

Agenda

Managing Risk in the Practice of Engineering

G. Quesada

- Identifying engineering risks
- Reviewing consequences of potential risks
- Understanding principles of risk management
- Complying with professional and ethical standards for Michigan engineers
- Identifying strategies to minimize engineering risk and maximize positive results

Understanding How Contracts Can Shift, Reduce (or Increase) Risk

G. Thomas

- 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
 - Guarantees, warranties and indemnities
- Understanding consequences for delay, disruption, nonperformance, inadequate performance
- Using contract terms to manage risk

Managing Risk with General Liability and Professional Liability Insurance Coverage

E. Moore

- Architect and engineers' professional liability insurance history and availability
- Differences of general liability vs. professional liability coverage
- Professional liability insurance policy –
 - Declaration, insuring agreement, definitions and conditions
- Certificates of insurance and additional insureds
- Indemnities
- Warranties/guarantees, certifications and standard of care
- Recognizing and responding to a potential claim with current claims statistics

Law of Engineering Malpractice

S. Stoner

- 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

Reducing Risk for Yourself, Your Company and Your Clients

J. Case

- Negotiating fair and understandable contract terms
- Maintaining adequate documentation
- Implementing document retention policies and procedures
- Utilizing forms and standard documents
- Communicating with clients and other parties
- Implementing quality control practices
- Using alternative dispute resolution procedures

Complying with Michigan Laws and Regulations

J. Case

Requiring Engineering Work be Performed or Supervised by Engineers

- Michigan laws that regulate the composition of engineering firms
- Regulations on responsible charge of engineering work
- Rules on sealing of engineering documents

Managing Michigan Engineering Liability and Risk

Live, Interactive Webinar - Monday, December 4, 2023

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Learning Objectives

You'll be able to:

- Identify** risks in the practice of engineering and explore basic concept of risk management.
- Review** standard contract provisions and understand their impact on risk.
- Manage** risk with general liability and professional liability insurance coverage.
- Explore** common sources of engineering malpractice claims, and identify defenses to liability claims.
- Comply** with Michigan regulations that require engineering work to be performed or supervised by engineers.
- Examine** strategies for reducing risk for yourself, your company and your clients.



HalfMoon Education Live Webinars

Managing Michigan Engineering Liability and Risk

Live, Interactive Webinar - Monday, December 4, 2023



- Review** the principles of risk management
- Examine** how contracts can shift, reduce, or increase risk
- Discuss** engineering malpractice law
- Identify** strategies for reducing risk for yourself, your company, and your clients
- Manage** risk with general and professional liability insurance coverage

Continuing Education Credits

Professional Engineers
6.5 PDHs



Webinar Information

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

Tuition
\$319 for individual registration.
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Credit Information

This webinar is open to the public and is designed to qualify for up to 6.5 PDHs for professional engineers in Michigan where courses are not subject to pre-approval.

Attendance will be monitored, and attendance certificates will be available after the webinar for those who attend the entire course and score a minimum 80% on the quiz that follows the course (multiple attempts allowed)

Additional Learning

- Air-Source Heat Pumps for Residential and Small Commercial Buildings**
- Tuesday, November 14, 2023 | 10:00 am - 5:50 pm EST
- Solar Site Assessments**
- Tuesday, November 28, 2023 | 2:00 - 4:00 pm EST
- Handling Ethical Issues in Construction**
- Thursday, November 30, 2023 | 3:00 - 5:00 pm EST
- Adopting Fuel Cell Vehicles and Developing Related Infrastructure**
- Tuesday, December 5, 2023 | 10:30 am - 6:00 pm EST

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Faculty

Gary Quesada has been practicing law since 1993 and is admitted to all Michigan Courts, and the U.S. District Courts of Michigan. His practice has been concentrated in the design and construction industries. He has represented architects, engineers, contractors, private construction owners, and public entities in business and construction law matters, contract, construction and property disputes, construction lien and bond claims and defense, professional malpractice, copyright, insurance claims and defense and government affairs. Mr. Quesada has been named an honorary affiliate member of the AIA, has been named one of Metro Detroit's Top Lawyers by *DBusiness Magazine*, as well as a "Go To" lawyer for Construction Law by *Michigan Lawyer's Weekly*. Mr. Quesada is also an arbitrator on the AAA construction and commercial panels. In 2008, Mr. Quesada formed Cavanaugh & Quesada, PLC with his partner Peter Cavanaugh, located in Royal Oak, MI, where Mr. Quesada also serves as chair of the Royal Oak Planning Commission.

