



HalfMoon LLC
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Eau Claire, WI 54702-0268



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5 REASONS... You Won't Want To Miss This Seminar!

1. You'll get tips for avoiding professional liability claims.
2. You'll get tips on complying with rules of professional conduct.
3. You'll learn about contract law basics and get tips on negotiating contract terms.
4. You'll get practical tips for staying out of court.
5. You'll learn how to review your professional liability insurance coverage.

Legal Issues for California Architects

A practical, one-day program for architects,
where you'll learn to:

- ▶ **Comply** with the standards of professional conduct
- ▶ **Understand** basics of contract law
- ▶ **Negotiate** contract terms
- ▶ **Avoid** professional liability claims
- ▶ **Practice** defensively to stay out of court
- ▶ **Understand** professional liability insurance issues

Newport Beach, CA
Thursday, October 19, 2006

6.0 PDHs for Architects
(See inside for details.)



HMS
Continuing Legal Education
a division of HalfMoon LLC

Visit our web site at www.halfmoonseminars.com

SEMINAR AGENDA

Professional Conduct and the Standard of Care

- ▶ Definition of the standard of care as an architect
- ▶ Contractual requirements—the specific contract
 - Errors and omissions, professional services
- ▶ Regulatory requirements—the implied social contract
 - Building and zoning codes, professional conduct
- ▶ Some issues:
 - Taking risks on services
 - Conflicts of interest
- ▶ Defensive practice—its also commonly smart practice

*D. Barker,
M. Gamble*

Contract Law Basics

- ▶ Understanding the elements of a contract
- ▶ Identifying the parties
- ▶ Specifying the terms
- ▶ Executing the contract
- ▶ Modifying the contract
- ▶ Handling breach of contract and other problems

*D. Barker,
M. Gamble*

Contract Negotiation

- ▶ Terms subject to negotiation
 - Indemnity
 - Duty of care
 - Preparing and reviewing documents
 - Site observation/inspection
- ▶ Negotiation process/techniques

J. Kendrick Jr.

Law of Architectural Malpractice

- ▶ Current state of professional liability law
- ▶ Common sources of professional liability claims
 - Breach of contract, negligence, misrepresentation, strict liability, fraud
- ▶ The professional liability claims process
- ▶ Strategies for avoiding professional liability claims

R. Muhlbach

Practical Tips for Staying Out of Court

- ▶ Understanding the professional liability implications of your day-to-day actions
 - Contract negotiation
 - Communication issues
 - Plans and drawings
 - Construction process

T. Tao

Professional Liability Insurance for Design Professionals

- ▶ General liability vs. professional liability
- ▶ Certificates of insurance and additional insureds
- ▶ Indemnities
- ▶ Assignment
- ▶ Insurance availability
- ▶ Insurance policies
- ▶ Warranties, guarantees and certifications
- ▶ Recognizing and responding to design professional claims

T. Tao

SEMINAR FACULTY

David E. Barker is an attorney at the South Pasadena firm of Collins, Collins, Muir & Stewart LLP. His practice focuses on the representation of design professionals, which involves a wide range of services including contract drafting and negotiation, risk assessment and avoidance consultation, and litigation handling. Mr. Barker is a graduate of California Lutheran University and a 1997 graduate of Pepperdine School of Law. He is admitted to practice law in all California state courts, Nevada state courts, the U.S. District Court for the Central and Northern Districts of California, and the Ninth Circuit Court of Appeals. Mr. Barker is a member of CELSOC and is on the AGC-CELSOC Liaison Committee. He is also a member of the AIA Inland Chapter, the Pasadena Bar Association, the Los Angeles County Bar Association, and the Southern California Defense Council. He frequently presents seminars on issues for design professionals and has had a number of articles published on design professional legal concerns.

Michele L. Gamble is an attorney at the South Pasadena firm of Collins, Collins, Muir & Stewart LLP. Her practice focuses on the representation of design professionals, which involves a wide range of services including contract drafting and negotiation, risk assessment and avoidance consultation, and litigation handling. Ms. Gamble is a 1994 graduate of Santa Clara University and a 1996 graduate of the University of San Diego School of Law. She is a member of the California Bar and admitted to practice before all California state courts, the U.S. District Court for the Central District of California, and the U.S. District Court for the Southern District of California. She is a member of the Association of Women Architects, AIA-San Fernando Valley Chapter, the Los Angeles County Bar Association, the Southern California Defense Council and the Pasadena Bar Association. She regularly lectures to firms and organizations on topics of interest to design professionals.

John J. Kendrick Jr. is partner at the firm of Kendrick, Jackson & Kearn, in Irvine. Mr. Kendrick has been a licensed attorney for more than 32 years, experienced in areas of law related to architecture, construction, insurance, and real property. Mr. Kendrick is admitted to practice before the U.S. Supreme Court, all California state courts, and the United States District Courts for the Central and Southern Districts of California. Mr. Kendrick received his B.A. degree from the University of California-Los Angeles in 1968 and his J.D. degree, with distinction, from the University of the Pacific, McGeorge School of Law, in 1974.

