

# Agenda

**Distinguishing between Construction Defects and Failures** *L. Shields  
B. Gordon*  
Defining defects  
Causes of defects: problems with design, materials and/or construction  
Identifying design and construction practices that could increase/decrease the likelihood of defects  
Defining failures  
Causes of failures: deterioration, unintended use, “Acts of God”  
Identifying practices that can increase/decrease the likelihood of failures

**Examining Common Defects and Failures** *C. Miller*  
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

**Handling Ethical Issues Associated with Defects and Failures** *S. Eccles  
C. Sauls*  
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

**Preventing and Resolving Disputes Generated by Defects and Failures** *A. Vicknair*  
Identifying parties with potential liability  
Understanding theories of liability and defenses to liability  
Acting to remediate defects/failures  
Participating in conflict resolution procedures  
Reviewing types of damages and how they are calculated  
Insurance coverage issues

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## Preventing and Addressing Construction Defects and Failures in Louisiana

Live, Interactive Webinar - Wednesday, July 10, 2024

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EAU CLAIRE, WI  
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HalfMoon Education Inc.  
PO Box 278  
Altoona, WI 54720-0278



## Learning Objectives

- You’ll be able to:**
- Define** construction defects and identify common causes.
  - Identify** common practices that increase the likelihood of defects and failures.
  - Analyze** defects and failures for methodology and causality.
  - Explore** best practices for reducing the incidence of defects and failures.
  - Act** to remediate defects and failures and **participate** in conflict resolution procedures.



# HalfMoon Education Inc., Your LIVE Education Leader Presents Preventing and Addressing Construction Defects and Failures in Louisiana

Live, Interactive Webinar - Wednesday, July 10, 2024



- |   |   |
|---|---|
| <b>Distinguish</b> between construction defects and failures                                    | <b>Identify</b> common types of defects and failures and discuss likely causes      |
| <b>Discuss</b> the importance of complying with codes and meeting the accepted standard of care | <b>Adopt</b> practices that reduce the incidence of construction errors and defects |
|   | <b>Resolve</b> disputes generated by defects and failures                           |

### Continuing Education Credits

- |   |   |
|---|---|
| <b>Professional Engineers</b><br>6.0 PDHs                 | <b>International Code Council</b><br>.6 CEUs (Building) |
| <b>Architects</b><br>6.0 HSW CE Hours<br>6.0 AIA LU   HSW |   |



# Webinar Information

<b>Online - Wednesday, July 10, 2024</b>	
<b>Log into Webinar</b>	<b>Break</b>
8:00 - 8:30 am CDT	11:45 am - 12:15 pm CDT
<b>Morning Session</b>	<b>Afternoon Session</b>
8:30 - 11:45 am CDT	12:15 - 3:30 pm CDT

**Tuition**  
**\$339** for individual registration.  
**\$309** for two or more registrants from the same company at the same time.

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# Faculty

**Lloyd N. "Sonny" Shields** *Irwin Fritchie Urquhart Moore & Daniels, LLC*  
Mr. Shields has more than 43 years of experience in construction industry litigation and contracts; construction law; surety law (primarily construction contract bonds); insurance defense (including CGL, first party property, and architects' and engineers' errors, and omissions coverage); products liability; zoning and planning law practice, including administrative hearings; patent, trademark, and copyright litigation; and general litigation, including appeals. For more than 30 years Mr. Shields was an adjunct professor at Loyola Law School on the subject of the Louisiana Code of Civil Procedure and has taught for nearly 30 years at Tulane Law School on the subject of Historic Preservation Law. Mr. Shields has delivered more than 200 papers and presents on numerous aspects of construction and surety law, and lectures on those subjects as well as on negotiation and mediation skills and practices.

