

Agenda

Distinguishing between Construction Defects and Failures *C. Ofori-Amanfo*

- 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 *C. Ofori-Amanfo*

- 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

Adopting Practices that Reduce Defects and Failures *M. Smith*

- Reviewing proposed use and preparing construction documents
- Complying with building codes and standards
- Choosing materials and construction techniques
- Construction site communication, coordination and other practices that minimize problems
- Monitoring construction
- Quality assurance and quality control
- Correcting problems before project completion
- Building commissioning, operation and maintenance

Preventing and Resolving Disputes Generated by Defects and Failures *V. Pallaci*

- Identifying parties with potential liability
- Understanding theories of liability and defenses to liability
- Acting to remediate defects/failures
- Participating in conflict resolution procedures:
 - Mediation, arbitration, litigation
- Reviewing types of damages and how they are calculated
- Insurance coverage issues

Handling Ethical Issues Associated with Defects and Failures *R. Bowman*

- 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

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Preventing and Addressing Construction Defects and Failures

Live, Interactive Webinar - Thursday, December 28, 2023

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Learning Objectives

You'll be able to:

Distinguish between construction defects and failures.

Identify common causes of defects and failures, including design problems, construction materials, deterioration, unintended use and "Acts of God."

Reduce defects and failures by reviewing proposed uses of structures, complying with building codes and standards, monitoring construction practices, and correcting problems before project completion.

Participate in the resolution of disputes that are caused by defects and failures.

Identify and avoid ethical issues associated with defects and failures.



HalfMoon Education Live Webinars

Preventing and Addressing Construction Defects and Failures

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Analyze the differences between construction defects and failures

Examine common defects and failures

Identify materials and construction techniques that reduce defects and failures

Prevent and resolve disputes that are generated by defects and failures

Discuss ethical issues associated with construction defects and failures

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Including 1.0 Ethics Hour

Architects
7.0 HSW CE Hours
7.0 AIA LU | HSW

International Code Council
.7 CEUs (Building)



Webinar Information

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Faculty

Collins Ofori-Amanfo, P.E.
Owner and Principal Engineer of Collins Forensics LLC based in Minnesota
Mr. Ofori-Amanfo's broad-based experience includes investigation of collapsed structures, investigation of construction defects and damage, investigation of condensation in building envelopes, evaluation of roof and wall leakage, field water spray testing of windows, and assessment of wind and hail damage. His work also involves giving expert testimony and assisting attorneys in resolving disputes over construction and materials-related problems. Prior to establishing Collins Forensics LLC, Mr. Ofori-Amanfo worked for many years at Wiss, Janney, Elstner Associates, Inc. (WJE), the Illinois Department of Transportation, and Twin City Testing Corporation. He received his B.S. degree in Civil Engineering from the University of Science and Technology in Ghana and his M.S. degree in Structural Engineering from the University of Minnesota, Minneapolis. Mr. Ofori-Amanfo is a registered professional engineer in Minnesota, Wisconsin, Iowa, Illinois, North Dakota, Nebraska, and Missouri.

Matthew T. Smith *Member of Clark Hill in Lansing, MI*
Mr. Smith is a full-service construction attorney handling a large portfolio of suppliers, subcontractors, developers, engineers and general contractors in a variety of construction and commercial litigation matters. A seasoned attorney, Mr. Smith handles matters involving construction liens, bonding and surety claims, contracts, bankruptcy, creditors' rights, labor, real estate, and design and construction defect litigation. Mr. Smith is experienced in business, bankruptcy, construction, creditors' rights, real estate, and civil litigation.

Christopher A. Ferlito *Senior Attorney at Clark Hill in Detroit, MI*
Mr. Ferlito represents a broad range of clients including business entities, construction companies, insurance companies, individuals, owners, developers, general contractors, subcontractors and suppliers. He regularly represents clients on numerous issues including contract claims, non-payment issues, defective work, negligence claims, violations of the Construction Lien Act, delay claims, insurance issues, lease disputes, real property matters and collection matters.

Vincent T. Pallaci *Managing Member of Kushnick Pallaci PLLC in Bohemia, NY*
Mr. Pallaci is the firm's managing member and focuses his practice on complex construction, business and insurance litigation. Mr. Pallaci represents general contractors, developers, subcontractors, owners, construction managers, architects and engineers in a wide variety of disputes including defective construction, excavation and property damage litigation, delay, scope of work disputes, mechanic's lien foreclosure and defense, defense of OSHA violations, ECB violations, construction license agreements, labor law claims and employment claims. He has successfully represented clients in arbitration and mediation as well as in state and federal litigation. Mr. Pallaci's clients have ranged from small locally owned businesses to nationally and internationally known members of the Fortune 1000 and S&P 500. Mr. Pallaci is a Fellow in the Construction Lawyers Society of America, holds the highest possible "AV Preeminent" rating from Martindale Hubble, is recognized as a "Top Construction Attorney" by AVVO and has been recognized as a "rising star" by *Super Lawyers* magazine every year since 2012. In addition to his legal practice, Mr. Pallaci is a former chair of the Nassau County Bar Association's Construction Law Committee and has lectured and written more than 100 articles on construction law topics, including strategies for mitigating and avoiding loss and effective payment recovery options.

Rebecca Bowman, Esq. P.E. D.F.E.
Attorney at Law Office of Rebecca Bowman, Principal
Ms. Bowman is a sole proprietor, practicing in dispute resolution, estate planning, civil engineering, real estate, legal services, strategic development, and training. She is experienced in dispute resolution, estate planning and administration, engineering design and forensic analysis, construction/project management, real estate, small business start-up, employment law, and nonprofit support. She is a registered professional engineer and a certified arbitrator and mediator. Mrs. Bowman writes a column for the *PE Reporter*, "Risky Business," and she lectures for the Community College of Allegheny County, Pennsylvania State University, the Washington County Bar Association, the Pennsylvania Society of Professional Engineers and others. She earned her B.S. degree in Civil Engineering from the University of North Dakota, her M.B.A. degree from Oklahoma University, and her J.D. degree from Duquesne University. She just completed her Certificate in Sustainability Policy from Penn State and has recently joined the National Society of Professional Engineers as their Senior Director of Ethics and Professional Practice.

Credit Information

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