Robert A. Muhlbach is a senior partner at the firm of Kirtland & Packard LLP, in El Segundo, where he has practiced since 1979. Mr. Muhlbach has extensive background in construction litigation. He has represented architects, engineers, developers, general contractors, and subcontractors in numerous civil actions. His experience includes litigation arising from multi-residence projects to large commercial structures. Mr. Muhlbach received his B.S. degree from University of California-Berkeley in 1967 and his J.D. degree from University of California, Hastings College of the Law. Mr. Muhlbach served as a Los Angeles County Public Defender from 1977 through 1979. Mr. Muhlbach has tried over 70 civil and criminal jury trials and over 150 criminal civil court trials.

SEMINAR FACULTY

continued

Terry Tao is a partner in the Berritos office of Atkinson, Andelson, Loya, Ruud & Romo. Mr. Tao practices primarily in the areas of school and public works, construction law, architectural malpractice, construction contract administration, land use, environmental law, and related matters. He represents contractors, subcontractors, architects, engineers, school districts, and special districts. He handles construction litigation, advises clients in drafting contracts and agreements, and assists in general facilities matters. Mr. Tao is a licensed California architect. Mr. Tao earned his B.A. degree in Architecture from the University of California at Berkeley and his J.D degree from Loyola Law School in Los Angeles. He joined Atkinson, Andelson, Loya, Ruud & Romo in 1991. He is a member of the State Bar of California and lectures extensively on all aspects of public contracts, including bidding and bid protests.

ADDITIONAL INFORMATION

► **Tuition:** \$239.00 for one, or \$219.00 each for 3 or more from the same company or firm registering at the same time. Please make check payable to **HalfMoon LLC**. Each registration includes one copy of *Legal Issues for California Architects*. **Pre-registration is recommended.** *Walk-in registrations will be accepted at the program if space is available.*

► **Send Registrations to:** HMS, P.O. Box 268, Eau Claire, WI 54702-0268. You may also register via fax at 715-835-6066, over the phone at 715-835-5900, or online at www.halfmoonseminars.com. **We do not send confirmations.** You will be contacted if any scheduling changes occur.

► **Date:** **Thursday, October 19, 2006**

► **Location:** Radisson Hotel Newport Beach • (949) 833-0570
4545 MacArthur Blvd, Newport Beach, CA
(Call the Radisson or HalfMoon LLC for directions.)

► **Schedule:** Registration 8:00 - 8:30 a.m.
Morning Session 8:30 - 11:45 a.m.
Lunch 11:45 a.m. - 1:00 p.m. *(On your own.)*
Afternoon Session 1:00 - 4:15 p.m.

► **Continuing Education Credit:** California architects do not have a continuing education requirement, but this program may qualify toward the requirements of other states. Please contact HalfMoon LLC if you need information about whether this program may qualify in another state of licensure. You may email inquiries to doug@halfmoonseminars.com or call HalfMoon Seminars at (715)835-5900.

► **Cancellations:** If your schedule changes and you contact us **at least 48 hours** before the start of the seminar (CST), we will offer you a full tuition refund, minus a \$10.00 service charge for each registrant. If you contact us after that time, we will offer you a credit toward another seminar, or a credit toward the audiotope/manual package. *If you desire, you may send another person to take your place at the seminar.*

► **Audiotope/Manual Package:** A full recording of the seminar is available for \$249.00, which includes shipping and handling. Please allow five weeks from the seminar date for delivery.



LEGAL ISSUES FOR CALIFORNIA ARCHITECTS

Thursday, October 19, 2006 — Newport Beach, CA • Radisson Hotel Newport Beach, 4545 MacArthur Blvd

1. Check appropriate product(s):

- ☐ **Newport Beach, CA** – Thursday, October 19, 2006.
\$239.00 for one or \$219.00 each for 3 or more from the same firm. *(Includes Manual.)*
- ☐ **Audiotope/Manual Package**, \$249.00, including shipping and handling.
- ☐ **Manual only**, \$56.00, including shipping and handling.

2. Please complete for each registrant:

(Attach duplicate forms if necessary.)

Name: _____

Position: _____

Name: _____

Position: _____

Company/Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone where we can reach you: (_____) _____ - _____

3. I am making payment by:

- ☐ Check payable to HalfMoon LLC
(____ Yes, I was pre-registered by phone or fax.)

- ☐ MC ☐ VISA ☐ AmEx ☐ Discover

Card No: _____ Expires: _____

Cardholder Name: _____

Signature: _____

E-mail Address *(for credit card receipt and program changes only):* _____

4. Detach entire panel and send via fax to
715-835-6066 or by mail to
HMS, PO Box 268, Eau Claire, WI 54702-0268.

 ☐ I need special accommodations. Please contact me.

Program #06186

Thank you.