

Construction Litigation Crash Course

Defects, Actionable Torts, Coverage & Green Buildings

November 17, 2010, 12:30 PM ET-5:00 PM ET

12:30 Breaking Down Typical Construction

Contract Claims-What You Need to Prove or Disprove Non payment

- Delay- the kinds of delays, clauses and exceptions, acceleration and inefficiency claim elements
- Defects
- What constitutes a “defect”
- Contractor liability and defenses
- Design professional liability and defenses
- Indemnity and fault
- Required evidence
- How to “construct” stronger contracts to avoid claims

Daniel Toomey, Esq., Duane Morris LLP, Washington, DC

Lawrence Powers, Esq., Hoagland, Longo, Moran, Dunst, and Doukas, LLP, New Brunswick, NJ

1:30 Other Actionable Torts in the Construction Context

- Negligence-failure to supervise, breaches of duties including good faith and fair dealing
- Business interference
- Personal injuries in construction, including CDW, vapor intrusion, mold, etc.
- New Medicare requirements

John Viggiani, Esq., Marshall, Dennehey, Warner, Coleman & Goggin, Jacksonville
Additional speaker to be announced.

2:15 Afternoon Break

2:30 Coverage Issues

- Conventional insurance, wrap up and OCIP coverages compared
- What is an occurrence?
- Dealing with gaps in coverage
- Additional Insureds
- Allocation issues
- Completed operations coverage
- Key coverage issues-property damage, the obvious and the hidden exclusions
- Subrogation

Lee Shidlofsky, Esq., Visser Shidlofsky LLP, Austin

Katherine Smith Dedrick, Esq., Childress Duffy, Ltd., Chicago

Erika Aljens, Esq., Nelson Levine de Luca & Horst, Blue Bell, PA

3:30 Green Building and Green Building Insurance: What “Green Building” is and what it is NOT

- How to market green buildings and building products
- Importance of accuracy in “green marketing”
- Green Building programs/certifications
- Development of LEED standards
- State/municipality requirements
- Green Building risks: compliance issues, defect issues, LEED certification failure
- Right to repair statutes and green building issues

• Recent case law and how to assess damages
Maureen Gorsen, Esq., Alston & Bird LLP, Los Angeles

Additional speakers to be announced.

4:15 Remedies

- Proving damages
 - The experts you’ll need and why
- Robert Davenport, AIA, Managing Director, Navigant Consulting, Inc., Washington, DC

5:00 Adjourn