

# Agenda

<b>Managing Risk in the Practice of Engineering</b> Identifying engineering risks Reviewing consequences of potential risks Understanding principles of risk management Complying with professional and ethical standards Identifying strategies to minimize engineering risk and maximize positive results	S. Dowsing
<b>Understanding How Contracts Can Shift, Reduce (or Increase) Risk</b> An overview of contract law and key concepts Understanding contract formation and revision Recognizing liability exposure under contract Reviewing standard contract provisions and understanding their impact on risk <ul style="list-style-type: none"><li>• Guarantees, warranties and indemnities</li></ul> Understanding consequences for delay, disruption, nonperformance, inadequate performance Using contract terms to manage risk	D. Ericksen
<b>Law of Engineering Malpractice</b> Reviewing the grounds for professional liability claims Identifying who can bring a claim Examining common sources of professional liability claims Reviewing defenses to liability claims Determining damages Participating in dispute resolution: arbitration, mediation, litigation Obtaining insurance coverage for professional liability claims	M. Salamone
<b>Reducing Risk for Yourself, Your Company and Your Clients</b> Negotiating fair and understandable contract terms Utilizing forms and standard documents Maintaining contemporaneous project documentation with clients and others Implementing document retention policies and procedures (and for how long) Implementing quality control practices Using alternative dispute resolution procedures	L. Treglia, Jr.
<b>Managing Risk with General Liability and Professional Liability Insurance Coverage</b> Coverage provided by general liability vs. professional liability policies Certificates of insurance and additional insureds Indemnities Assignment Insurance availability Insurance policies Warranties, guarantees and certifications Recognizing and responding to design professional claims	P. Lindborg

## Managing Engineering Liability and Risk in California

Live, Interactive Webinar - Friday, November 19, 2021

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## Learning Objectives

### You'll be able to:

**Identify** strategies to minimize engineering risk and maximize positive results.

**Review** standard contract provisions and their impact on risk.

**Identify** common sources of professional liability claims and discuss defenses to such claims.

**Implement** document retention and quality control practices.

**Explore** coverage provided by general and professional liability policies.

**Recognize** and respond to design professional liability claims.

## HalfMoon Education Live Webinars Managing Engineering Liability and Risk in California

Live, Interactive Webinar - Friday, November 19, 2021



**Manage** risk in the practice of engineering

**Reduce** risk for yourself, your company, and your clients

**Learn** how contracts can shift, reduce, or increase risk

**Manage** risk with general and professional liability insurance coverage

**Discuss** the law of engineering malpractice

### Continuing Education Credits

**Professional Engineers**

6.5 PDHs



# Faculty

**Sean Dowsing** is senior counsel in the Orange County office of Manning & Kass, Ellrod, Ramirez, Trester. He practices in the fields of engineering professional liability and construction law and is a Design-Build Institute of America certified professional. His experience as an attorney includes helping parties with their complex engineering projects, including design-build projects, to identify engineering risks and develop programmatic approaches to reduce those risks. He serves as project counsel, and lead risk manager for three progressive design-build projects in California valued at over \$100 million. Finally, he also represents A/E firms, contractors, and developers in engineering claims throughout California.

**David A. Ericksen** is an attorney at Collins & Collins LLP. He has represented design professionals in jury trial, bench trial, single arbitrator arbitration, and panel arbitration as well as mediation and other forms of alternative dispute resolution in state and federal courts. He has built on that experience of troubled projects and contracts and failed communications to become a trusted resource and counselor on risk management strategies to avoid such disputes through strategic planning and management. In that capacity, Mr. Ericksen focuses on contractual, risk management and litigation issues affecting the design, construction, environmental, real estate, and insurance professional communities. He does so both as outside general counsel to many firms, as well as by providing short term interventions in pursuit of strategic solutions and remedies. As a result, Mr. Ericksen is a frequent speaker before construction professional organizations such as the AIA, SEA, ACEC, NSPE, SDA, CSI and others, and he also provides in-house training seminars and strategic planning for firms. He has written numerous articles addressing issues important to the design and construction communities which have been published by professional organizations and industry related periodicals.

**Mary A. Salamone**, a partner at Procopio, Cory, Hargreaves & Savitch LLP, has dedicated her 34-year career exclusively to the specialized area of construction law. She has represented virtually every participant in the building industry on both public and private works of improvement, which affords her a unique perspective to assist in understanding and resolving claims in a cost-effective manner. She has handled multi-million dollar disputes on high-profile, complex construction projects. Ms. Salamone is an active member

of various trade associations and serves as a neutral with the American Arbitration Association and the Office of Administrative Hearings. Ms. Salamone has received an AV Preeminent rating with LexisNexis/Martindale Hubbell, which is given to two percent of the lawyers in the country. She has also been repeatedly recognized by both *Chambers USA: America's Leading Lawyers for Business* and by *The Best Lawyers in America* in the field of construction law, and she was selected as a fellow with the Litigation Counsel of America. Ms. Salamone has also been recognized in both 2019 and 2022 as "Lawyer of the Year" by *The Best Lawyers in America* in the area of Litigation - Construction for Orange County.

**Lawrence A. Treglia, Jr.** is a senior partner at Murtaugh Treglia Stern and Deily, and he has received Martindale Hubbell's "AV Preeminent" rating, the highest possible rating in both legal ability and ethical standards. His practice has focused on construction law for over 35 years and, specifically, on representing design professionals with entity formation, contracting, loss prevention and litigation. Mr. Treglia received his undergraduate degree from San Diego State University (BA, 1982), and his law degree from the University of the Pacific, McGeorge School of Law (JD, 1986). He is a member of the Association of Southern California Defense Counsel; the Construction Management Association of America (CMAA); and Southern California Contractors Association, and he routinely lectures for various professional organizations including the AIA Orange County.

**Peter F. Lindborg** is a founding partner of Lindborg & Mazor LLP, where he leads the firm's construction practice. Lindborg and Mazor acts as general counsel to private entities and as outside counsel to private and public entities. The firm specializes in all facets of real estate and construction, from the negotiating and the documentation stage, through project completion and beyond, including the counseling of clients in claims avoidance and mitigation techniques and the mediation, arbitration and litigation of claims. Mr. Lindborg has been lead counsel in numerous trials and arbitrations involving the prosecution and defense of multi-million dollar construction and real estate claims. He has also represented clients before various state and federal administrative agencies and has appeared in a number of state and federal courts throughout the United States. Mr. Lindborg is a member of the American, California, New Mexico and Los Angeles County Bar Associations.

# Webinar Information

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

## Tuition

**\$289** for individual registration  
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## Continuing Education Credit Information

This course is open to the public and offers 6.5 continuing education hours to professional engineers in California. Continuing education is not mandatory for engineer license maintenance in California.

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).

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# Additional Learning

## Handling Ethical Issues in Construction Contracting

- Mon, Oct 18, 2021 | 10:00 - 11:00 am CDT

## Whole Building Technical Commissioning

- Mon, Oct 25, 2021 | 8:30 am - 4:00 pm CDT

## Effective Stormwater Infiltration

- Tues, Oct 26, 2021 | 8:30 am - 4:45 pm CDT

## How to Analyze Common Construction Defects and Failures

- Tues, Oct 26, 2021 | 2:00 - 4:00 pm CDT

## Handling Ethical Issues Associated with Construction Defects and Failures

- Wed, Oct 27, 2021 | 9:00 - 10:00 am CDT

## Passive House: Planning, Design and Construction

- Wed, Oct 27, 2021 | 8:30 am - 4:30 pm CDT

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# Registration

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		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.
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Tuition
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