**Elizabeth "Betsy" L. Gordon** *Irwin Fritchie Urquhart Moore & Daniels, LLC*  
Ms. Gordon concentrates her practice in the areas of construction/surety law and commercial litigation. She has experience representing owners, contractors, subcontractors, and design professionals in all aspects of construction from contract negotiation and drafting, to claim drafting and counseling during construction, and claims resolution in state and federal courts and before arbitration panels. Ms. Gordon has handled these issues involving private owners and state and federal agencies. She has handled state and public lien law claims and federal Miller Act claims. Other practice areas include commercial litigation, products liability, and mass tort litigation. Ms. Gordon regularly lectures on construction law topics, including Louisiana lien law, general Louisiana and Federal construction law, construction defect insurance law and surety law. Ms. Gordon is a member of the Board of the Surety Claims Institute.

**Chuck Miller** *Chuck Miller Consulting, LLC*  
Mr. Miller has over 55 years of construction industry experience. He is a nationally recognized design-build custom home builder and remodeler, owner of Chuck Miller Consulting LLC and Chuck Miller Education Services LLC, author of *Plan to Profit: Business Planning for Builders and Remodelers*, and former president and CEO of Chuck Miller Construction Inc. The residential construction industry is important to the financial health of the nation. However, small businesses in the construction industry have the second highest failure rate of all industries. Mr. Miller wrote *Plan to Profit: Business Planning for Builders and Remodelers* to share his knowledge and expertise with other construction industry professionals with the goal of decreasing that failure rate. As Chuck Miller Consulting LLC, Mr. Miller provides business planning and coaching, construction mediation and arbitration services, aging-in-place design consultation, construction project management for owner-builders, initial decision maker services, and expert witness services.

**Susan N. Eccles** *Adams and Reese LLP*  
Ms. Eccles serves as the partner in charge of the Adams and Reese Baton Rouge office, while maintaining a diverse legal practice centered on construction, state and federal procurement/government contracts, commercial litigation, and professional liability. Ms. Eccles graduated from the CABL Leadership Louisiana Class of 2022, among the more than 50 business leaders from across the state networking to gain awareness of the more critical issues in Louisiana, including economy, healthcare, transportation, education, coastal issues, and poverty, among others.

**Claire E. Sauls** *Adams and Reese LLP*  
Practicing law since 2015, Ms. Sauls received both her J.D. and graduate degrees in Comparative Law from Louisiana State University Paul M. Hebert Law Center, graduating *cum laude*. While in law school, Ms. Sauls served as an executive member of the Moot Court Board. Additionally, she completed an externship in the First Circuit Court of Appeals and trained to mediate resolution of conflicts through her involvement in the Civil Mediation Clinic. She was recognized by the Wex S. Malone Inns of Court for excellence in Trial Advocacy and received the CALI award in Contracts. Ms. Sauls earned her undergraduate bachelor of science degree in Marketing from LSU.

**Andrew G. Vicknair** *D'Arcy | Vicknair, LLC*  
Prior to entering law school, Mr. Vicknair worked as a software engineer for a major medical manufacturer and as an electrical engineer for a major chemical manufacturer. Mr. Vicknair regularly uses his prior work experience as a part of his legal practice. He is now a partner in D'Arcy| Vicknair. Mr. Vicknair has over 18 years of litigation experience. His primary practice areas include all phases of intellectual property including litigation, prosecution, and transactional matters. Mr. Vicknair handles all aspects of patent, trademark, and copyright litigation; and prosecution of U.S. patent applications, trademark applications, and registration of copyrights with the United States Copyright Office. He handles the drafting and negotiation of intellectual property agreements, such as licensing agreements, assignments, non-disclosure and confidentiality agreements. Mr. Vicknair's practice also focuses on commercial and construction litigation, including claims related to construction defects, payment disputes, design issues, and general disputes among subcontractors, owners, and general contractors. Mr. Vicknair lectures on multiple aspects of intellectual property and construction law topics.

For more information on the presenters:  
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# Credit Information

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The American Institute of Architects Continuing Education System has approved this course for 6.0 HSW LUs (Sponsor No. J885). Only full participation is reportable to the AIA/CES.

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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).

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