Gregory I. Thomas, J.D., was born in Detroit, Michigan and has never left the area. He graduated from Michigan State University in 1977, with a degree in Business Administration, and soon learned that he had no interest in running a business. Upon the recommendation of a school counselor, he decided to apply for law school, not on the notion that he wanted to be a lawyer, but rather on the notion that a degree in law would open a lot of doors. Mr. Thomas graduated from the University of Detroit School of Law in 1980. By then, he had already worked as a law clerk at Sullivan, Ranger, Ward & Bone for two years, and he accepted an offer of employment from them as associate attorney. That firm had a strong presence in the defense of claims against design professionals, and Mr. Thomas soon had a docket that was almost entirely filled with defending architects and engineers. That has never stopped. The design professions intrigued him, not only because was he a tinkerer by nature, but because of the massive "can do" attitude that design professionals have. It makes for a fascinating career, because each case requires Mr. Thomas to learn something new about how and why design professionals do the things they do, and learn it well enough that he can then teach it to a judge and jury. In 1988, Mr. Thomas became a founding partner in Thomas, DeGrood & Witenoff, where he practiced for 32 years. In 2020, the week before the Covid shutdowns, he closed the practice and moved his work to Dickie, McCamey & Chilcote, a large Pittsburgh-based law firm, locating in its newly opened Detroit office. He continues to work full time, thoroughly enjoying the close relationships he has developed with so many architects and engineers.

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Eric Moore has been active in the insurance industry since 1986. He is a certified insurance counselor and a licensed insurance counselor (both since 1991) with the State of Michigan. He is the past president of a/e ProNet (www.aepronet.org), a national organization of insurance agents and brokers that specializes in providing insurance and risk management services to the design professional community (architects, engineers, surveyors and environmental consultants).

Scott Stoner has successfully defended claims against design professionals for design defects, tortious interference, failure to inspect, and damages for delay, and he has handled contractor claims and surety and lien claims. In addition, he frequently represents shareholders in various business disputes, including breach of fiduciary duty, fraud, and usurpation of corporate opportunity. Mr. Stoner has successfully tried cases in both state and federal courts. His contributions to the legal profession are not limited to the courtroom. He has lectured extensively on various risk management issues for design professionals on areas such as contract drafting, project documentation, claims handling, and other issues that typically arise during the course of a construction project. Mr. Stoner's legal practice is centered on delivering the best possible legal outcome for his clients. He works to ensure that clients make solid and informed business decisions. He strives to educate clients on the law and to bring them as much information as necessary to ensure they make good business decisions. Mr. Stoner provides uncompromising legal representation for businesses and professionals. He relies on 25 years of experience in the legal field and a background of academic excellence. Mr. Stoner earned his Bachelor of Arts degrees in Economics and Political Science from Indiana University in 1993 and his Juris Doctorate degree from the University of Toledo College of Law in 1996.

James Case represents design professionals, general contractors, subcontractors, owners, and suppliers in various construction-related issues, including damages for delay, differing site conditions, construction change directives, owner interference, design errors and omissions, payment disputes, and contract interpretation. He also advises and advocates for sureties involved in defaults, claims against performance, payment bonds, and litigation. Mr. Case is a true litigator who possesses actual trial experience and a command of ADR techniques. No matter the dispute, his approach is to confer with the client, attempt to pinpoint the problem, ascertain the client's legal position and practical implications, play the role of devil's advocate, and devise and implement a strategy to achieve the desired outcome. Getting to the finish line in a construction lawsuit is a complicated journey. Whenever possible, Mr. Case recommends his clients use mediation or other dispute resolution techniques in an attempt to limit the scope of far-reaching discovery and settle disagreements in far less time and cost than trying a case to a verdict. The local construction industry is small, so restoring parties' working relationships can be a successful result in itself. The circle of construction lawyers is even smaller, and because of the camaraderie and collegiality Mr. Case fosters within that group, it is not uncommon for opposing counsel and parties in one matter to contact him about representation in later cases. Highly respected by his peers for his judgment and perspective, Mr. Case frequently serves as a mediator and arbitrator in construction cases. His litigation experience has undoubtedly made him a more effective neutral, and his work as a mediator and arbitrator has made him a better litigator, helping him hone his listening skills in particular.