



CONSTRUCTION LAW SEMINARS

Benesch's Construction Law Practice Group offers a variety of seminars to members of the construction industry. Presentations are typically made at industry conferences and chapter meetings as well as annual corporate meetings, project management or safety meetings, or via web conferencing. Customized programs can also be developed to meet your particular needs and specifications.

1. Construction Law: Beyond the Letter of Your Contract—Effectively Playing the Claims Game Through the Use of State and Federal Statutes and Judicial Precedent

The construction claims process is a complicated exercise where superior internal legal knowledge often rules the day and can help you to avoid protracted litigation. This seminar will allow you to use case law to counter contractual provisions that may otherwise bar your claim such as notice clauses, no-damage-for-delay clauses, pay-if-paid clauses and pay-when-paid clauses.

2. Managing Today's Risk Through Active Contract Administration

Many times an opportunity to make a profit on a construction project is unknowingly squandered prior to any work being performed. Errors committed during the often overlooked contract proposal, negotiation, and execution portions of a construction project can prove to be quite costly. In order to avoid these problems, it is essential for parties to understand when and how a contract is formed, recognize the risks of proposed contract provisions, and learn how such provisions can be accommodated and

overcome. Specific topics include:

(1) notice clauses; (2) no-damage-for-delay clauses; (3) pay-if-paid and pay-when-paid clauses; (4) liquidated damages clauses; (5) indemnification provisions; (6) unforeseen conditions clauses; (7) Federal and State False Claims Acts; (8) Miller Act claim waivers; (9) waiver of attorneys' fees, interest and penalties under state Prompt Payment Acts; (10) contract termination; and (11) venue/forum selection clauses. This seminar provides an effective management tool to train your company to perform its work with minimum risk and allow you to identify, prepare, negotiate and/or avoid critical contract provisions that can serve to eliminate your ability to make a profit or bring claims.

3. Properly Documenting a Construction Project and Controlling Internal Documentation

This seminar shares valuable information concerning best practices for project document creation and maintenance with an eye toward possible litigation. This seminar will help your company develop internal policies concerning the use of emails. Important ideas will be provided to help you maintain your project

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records in a way that will not only help you to defend your position at trial but will also allow you to save considerable money on document review by your legal counsel. Means to allow your standard forms to be functional, uniform and effective, ranging from correspondence, daily logs, notices and schedules to correlating field reports to payment applications, all while controlling today's technology, will be discussed. This seminar is designed to help your company formulate the ultimate recordkeeping system that can be utilized for real purposes.

4. Ten Steps to Success in 2017

As experienced construction lawyers, we regularly observe construction participants make critical but avoidable mistakes that significantly impact project success and profitability. This seminar will practically educate attendees on how to avoid some of the more common legal and business errors that have been made on projects in recent years while improving their daily operations.

5. Recovering for Unforeseen Conditions

Especially valuable for those working below ground, this seminar thoroughly discusses the Spearin Doctrine and the ability to recover for unforeseen conditions in various regions of the country. This seminar addresses all work that you may be required to perform that goes behind the letter of the project's contract documents.

6. Enforcing Your Right to Payment in a Tough Economy—Everything You Need to Know About Liens, Surety Bond Claims and the Prompt Payment Act

Courts have recognized since the 1800s that getting paid is half the battle in the construction industry. This seminar will help you win the payment battle through the proper use of liens, payment bond claims, state prompt payment acts, contract terms and conditions, key judicial decisions and other legal remedies available to secure payment.

7. P3: The Present and Future of Large Infrastructure Projects

Public Private Partnerships (P3) are already delivering a significant portion of large infrastructure projects. This seminar demystifies the P3 process by analyzing relevant statutes and how they have been utilized and interpreted to date, the complex structure of P3 construction contracts, and financing and payment issues.

8. Legal Developments in 2016 that Will Make You More Profitable in 2017

Construction law is constantly evolving. In order to protect and assert your rights you need to be aware of certain developments. Learn about new judicial decisions throughout the United States, or in a particular region or state, and how it might impact your ability to maximize your recovery for damages incurred on a project. An update on legislative developments where appropriate is also provided in this seminar.

9. Key Legal Considerations when Performing Work under a Design-Build Construction Contract

This seminar discusses the keys to gaining strength of position in the negotiation of a design-build contract and the types of claims for unforeseen conditions that can and cannot be made under a design-build contract.

10. Withdrawal Liability: An Introduction to Withdrawal Liability Concepts and Best Practices to Minimize and Mitigate Liability

Withdrawal liability is one of the biggest threats to any employer with a significant union workforce. This seminar will introduce you to withdrawal liability concepts, and dispel many of the myths that exist. The goal of the seminar is to lay the framework for a short, mid, and long term plan to manage the risk of withdrawal liability.

