

Agenda

Best Practices for Preventing Problems During Construction J. McNamara

- Communication
- Documentation
- Scheduling and cost control
- Quality assurance/control

Understanding Construction Contract Essentials S. Martin

- Examining contract terminology: parties, consideration, term, performance, substantial performance, breach, remedies, damages
- Studying roles and relationships of project participants: owners, architects/engineers, construction managers, contractors, subs and suppliers
- Understanding the project delivery system: traditional design-bid-build, design-build, construction manager at risk, multiple prime contractor, owner control
- Understanding types of construction contracts: lump sum, cost plus, time and materials, unit pricing
- Exploring the law of construction contract interpretation

Making Ordered Changes J. McNamara

- Making the process easy
- Documenting and communicating changes
- Turning a constructive change into an ordered change

Payment Leverage in Tough Times J.N. Cole

- Private jobs: Prompt Pay and Retainage Act; Tocci
- Public jobs: bonds and demand for direct payment (for subcontractors)
- For public/private: interference with contractual relations; 93A against design professionals
- Attorney's fees
 - Contract
 - 93A
 - Prompt pay
 - Bonds

Examining Legal Issues and Contract Disputes D. Fine

- Changed conditions
- Project documentation
- Delays, acceleration
- Handling payment claims and final payments
- Resolving disputes through mediation, arbitration, litigation
- Understanding contractual and statutory warranties

Reviewing Project Documents S. Khan

- Use of standard forms or custom documents
- Agreement
- Performance bond
- Payment bond
- Contract conditions (general and supplementary)
- Specifications (Format, CSI 1995 and 2004)
- Shop drawings
- Contract modifications (change orders, directives, etc.)

Solving Problems During the Construction Process: A Webinar for Massachusetts Building Professionals

Live, Interactive Webinar - Tuesday, June 25, 2024

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Learning Objectives

You'll be able to:

Use best practices to prevent problems during construction.

Examine contract terminology and common contract types to understand the responsibilities of project participants.

Get tips on making and communicating ordered changes.

Learn about making payments on public and private projects.

Handle legal issues and disputes that can arise during the construction process.

Review common project documents and understand their significance, including agreements, specifications, and bonds.



HalfMoon Education Inc.,
Your LIVE Education Leader Presents

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Explore best practices for preventing problems during construction

Understand construction contracts and project documents

Get tips on making ordered changes

Learn about making payments on public and private jobs

Handle legal issues and contract disputes

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Webinar Information

Online | Tuesday, June 25, 2024 | 9:00 am - 4:30 pm EDT

Log into Webinar: 8:30 - 9:00 am EDT

First Session: 9:00 - 11:15 am EDT

Break: 11:15 - 11:30 am EDT

Second Session: 11:30 am - 1:45 pm EDT

Break: 1:45 - 2:00 pm EDT

Third Session: 2:00 - 4:30 pm EDT

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Faculty

John McNamara *Founding Partner and Attorney at Lane McNamara*

Mr. McNamara is a founding partner of the law firm of Lane McNamara LLP. His practice areas include construction law, employment law, suretyship, trial practice, and insurance defense. The Martindale-Hubbell National Law Directory has awarded Mr. McNamara an AV Rating, the highest rating for legal ability and professional ethics. He has also been named a New England Super Lawyer by *Law & Politics* and *Boston Magazine*. This designation is limited to the top 5 percent of attorneys in New England. Mr. McNamara has been selected for Top Lawyers as published in *The Boston Globe*.

Stanley A. Martin *Owner of Commonsense Construction Law LLC, in Boston, MA*

Mr. Martin's practice focuses on the construction industry, particularly in the areas of contract negotiation, procurement, project performance and claims, arbitration and litigation. He has conducted more than 100 construction-related trials. Mr. Martin is a fellow of the American College of Construction Lawyers and has been an active member of the Associated General Contractors of America (AGC) and AGC of Massachusetts for 20 years. He has served as a lecturer on construction law at the Massachusetts Institute of Technology and at Northeastern University.

J. Nathan Cole *Shareholder at Kenney & Sams*

Mr. Cole is an experienced trial lawyer who represents businesses and individuals before the Massachusetts Superior Court, the Massachusetts Appeals Court, the U.S. District Court, numerous private mediators, and arbitrators. He has extensive experience with construction litigation. In 2023, Mr. Cole was named to *Boston Magazine's* Top Lawyers List and has been recognized in The Best Lawyers in America® since 2020. He has been named to the Massachusetts Super Lawyers® list (Business Litigation) every year since 2013 and been twice recognized by BTI Consulting Group, Inc. as a Client Service All-Star (2022-2023). Mr. Cole currently serves on the board of directors for the Massachusetts Defense Lawyers Association, where he is chair of the Construction Law Committee. He is also chair of the International Association of Defense Counsel's (IADC) Construction Law and Litigation Committee and is serving a three-year term on the IADC's Membership Committee.

David L. Fine *Partner, Mirick, O'Connell, DeMallie & Lougee, LLP*

Mr. Fine is a partner at Mirick, O'Connell, DeMallie & Lougee, LLP. He represents and counsels clients in the construction industry, including owners and developers, general contractors and construction managers, specialty trade contractors, suppliers and manufacturers. He represents clients in adverse proceedings such as litigation and arbitration, and he consults regarding risk management, contract preparation and negotiation, and general business advice. Mr. Fine is the chair of his firm's Construction Law Group. He holds several leadership positions in local, regional and national construction trade and bar organizations, and he frequently lectures and writes on topics pertinent to the industry. Mr. Fine has been named a Massachusetts "Super Lawyer" by *Boston Magazine* and *Law & Politics* every year since 2017, and he was named a Massachusetts "Rising Star" for several years prior.

Additional Learning

Civil Site Design for Residential and Commercial Development in Northern New England

Online | Tuesday, June 18, 2024 | 8:30 am - 4:30 pm EDT

For more information and other online learning opportunities visit:
www.halfmoonseminars.org

Sakib Khan *Attorney and Principal at Khan Law PLLC, Greater Boston Area, MA*

Mr. Khan advises project owners, general contractors, subcontractors, architects, engineers, sureties and consultants on construction-related legal matters. A substantial portion of Mr. Khan's practice is focused on pre-litigation, dispute avoidance and risk management counseling. This includes construction contract drafting and negotiation and development of strategies for project owners and construction industry clients to address and resolve contract claims for additional time and compensation during the course of the project and without external intervention by legal counsel, much less appearance in court or arbitration. Attorney Khan earned a B.S. degree in Civil Engineering from the Columbia University School of Engineering and Applied Science and a J.D. degree from Boston College Law School. He is admitted to practice law in Massachusetts, New Hampshire and New York.

Credit Information

This webinar is open to the public and is designed to qualify for 7.0 PDHs for professional engineers and 7.0 HSW continuing education hours for licensed architects in Massachusetts.

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International Code Council: .7 CEUs (Sitework)

Presented by

Jeffrey A. Brem, P.E. *Registered Professional Engineer in MA, NH, and ME*