THE BASIC COURSE IN
TEXAS CONSTRUCTION LAW

The Westin Austin
at The Domain
Austin, Texas
November 12 & 13, 2015

Earn 13.75 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
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 a 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, NOVEMBER 12, 2015

8:00 a.m.  Late Registration – Ballroom Foyer, The Westin Austin at The Domain, 11301 Domain Drive, Austin, TX 78758
Telephone: (512) 832-4197

8:00 a.m.  Continental Breakfast – Sponsored by Nelson Forensics

8:50 a.m.  Welcoming Remarks
Thomas R. Barber, Houston (Section Chair)
Timothy C. Ross, Houston (Presiding Officer)

9:00 a.m.  Overview of the Construction Industry 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.
Matthew C. Ryan, Austin

10:00 a.m.  Coffee Break – Sponsored by Exponent

10:15 a.m.  Contracts From the Owner’s Perspective – Learn the key clauses and provisions that will help an owner extract maximum benefit from the general contractor that it hires - and pays - for the construction project.
Arthur E. Anthony, Dallas
Contracts From the General Contractor's Perspective — General contractors have their own pressure points and goals in negotiating their construction contracts. This presentation will cover some of the key issues and provisions that can help prime contractors create a road map for on-the-job conduct and remedies when things go awry.

William B. Davis, Houston

LUNCH: What Works and Doesn't Work in the World of Arbitration and Mediation — 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 and arbitrator offers his views on successful advocacy strategies in these contexts. Tickets for registrants may be purchased for $25. Please use the enclosed form to reserve your seat. Tickets will not be sold at the door.

Bret A. Sanders, Austin

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

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.

Stephanie Harrison, Fort Worth

Afternoon Break — Sponsored by The Rhodes Group

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-pressed circumstances. This topic will help provide decision-makers with “informed consent” in deciding whether or not to cross this threshold.

R. Carson Fisk, Austin

Public Procurement in Texas — 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.

William L. Erwin, Jr., Austin

Adjourn to Reception — Sponsored by Rimkus Consulting Group, Inc.

FRIDAY, NOVEMBER 13, 2015

Continental Breakfast — Sponsored by Interface Consulting International, Inc.

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.

G. Stewart Whitehead, Austin

Schedules and Preparation and Analysis of Construction Claims — Any construction practitioner should know the nuts and bolts of construction claims, including how to prepare and prosecute an affirmative claim. This topic will cover the key elements of claim preparation and arrows for the quiver in asserting or defending against claims.

Ian P. Faria, Houston
10:45 a.m. Causes of Action in Texas Construction Law – Choosing the right cause of action early on in a case can mean the difference between ultimate success and failure. Learn the most common causes of action and how different ones can help (or hurt) your case.

John C. Warren, Houston

12:00 Noon LUNCH: 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. Tickets for registrants may be purchased for $26. Please use the enclosed form to reserve your seat. Tickets will not be sold at the door.

Ryan Squires, Austin

1:15 p.m. The Residential Construction Liability Act – An explanation of the Texas Residential Construction Liability Act and how to assert and defend a residential construction defect claim.

Curt M. Covington, Dallas

2:00 Ethics Credit

1:15 p.m. The Residential Construction Liability Act – An explanation of the Texas Residential Construction Liability Act and how to assert and defend a residential construction defect claim.

Curt M. Covington, Dallas

2:30 p.m. The Subcontract: With Emphasis on Key Clauses from the General Contractor’s and Subcontractor’s Perspectives – Learn about the key subcontract clauses and how they can help clarify responsibilities, define rights and remedies, and allocate risk where the parties intend it to be.

J. Matthew Shadonix, Frisco

3:30 p.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.

Amy Emerson, Austin

4:30 p.m. Adjourn

CONFERENCE FACULTY

Arthur E. Anthony, Dallas
Locke Lord LLP

Curt M. Covington, Dallas
Munsch Hardt Kopf & Harr, P.C.

William B. Davis, Houston
Andrews Myers, P.C.