11. 50 States Mechanics' Lien Law Primer

The ability to file a mechanics' lien is a statutory creation. This seminar provides an overview of what is required to strictly comply with the notice and filing provisions of the applicable state statute in order to perfect your mechanics' lien rights.

12. Insurance Coverage for Construction Projects—You Don't Always Get What You Pay For

This program addresses the use of the commercial general liability policy for construction projects, including such key provisions as the definition of occurrence, property damage and events that may trigger coverage. This program will also address state and federal judicial decisions on insurance coverage, and the ways in which such decisions have arguably eliminated any coverage for construction defects under the traditional CGL policy.

13. Federal Construction Law

This intensive seminar provides valuable information on the requirements imposed by federal statutes such as the Federal Acquisition Regulations, the Miller Act, the Contract Disputes Act, the False Claims Act, the Davis-Bacon Act and the Buy American Act. Other topics such as federal bid protests and claims for unforeseen conditions and home office overhead are also covered.

14. Drug Abuse and Alcohol Misuse in the Workplace

Many employers are grappling with restricted state laws regarding the legal use of drugs for medicinal and recreational purposes. This seminar addresses these new laws along with what constitutes inappropriate, unacceptable, and illegal use of drugs and alcohol in the workplace.

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15. Employment Law from Application to Termination

This seminar provides valuable and practical information to guide interactions with your employees from the time of receipt of an employee's application for employment to termination, if necessary. Topics covered include employment contracts, covenants not to compete, the Fair Labor Standards Act, and compensation issues.

16. OSHA and Workplace Safety

This Presentation Covers OSHA regulations and Related Employer Responsibilities. Common OSHA Violations and Employer Rights in Regards to Inspections are Covered in this Important Seminar along with the Post-Citation Process.

17. Ohio/Illinois/Indiana Construction Law Primer

Need to know more about construction law in Ohio, Illinois and/or Indiana? This seminar will provide you with the basics, and more, of construction law in one or more of these three states.

18. Pennsylvania Construction Law Overview for New Entrants to the Market

Contemplating entering the Pennsylvania construction market? This seminar will provide you with critical information regarding the enforceability of certain contract provisions in Pennsylvania, as well as the status of Pennsylvania law on Prompt Payment Act claims, lien claims, surety bond claims and claims for home office overhead.

19. ESOPs: Strategies for Succession Planning

Employee Stock Ownership Plans can be very effective tools in any business succession plan. There are significant benefits to the seller, the business and the

employees. However, ESOPs do not come without risk. This seminar outlines the mechanics of an ESOP, and summarizes the pros and cons of selling your business to your employees.

20. Recovering Home Office Overhead Damages

When a contractor's work is placed on hold, a contractor's home office overhead expenses continue to be incurred without interruption. A contractor has been entitled to be paid for his or her home office expenses allocable to the suspended project for the duration of its time on standby for over half a century under the Eichleay Formula. This seminar will not only explain the Eichleay Formula but also newer legal means for the recovery of home office overhead such as the Mansul Formula and the Modified Eichleay Formula and the manner in which these formulas have been judicially applied.

21. Bid Protests—When (and How) to Protest the Improper Awarding of Public Construction Contracts

This seminar will address federal and state laws regarding bid protests over the awarding of public construction contracts.

22. ConsensusDOCS v. the AIA Contract Documents

An overview and comparison of the relative strengths and weaknesses of the contract documents published by both ConsensusDOCS and the American Institute of Architects (AIA).

23. To "E" or Not to Be—The Impact of E-Business on the Construction Industry

The legal issues involved in the construction industry's increasing reliance on technology, including the use of electronic procurement, will be discussed.

24. BIM Contract Negotiation and Risk Allocation

Building Information Modeling (BIM) is transforming the manner in which some projects are built. Legal issues such as indemnification, insurance, surety bond coverage and standard of care are covered.

25. Construction Project Management—How to Avoid Problems, Claims and Disputes

This seminar provides an informative overview of various techniques that project personnel can use to resolve issues as they arise and minimize the likelihood of litigation at the end of a project.

26. 401(k) Fiduciary Liability: Best Practices to Reduce Cost, Increase Impact and Navigate The Ever-Increasingly Complex Regulatory Scheme

401(k) Plans are rapidly becoming the primary source of retirement income for most workers. Over the past decade, the regulatory scrutiny over these plans has increased exponentially. This seminar provides a summary of the regulatory framework, with the end goal of educating the plan's fiduciaries as to how they can maximize the effectiveness of the plan, while at the same time reducing cost and mitigating risk.

27. United States Construction Law Primer for Canadian Contractors and Suppliers

Many foreign contractors and suppliers work in the United States each day without adequate knowledge of the intricacies of American construction law. This seminar provides a practical overview of key legal issues related to pivotal construction clauses and construction claims.

FOR MORE INFORMATION

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