

THE BASIC COURSE IN TEXAS CONSTRUCTION LAW

**Virtual Conference
December 10 & 11, 2020**



**Earn 14.25 MCLE Hours
including 1.00 Hour Ethics**

**Designed for
Texas Lawyers and
Construction Industry
Members and
Professionals**



Sponsored by
THE CONSTRUCTION LAW FOUNDATION OF TEXAS
&
THE CONSTRUCTION LAW SECTION OF THE STATE BAR OF TEXAS
in cooperation with
THE TEXAS INSTITUTE OF CONTINUING LEGAL EDUCATION

THE BASIC COURSE IN TEXAS CONSTRUCTION LAW

Sponsored by *The Construction Law Foundation of Texas* and
The Construction Law Section of the State Bar of Texas
DECEMBER 10 & 11, 2020
Virtual Conference

This course has been approved for 14.25 hours credit (including 1.00 hour of ethics credit) which will apply towards MCLE, the College of the State Bar of Texas, and the Texas Board of Legal Specialization in Construction Law, Civil Trial Law and Real Estate Law. To obtain full MCLE credit, you must attend all sessions, including the luncheons. If you need CLE credit in a state other than Texas, please let us know at registration.

CPAs may obtain 17.10 hours of CPE credit toward licensing with the Texas State Board of Public Accountancy. Sponsor No. 6867

The Texas Institute of CLE is an accredited sponsor with the Texas Department of Insurance.
This course is pending approval for up to 14.00 hours of General credit (all license types).

The organizers of this conference believe there are approximately 14.25 hours of continuing education credit for architects potentially available over the two-day course. Members of the American Institute of Architects should self-report continuing education to AIA at <http://www.aia.org>. For reporting to the Texas Board of Architectural Examiners, see <http://www.tbae.state.tx.us/Registrants/ContinuingEducation.shtml>.

This course is eligible for MCE credit through the Texas Real Estate Commission.

HERE'S WHY YOU SHOULD ATTEND:

The course is intended for Texas lawyers and construction industry members and professionals who are interested in acquiring a basic knowledge of Texas construction law, legal relationships between owners, designers, contractors, and their insurers and sureties, and also serves as an introduction to construction industry contracts.

The two-day course will emphasize the practical aspects of construction law, including discussion of construction contracts, Texas lien laws, and construction disputes and their resolution. Attendees will acquire a basic glossary of construction terms and concepts, understand the relationships between the major players in the construction process, and be able to recognize and avoid common pitfalls in contract drafting and in construction litigation.

The program will be taught by experienced construction lawyers who will emphasize the practical aspects of construction law in an online setting that will provide ample opportunity for discussion and follow-up questions. The course materials will include a syllabus of recent articles, publications, and cases, together with a glossary and original program materials.

PROGRAM

THURSDAY, DECEMBER 10, 2020

Thursday Morning Sessions – Sponsored by Nelson Forensics, LLC

8:50 a.m.

Welcoming Remarks

Laird E. Lawrence, Dallas (*Foundation President*)
Andrew S. Harris, Austin (*Presiding Officer*)

9:00 a.m.

Construction Industry Overview and Glossary of Construction Terms –
An explanation of the way the construction industry operates and an introduction to the terminology commonly encountered in the practice of construction law.

Anthony F. Ciccone, Austin

10:00 a.m.

Causes of Action in Texas Construction Law – Choosing the right cause of action early on in the case can mean the difference between success and failure. Learn the most common causes of action and how different ones can help (or hurt) your case.

Karly Houchin, Austin

11:00 a.m.

Morning Break – Sponsored by The VERTEX Companies, Inc.