Amy Emerson, Austin
Allensworth & Porter, LLP

William L. Erwin, Jr., Austin
The Chapman Firm

Ian P. Faria, Houston
Coats | Rose

R. Carson Fisk, Austin
Ford Nassen & Baldwin, P.C.

Stephanie Harrison, Fort Worth
Cantey Hanger LLP

Matthew C. Ryan, Austin
Allensworth & Porter, LLP

Bret A. Sanders, Austin
Fee, Smith, Sharp & Vitullo, LLP

J. Matthew Shadonix, Frisco
Stuber Cooper Voge, PLLC

Douglas P. Skelley, Austin
Shidlofsky Law Firm LLP

Ryan Squires, Austin
Scott Douglass & McConnico LLP

John C. Warren, Houston
Cokinos, Bosien & Young, P.C.

G. Stewart Whitehead, Austin
Winstead PC

Section Chair
Thomas R. Barber, Houston
Coats | Rose

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

Conference Sponsors also include:
* Notepads - Sponsored by Bert L. Howe & Associates, Inc.
* Name Badge Lanyards - Sponsored by HSSK
* Tote Bags - Sponsored by Synergen Consulting
* Internet - Sponsored by Norwood Architecture, Inc.
* Flash Drives - Sponsored by S-E-A Limited
* Power Strips - Sponsored by Vertex Companies, Inc.
The Westin Austin at The Domain — A limited number of rooms have been reserved at The Westin Austin at The Domain at the special rate of $189.00 per night for a single/double. The hotel is located at 11301 Domain Drive, Austin, TX 78758. The hotel deadline is October 21, 2015 or until the room block is exhausted, whichever comes first. You must identify yourself as a participant with the Texas Institute of CLE 2015 Basics Course in order to obtain a room from our room block. Please call the hotel directly at (512) 832-4197. We recommend that you make your reservations immediately if you plan to attend this course.

Pre-Registration — To ensure sufficient materials are available for all attendees, pre-registration is strongly encouraged. Door registration is an additional $100.00.

Registration by Telephone — You may register by calling 512/451-6960. Phone-in registrations require an AMERICAN EXPRESS, VISA or MASTERCARD number, expiration date, security code and billing address.

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. Course materials will automatically be mailed to 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.

*Folds of Honor — We are proud to once again partner with The Folds of Honor Foundation to offer raffle tickets for your chance to win a super-cool ice chest loaded with gift certificates. All proceeds from the raffle benefit The Folds of Honor Foundation and their mission to provide scholarship assistance to the spouses and children of soldiers killed or wounded in service to our country.

REGISTRATION FORM

Mail to: Texas Institute of Continuing Legal Education
The Basic Course in Texas Construction Law 2015
P.O. Box 4646
Austin, Texas 78765-4646

FAX to: 512/451-2911
Phone: 512/451-6960
Online at: www.clesolutions.com

Please register me for the course as follows:

___ Pre-Registration fee for CL Section Members (Due by 5 p.m. October 23) ................. $ 395.00
___ Pre-Registration fee for Non Members (Due by 5 p.m. October 23) ......................... $ 445.00
___ Registration fee (After 5:00 p.m. October 23 and before 5:00 p.m. November 6) ........ $ 495.00
___ Late Registration fee (After 5:00 p.m. November 6 and at the door) .................... $ +100.00
___ Thursday Luncheon Tickets at $25.00 each ................................................................. $_____
___ Friday Luncheon Tickets at $26.00 each ................................................................. $_____
___ Construction Law Section Dues (to be eligible for the discounted member registration fee)... $ 30.00
___ # of “Folds of Honor” Raffle Tickets* ($10 each or 3 for $25) ......................... $_____

I cannot attend the course. Please forward the following:

___ Written course materials at $160 + .0825 tax .......................................................... $ 173.20

TOTAL ENCLOSED ............................................................................................................. $_____

No refunds after 5:00 p.m., Friday, November 6, 2015. See cancellation policy above.
(Please Print)

Name

Firm

Address

City State Zip

Telephone Fax

E-mail

Make Checks payable to: Texas Institute of CLE

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.clesolutions.com.
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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