mr. Willig is with the litigation department and has been defending professionals, business owners and contractors, and representing insurers, in commercial and casualty litigation for more than thirty years. During that time, he has litigated complex matters involving professional malpractice, director and officer liability, employee fidelity bonds, insurance coverage, contracts, government regulations and negligence.

**Brian C. Newberry** *Partner at Donovan Hatem LLP*

Mr. Newberry has represented a range of clients, large and small, in state and federal courts as well as in various alternative dispute resolution mediums. He concentrates his practice in cases involving shareholder disputes, business and tax litigation, architect and engineer liability, accounting and legal malpractice, insurance defense and class action suits. Admitted to practice in Rhode Island, Massachusetts and Connecticut, as well as on occasion pro hac vice in New Hampshire and Delaware, he has tried numerous cases in multiple states and a variety of forums. Mr. Newberry has argued multiple appeals before the Supreme Courts of Rhode Island and Delaware, the Appeals Court of Massachusetts and the First Circuit Court of Appeals.

# Webinar Information

Log into Webinar 8:00 - 8:30 am EDT	Break 11:40 am - 12:10 pm EDT
Morning Session 8:30 - 11:40 am EDT	Afternoon Session 12:10 - 4:20 pm EDT

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# Additional Learning

## How To Handle Ethical Issues

### Associated with Defects and Failures

- Tues, Aug 24, 2021 | 9:00 - 11:00 am CDT

## Designing for Accessibility

### under ADA Standards and IBC

- Tues, Aug 24, 2021 | 8:30 am - 12:15 pm CDT

- Wed, Aug 25, 2021 | 8:30 am - 12:15 pm CDT

## International Building Code 2021

- Thurs, Aug 26, 2021 | 10:00 am - 2:30 pm CDT

- Fri, Aug 27, 2021 | 10:00 am - 1:30 pm CDT

## IBC Special Inspections under Chapter 17

### of the International Building Code

- Tues, Aug 31, 2021 | 8:30 am - 5:00 pm CDT

## Handling Ethical Issues in Construction

- Tues, Aug 31, 2021 | 3:00 - 5:00 pm CDT

## Complying with NFPA 101 (2021):

### Life Safety Code

- Thurs, Sept 2, 2021 | 9:30 am - 5:30 pm CDT

## Engineered Lumber Design and Construction

- Fri, Sept 10, 2021 | 8:30 am - 4:20 pm CDT

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