

Seminar Agenda

Construction Insurance Contracts, Contractor CGL Policies & Designer Professional Liability Policies

D. Draper

Who is an additional insured and how do I determine who they are?

Enhancing coverage with simple “buy-ups”

What is the coverage provided by the other parties to the project, and what should that coverage be, anyway?

Five simple ways to lose or jeopardize your coverage

Gaps, links and the differences between general liability

and professional liability coverage

Construction Project Documentation, Emails and Document Retention

J. Garceau

Relevant court rules

Best practices

Demonstrative cases

Emails – what to avoid

Document retention criteria

Lien and Bond Claims and Defenses

L. Waldrop

Pertinent statutory provisions

Important lien claim considerations

Important bond claim considerations

Contract Administration Issues and Problems

P. Whitt

General obligations for contract administration

Staffing the project

Documenting contract requirements

Documenting the work

Documenting changes

Dealing with disputes between the owner and contractor

Dealing with multiple participants and/or voices in the decision process

Examples of success/failure in contract administration

Resolution of Construction Contract Disputes

P. Hawkins

Informal negotiations – pros, cons and pitfalls

Mediation – pros, cons and pitfalls

Arbitration – pros, cons and pitfalls

Court litigation – pros, cons and pitfalls

Construction Contract Workshop
Knoxville, TN - Friday, February 12, 2016

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Learning Objectives

You'll be able to:

Understand common contract administration issues.

Document changes to contracts and the work being done.

Discuss the use of emails to communicate with project participants and learn what to avoid.

Evaluate gaps, links and the differences between general liability and professional liability coverage.

Understand five simple ways to lose or jeopardize insurance coverage.

Maintain documents related to your construction project.



Construction Contract Workshop



Knoxville, TN

Friday, February 12, 2016

Understand construction insurance contracts

Identify contract administration issues and problems

Learn how to resolve construction contract disputes

Explore the best practices in contract documentation

Discuss important bond and lien considerations

Continuing Education Credits

Architects

7.0 HSW Contact Hours

7.0 AIA HSW Learning Units

Professional Engineers

7.0 PDHs

Contractors

Non-Mandatory Cont. Ed.



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Faculty

David A. Draper *Shareholder with Lewis, Thomason, King, Krieg & Waldrop, P.C.*
Mr. Draper is a Knoxville native and shareholder in the firm’s construction law practice group. His practice is concentrated in construction, design, medical and legal professional liability defense, commercial litigation, insurance coverage disputes and landlord-tenant law. Construction and construction-related insurance coverage disputes, and professional liability defense comprise approximately 80 percent of Mr. Draper’s practice. Mr. Draper has extensive arbitration experience and he serves as both an arbitrator and mediator. He is a Rule 31-listed Civil Mediator. His representation of owners and developers has included numerous zoning and land use matters pending before the Knox County Metropolitan Planning Commission and other regional planning commissions. Mr. Draper received his B.A. degree from Transylvania University in 1985 and his J.D. degree from Campbell University in 1993. He is a Fellow of the Knoxville Bar Foundation, the past chair of the City of Knoxville Better Building Board and the past chair of the United Way of Greater Knoxville, Lawyer’s Division. Mr. Draper is the president of the Tennessee Association of Construction Counsel, an organization of Tennessee licensed attorneys whose practice is focused on construction law and litigation.

Jared S. Garceau *Associate with Lewis, Thomason, King, Krieg & Waldrop, P.C.*
Mr. Garceau is in the firm’s construction law practice group and concentrates his practice in the areas of construction law, business and commercial law, and general civil litigation. As a law student, Mr. Garceau was a two-year member of the National Professional Responsibility Moot Court Team. He also received the 2014 Chancellor’s Citation for Extraordinary Professional

Promise as well as Certificates of Academic Excellence for receiving the top grade in Legal Process I, Civil Procedure II, Torts II, Legal Profession, Fundamental Concepts of Income Taxation, Constitutional Law, American Jurisprudence, Investigatory Criminal Procedure, Jurisprudence, Secured Transactions, Trial Practice, and Workers Compensation. Mr. Garceau worked as a law clerk for the firm during the summers of 2012 and 2013. He earned his B.S. degree, *magna cum laude*, in 2011 from The University of Tennessee, and his J.D. degree, *summa cum laude*, in 2014 from The University of Tennessee.