- 11:15 a.m. **Project Documents** – This presentation focuses on the documents commonly used on commercial construction projects. The overview of key documents should help the practitioner understand the flow of a construction project, along with documents that may be of value in litigation.
Ian E. Fullington, Dallas
- 12:15 p.m. **LUNCH SESSION: *Sponsored by Interface Consulting International, Inc.***
What Works and Doesn't Work in Construction Mediations – Mediation often presents the last, best chance for clients to resolve a claim before trial, arbitration, or devastatingly expensive discovery battles; and arbitration often requires trial lawyers to adopt a very different mindset and approach. An experienced construction mediator offers his views on successful advocacy strategies in these contexts.
Jeffrey R. Jury, Austin
- 1:15 p.m. **Break**
- 1:30 p.m. **Arbitration** – Arbitration is designed to be a faster and more efficient alternative to the traditional court system. In addition, a majority of construction contracts now contain arbitration provisions. This presentation goes through the logistics, rules, and practical considerations involved in arbitration.
R. Carson Fisk, Austin
- 2:15 p.m. **Contracts Panel (Owner, General Contractor, Subcontractor)** – Owners, general contractors, and subcontractors each have their own pressure points and goals in negotiating their construction contracts. This panel discussion will cover some of the key issues and provisions that can help all parties allocate risks and prepare when things go awry.
John W. Slates, Dallas
Chad E. Stoker, Dallas
Jacob D. Thomas, McKinney
- 3:30 p.m. **Afternoon Break – *Sponsored by The Rhodes Group***
- 3:45 p.m. **Securing and Enforcing Lien & Bond Claims in Texas** – Texas has one of the most complicated and dangerous statutory systems in the country for mechanics' and materialmen's liens. Learn how to avoid costly mistakes, how to find relief in statutorily required payment bonds, and how to take advantage of alternative payment sources when a good project experience goes bad.
Regan Gayle O'Steen, Dallas
- 4:45 p.m. **Adjourn Day One**

FRIDAY, DECEMBER 11, 2020

- Friday Morning Sessions – *Sponsored by Rimkus Consulting Group, Inc.***
- 8:30 a.m. **Top Cases Every Construction Lawyer Should Know** – This topic will familiarize the audience with the fundamental cases in construction law. These cases are often cited, often utilized, and often debated. In any event you simply must know these cases and how they shape Texas construction law.
Marcus N. Miller, Houston
- 9:30 a.m. **Contract Termination** – When faced with a contractual breach, a lawyer must provide the client with the tools and information necessary to assess the pros and cons of termination, often under very time-pressured circumstances. This topic will help provide decision-makers with "informed consent" in deciding whether or not to cross this threshold.
Timothy C. Ross, Houston
- 10:15 a.m. **Morning Break – *Sponsored by FTI Consulting, Inc.***
- 10:30 a.m. **The Successful Preparation and Use of Construction Experts** – Through their testimony and written reports, experts are indispensable for educating judges, juries and arbitrators about complex construction issues. Learn practical guidelines, tips and examples of proper selection and preparation of experts, including when to recognize that you need one.
Jonna N. Summers, Houston
Amy K. Wolfshohl, Houston

- 11:30 a.m. **Theories of Liability Against Architects and Engineers** – Claimants continue to craft new theories of liability to expand the scope and liability of the architect or engineer, or to avoid defenses like the economic loss rule or lack of privity. This presentation will outline the most common theories of liability and discuss substantive and procedural developments affecting claims against architects and engineers.
Nicholl B.G. Wade, Austin
- 12:15 p.m. **Break**
- 12:30 p.m. **LUNCH SESSION: Tips on Avoiding Malpractice** – This presentation will introduce perils encountered by practitioners, key strategies and day-to-day law practice management tips that will help avoid malpractice claims and grievances.
1.00 Ethics Credit
Cara D. Kennemer, Fort Worth
- 1:30 p.m. **Insurance Basics for the Construction Lawyer** – Every construction lawyer and industry participant should understand the key elements of insurance coverage and claims on construction projects, as well as how to secure and maximize the client's rights under all available policies. This presentation will help illuminate the field and show how to avoid the loss of available insurance coverage and proceeds.
Douglas P. Skelley, Austin
- 2:30 p.m. **Afternoon Break** – *Sponsored by DISCO*
- 2:45 p.m. **Residential Construction** – An explanation of the nuances that apply when dealing with residential construction claims, including the Texas Residential Liability Act, and how to assert and defend a residential construction defect claim.
Curt M. Covington, Rockwall
- 3:45 p.m. **Public Procurement** – Public contract law is both similar and different from the private realm. It is governed by more statutes; it is more consistent in its rules; it can contain more barriers for the private contractor than he or she is used to. But with the deep pockets involved in the public sector, that is where “the action” often is, so familiarity with its promises and pitfalls is a necessity.
Allen V. Wilson, San Antonio
- 4:30 p.m. **Adjourn Conference**

CONFERENCE FACULTY

Anthony F. Ciccone, Austin
Bollier Ciccone LLP

Curt M. Covington, Rockwall
Lamberth Ratcliffe Covington, PLLC

R. Carson Fisk, Austin
Andrews Myers, P.C.

Ian E. Fullington, Dallas
Peckar & Abramson, P.C.

Karly Houchin, Austin
Allensworth & Porter, LLP

Jeffrey R. Jury, Austin
Burns Anderson Jury & Brenner, L.L.P.

Cara D. Kennemer, Fort Worth
Underwood Law Firm, P.C.

