



# 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 training needs and specifications.

### 1. Everything You Need to Know About Working During and After the Era of Covid-19

This seminar is customized to address your company's concerns regarding force majeure, project delays, supply chain issues, new critical clauses to focus on in future contract negotiations, documenting claims, PPP Loans, labor and employment issues, and financing opportunities.

### 2. 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 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 during contract negotiation and during the claims process.

### 3. 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 and negotiation 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 negotiated, 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 and consequential 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.

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## 4. 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 proper creation of contemporaneous project communications. Important ideas will be provided to help you maintain your project records in a way that will help you to expeditiously advocate your position. Means to allow your standard forms to be functional, uniform and effective, ranging from emails, 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 uniform recordkeeping system that can be utilized for real purposes.

## 5. Ten Steps to Success in 2021

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.

## 6. 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.

## 7. Enforcing Your Right to Payment—Everything You Need to Know About Liens, Surety Bond Claims and Prompt Payment Acts

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 demand letters, liens, payment bond claims, state prompt payment acts, contract terms and conditions, key judicial decisions, and other legal remedies available to secure payment.

## 8. Veil Piercing: An Ever Present Risk for Every Corporation

The protections provided by the corporate veil against liability are being pierced with increasing regularity against construction companies. This seminar will provide tips on how to keep corporate entities separate and safe from liability that may be incurred by related companies, including costly withdrawal liability exposure.

## 9. Public Procurement in Ohio

The public bidding and procurement process is full of traps for the unwary. Whether you work for a public authority or for a general contractor or subcontractor considering bidding on a public project, it is important for you to understand the process for procuring design professionals, general contractors, construction managers-as-agents, construction managers-at-risk, design-builders, and subcontractors. This seminar will cover all phases of public project procurement in Ohio, as well as bonding requirements, claims on public funds, prevailing wages, and other aspects of construction law unique to public projects.

## 10. Comparison of Standard Construction Contract Forms

Almost everyone in the construction industry is aware of—or has at least heard of—the AIA contract documents. But what about the other major families of standardized construction documents, like those published by ConsensusDOCS, the DBIA, and the EJCDC? This seminar contrasts and compares the major publishers of standard construction contracts and provides insights into which set of documents are best suited for which projects...because one size does not fit all.

## 11. Recent Changes to the AIA Contract Documents

The AIA updates its contract forms every ten years. This seminar will summarize the major changes the AIA made in 2017 to the A101, A201, B101, and other documents, as well as an overview of 2019 changes to the construction manager documents, including the A133.

## 12. Tips and Traps for Subcontractors

Subcontractors take on unique forms of risk and, if they are not careful, may find themselves with the fewest remedies of any construction participant. This seminar highlights the risks subcontractors should watch out for, suggested revisions to subcontracts to protect subcontractors against those risks, and offers tips for bidding on and completing a successful project.

## 13. Delivery Methods: An Overview

This seminar summarizes the characteristics of the various forms of project delivery. We will cover the pros and cons of each method and provide a general overview of which methods are best suited for different types of projects.

## 14. P3: The Present and Future of Large Infrastructure Projects

Public Private Partnerships (P3) are 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, real life lessons learned, and financing and payment issues.

## 15. Legal Developments in 2020 that Will Make You More Profitable in 2021

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.

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## 16. 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.

## 17. Drug Abuse and Alcohol Misuse in the Workplace

Many employers are grappling with rapidly evolving 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.

## 18. Withdrawal Liability: 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 address complex 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.

## 19. 50 States Mechanics' Lien Law Primer

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

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

This program addresses the use of commercial general liability policies 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.

## 21. 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.

## 22. 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 interviews to termination, if necessary. Topics covered include employment contracts, covenants not to compete, the Fair Labor Standards Act, proper employee handbook provisions, and compensation issues.

## 23. 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.

## 24. California/Ohio/Illinois Construction Law Primer

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

## 25. 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, etc.

## 26. Business Strategies: Why Succession Planning is Important

What is the succession plan at your company? Do you have one? This session will cover the steps for successful planning

when transitioning your business from one generation, or one leader, to the next. Topics will include: Estate and Tax Planning for the Business Owner, Effective Shareholder Agreements, and Defining Fair and Equal for the Family Business Owner.

## 27. 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.

## 28. 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.

## 29. 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.

## 30. Disrupting Implicit Bias: Strategies for Success and Inclusion and Protection from Liability

This cutting edge webinar will update you on the best ways to build the optimal workforce and to shield your company from liability.