R. Loy Waldrop *Shareholder with Lewis, Thomason, King, Krieg & Waldrop, P.C.*
Mr. Waldrop is the chair of the Lewis Thomason’s construction law practice group in Knoxville, and serves on the firm’s shareholder compensation committee. He practices exclusively in the areas of construction law and litigation, representing architects, engineers, surveyors, contractors and owners in professional liability, construction defect disputes, construction contract law, and related court litigation and arbitration. He is a 1965 distinguished military graduate of Clemson University with a BS degree in Mechanical Engineering and a 1973 graduate of The University of Tennessee College of Law. For more than 30 years, Mr. Waldrop has represented contractors, subcontractors, suppliers, architects, engineers, surveyors, building owners, and developers on a variety of construction projects, both locally and regionally. He has substantial experience in the defense of design professionals, and he has represented architects, engineers and contractors in hundreds of claims, lawsuits, and arbitration matters. Mr. Waldrop has also served as a construction project dispute arbitrator and mediator. He has been named to *The Best Lawyers in America* and *Mid-South Super Lawyers* in the construction practice area. He has been named Best Lawyers “Construction Lawyer of the Year”

and “Construction Litigation Lawyer of the Year” for Knoxville. Mr. Waldrop is a founding member of the Tennessee Association of Construction Counsel.

W. Paul Whitt *Associate with Lewis, Thomason, King, Krieg & Waldrop*
Mr. Whitt is in the firm’s construction law practice group and concentrates his practice in the areas of construction law and litigation, including professional liability defense of design professionals, engineers, architects and surveyors, as well as professional liability representation of accountants and lawyers. Mr. Whitt also has significant experience representing insurance carriers in first-party actions brought by insureds related to coverage matters, claims of bad faith, insurance fraud and other extra-contractual matters, as well experience in general civil litigation. Mr. Whitt earned his B.S.B.A. degree from Union University in 2001 and his J.D. degree, *cum laude*, from the University of South Carolina in 2005.

Preston A. Hawkins, *Special Counsel with Lewis Thomason, King, Krieg & Waldrop, P.C.*
Preston Hawkins is a member of the firm’s construction law practice group in Knoxville. He concentrates his practice primarily in the areas of construction litigation, tort litigation, and appellate advocacy. Mr. Hawkins has been lead trial counsel and has successfully defended and represented contractors, subcontractors, architects, engineers and owners in various construction litigation matters. Mr. Hawkins has also represented business entities in various state and federal courts in Tennessee and has obtained summary judgment on behalf of several corporate clients in state court cases. Mr. Hawkins earned his B.S. degree from University of Tennessee, Chattanooga, in 1999, *magna cum laude*, and his J.D. degree, *cum laude*, from the University of Tennessee in 2002.

About the Seminar

Crowne Plaza Knoxville
401 West Summit Hill Drive
Knoxville, TN 37902
(865) 522-2600

Tuition

\$269 for individual registration
\$249 for three or more simultaneous registrations.
Each registration includes one copy of *Construction Contract Workshop*.

Registration
8:00 - 8:30 am

Morning Session
8:30 am - 12:30 pm

Lunch (On your own)
12:30 - 1:30 pm

Afternoon Session
1:30 - 5:00 pm

Continuing Education Credit Information

This seminar is open to the public and offers 7.0 HSW contact hours to architects and 7.0 PDHs to engineers in Tennessee. Course providers and courses are not subject to pre-approval in Tennessee.

This seminar is approved by the American Institute of Architects for 7.0 HSW Learning Units (Provider No. J885).

Architects and engineers seeking continuing education credit in other states will be able to apply the hours earned at this seminar, in most cases. Refer to specific state rules to determine eligibility.

This seminar also offers a non-mandatory continuing education opportunity for contractors. It has not been approved by any state contractor licensing board for continuing education credit.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Webinar Series

Septic System Webinar Series

- **Septic System Basics**
Thurs., January 7, 12:00 - 1:30 PM EDT
- **Conventional Treatment System Selection and Design**
Thurs., January 7, 2:00 - 3:30 PM EDT
- **Advanced Treatment System**
Fri., January 8, 12:00 - 1:30 PM EDT
- **Septic System Maintenance and Troubleshooting**
Fri., January 8, 2:00 - 3:30 PM EDT

For more information visit:
www.halfmoonseminars.org/webinars/


CD/Manual Package

An audio recording of this seminar is available for \$279 (including shipping). Allow five weeks from the seminar date for delivery. Please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Registration

Construction Contract Workshop

Knoxville, TN - Friday, February 12, 2016

How to Register	
Online: www.halfmoonseminars.org	
Phone: 715-835-5900	
Fax: 715-835-6066	Key Code
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Complete the entire form. Attach duplicates if necessary.	
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Tuition

() **I will be attending the live seminar.** Single Registrant - **\$269.00**. Three or more registrants from the same company registering at the same time - **\$249.00** each.

() **I am not attending.** Please send me the CD manual package for **\$279.00**. (S&H included. Please allow five weeks from seminar date for delivery)

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