Marcus N. Miller, Houston
Bradley Arant Boult Cummings LLP

Regan G. O'Steen, Dallas
Thomas, Feldman & Wilshusen, L.L.P.

Timothy C. Ross, Houston
Andrews Myers, P.C.

Douglas P. Skelley, Austin
Shidlofsky Law Firm PLLC

John W. Slates, Dallas
Slates Harwell, LLP

Chad E. Stoker, Dallas
Winstead PC

Jonna N. Summers, Houston
Porter Hedges LLP

Jacob D. Thomas, McKinney
Saunders, Walsh & Beard

Nicholl B.G. Wade, Austin
Allensworth & Porter, LLP

Allen V. Wilson, San Antonio
Sanderford & Carroll, P.C.

Amy K. Wolfshohl, Houston
Porter Hedges LLP

Foundation President / Section Chair

Laird E. Lawrence, Dallas
Lawrence Arbitration

Presiding Officer

Andrew S. Harris, Austin
Andrews Myers, P.C.

Conference Sponsors also include:

Exponent	Synergen
HKA Global, Inc.	Thornton Tomasetti
Spire Consulting Group, LLC	Weaver

GENERAL INFORMATION

Virtual Conference — The 2020 course will be offered online via Zoom or similar online-only interactive format. Access to the materials in an electronic format will be provided as will opportunities for questions and comments with the session presenters. We recommend that you register immediately if you plan to attend this virtual course..

Pre-Registration — To ensure sufficient access and ample preparation time is available for all attendees, pre-registration is strongly encouraged. Late registration is an additional \$50.00. *Only electronic materials will be provided for this course.*

Registration by Telephone or Online — You may register by calling (512) 451-6960 or visiting www.constructionlawfoundation.org. Phone and online registrations require an AMERICAN EXPRESS, VISA or MASTERCARD number, expiration date, security code and billing address with zip code.

Cancellations and Refunds — Refunds, less a \$50.00 processing fee, will be given to registrants who cancel by 5:00 p.m. on the Friday preceding the course. No refunds will be granted thereafter. The course materials link and online access to the recorded sessions will automatically be sent within 1-2 weeks of the event to any prepaid registrants who were not able to attend.

Special Accommodations — If special arrangements are required for a person with a disability to attend this program, please contact us at (512) 451-6960.

REGISTRATION FORM

Mail to: The Construction Law Foundation of Texas
The Basic Course in Texas Construction Law 2020
P.O. Box 4646
Austin, Texas 78765-4646

FAX to: 512/451-2911
Phone: 512/451-6960
Online: www.constructionlawfoundation.org
(Phone, Fax and Online Registrations must be accompanied by American Express, Visa or MasterCard Information.)

Make checks payable to: The Construction Law Foundation of Texas

Please register me for the course as follows:

- ___ Pre-Registration fee for CL Section Members (Due by 5 p.m. December 1) \$ 395.00
___ Pre-Registration fee for Non Members (Due by 5 p.m. December 1) \$ 445.00
___ Registration fee (After 5:00 p.m. December 1 and before 5:00 p.m. December 9)..... \$ +50.00
___ Construction Law Section Dues (*to be eligible for the discounted member registration fee*).... \$ 30.00

I cannot attend the course. Please forward the following:

- ___ Course materials only (post-conference) at \$160 + .0825 tax \$ 173.20
___ Access to the recorded version & materials (post-conference) at \$450 + .0825 tax \$ 487.13

TOTAL ENCLOSED \$ _____

No refunds after 5:00 p.m., Friday, December 4, 2020. See cancellation policy above.

(Please Print)

Name _____

Firm _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail _____ Bar Card No. _____

Make Checks payable to: The Construction Law Foundation of Texas

Please Charge: ☐ AMEX ☐ VISA ☐ MASTERCARD

Card No. _____ Exp. Date _____

Name on Card _____ 3 or 4 Digit Security Code _____

Authorized Signature _____

Billing Address (incl. Zip Code) _____

For more information or to register online, visit www.constructionlawfoundation.org.

Construction Law
Foundation of Texas
P.O. Box 4646
Austin, Texas 78765-4646



THE BASIC COURSE IN TEXAS CONSTRUCTION LAW . . .

has been designed for the 1-5 year lawyer,
the senior lawyer who hasn't been involved in a
construction law case, contractors, design professionals
and others who are interested in gaining a basic
knowledge of Texas construction law.

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PRESORTED STANDARD
U.S. POSTAGE
Paid
Austin, Texas
Permit No. 1323