

Bricker & Eckler LLP presents

2015 TOP GUN



13th Annual The Premier Midwest Construction Claims Seminar

Thursday, November 19, 2015
The Conference Center at OCLC
Dublin, Ohio



Guest Speakers



Bob Sewell

Bob Sewell is a senior project executive for Gilbane Building Company with nearly 20 years of experience in the construction industry in a variety of market segments including higher education, K-12, corporate, municipal and health care building programs. Over the last eight years, Bob has specialized in K-12 programs for the Ohio School Facilities Commission, leading Gilbane’s team on multiple projects totaling more than \$525 million.



Joe Urquhart

Joe Urquhart, CPCU, CRIS, is the vice president of Overmyer Hall Associates specializing in insurance and risk management programs for contractors, real estate developers and owners, and manufacturers. He advises clients on insurance issues such as risk transfer, builders’ risk, additional insureds, professional liability and loss control.



Robert Vail

Robert Vail is president and founder of VN Services, a project management consulting firm. VN Services was founded in 1982 to engage in CPM scheduling, delay and claims analysis, general consulting and seminar presentations.



Sam Wampler, Esq.

Sam Wampler is a veteran trial lawyer with more than 35 years of experience. He has been listed by *Best Lawyers in America* in the field of construction law in Ohio, has been recognized for many years by *Chambers USA* as a leading lawyer in Ohio in construction law and is a member of the *Million Dollar Advocates Forum*. He recently retired from Bricker & Eckler after 15 years of practice and established *SansCourt LLC*, where he now serves as a mediator and arbitrator in civil disputes.



Bill Zollinger

Bill Zollinger, managing director of NV5, works with clients to assess and assign responsibility for construction-related problems and helps clients recoup their losses. A highly sought-after expert witness for construction-related negotiations, mediations and litigation cases, Bill is a published author and accomplished speaker on a wide range of topics including project controls, project delivery, labor productivity, Critical Path Method (CPM) scheduling, claims and cost analysis.

Bricker & Eckler Speakers



Laura Bowman



Desmond Cullimore



Mark Evans



Sylvia Gillis



Ben Hyden



Tarik Kershah



Chris McCloskey



Jack Rosati, Jr.
Construction Group Chair



Doug Shevelow

7:15-7:45

REGISTRATION

7:45-8:00

WELCOME & INTRODUCTIONS

Jack Rosati, Jr., Esq., Bricker & Eckler LLP,
Construction Group Chair

8:00-9:00

BEGINNING A PROJECT – Decision Points

Chris McCloskey, Esq., Bricker & Eckler LLP
Ben Hyden, Esq., Bricker & Eckler LLP

- Impact of initial project decisions on claims
- Types of claims
- Choosing a project delivery method
- Selecting project professionals
- Types of documents – professional services and construction contracts

9:00-9:30

BEGINNING A PROJECT – Decision Points (continued)

Jack Rosati, Jr., Esq., Bricker & Eckler LLP
Laura Bowman, Esq., Bricker & Eckler LLP

- Examples of possible claims in each delivery model – GC, CMR, DB, and multiple prime

9:30-9:45

BREAK

9:45-10:30

STRATEGIES FOR MINIMIZING CLAIMS – Insurance & Bonds

Doug Shevelow, P.E., Esq., Bricker & Eckler LLP
Joseph Urquhart, CPCU, Overmyer Hall Associates

- Review basic insurance concepts and types
- Review typical insurance requirements for a construction project
- Types of claims under insurance
- Role of the surety on a construction project – contractor default?
- Professional liability insurance for design professionals and other consultants

10:30-11:00

STRATEGIES FOR MINIMIZING CLAIMS – Project Documentation

Ben Hyden, Esq., Bricker & Eckler LLP
Bill Zollinger, NV5

- Tips for project documentation and administration

11:00-12:00

STRATEGIES FOR MINIMIZING CLAIMS – Project Schedule

Mark Evans, P.E., Esq., Bricker & Eckler LLP
Bob Vail, VN Services

- Schedule approaches and analysis. Managing the time=money equation
- Examples of schedule claims and strategies for managing time-related claims

12:00-1:00

LUNCH

1:00-2:00

SPECIFIC CLAIMS – Unforeseen Site Conditions

Doug Shevelow, P.E., Esq., Bricker & Eckler LLP
Desmond Cullimore, P.E., BCEE, Esq., Bricker & Eckler LLP

- Who bears the risk for unforeseen site conditions?
- Can an owner disclaim liability for unforeseen site conditions?
- Common contract provisions that address unforeseen site conditions
- Tips on how to successfully resolve an unforeseen site condition claim

2:00-3:00

SPECIFIC CLAIMS – Lien & Bond Claims and Errors & Omissions

Chris McCloskey, Esq., Bricker & Eckler LLP
Desmond Cullimore, P.E., BCEE, Esq., Bricker & Eckler LLP

- Mechanic lien claims on public and private sector construction projects
- Bond claims
- Claims against the design professional

3:00-3:15

BREAK

3:15-4:15

SPECIFIC CLAIMS – Defective and Nonconforming Work

Chris McCloskey, Esq., Bricker & Eckler LLP
Tarik Kershah, Esq., Bricker & Eckler LLP
Bob Sewell, Gilbane Building Company

- Methods for addressing critical failures in performance and managing resolutions
- Examples of claims for defective and nonconforming work

4:15-4:45

DISPUTE RESOLUTION

Tarik Kershah, Esq., Bricker & Eckler LLP
Sam Wampler, Esq., SansCourt LLC

- Project level resolution, mediation, arbitration, and litigation

Location and Registration Information

Location

The Conference Center at OCLC

6600 Kilgour Place
Dublin, Ohio 43017-3395
614.764.6000

Credits

This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 7.25 total CLE hours instruction.

This course has also been approved for 7.25 AIA credits.

Tuition

\$199

- Early Bird registration through Thursday, November 5
- Members of sponsoring organizations

\$239

- Regular registration

Special Rates

- Two or more from the same organization:
Call for special pricing

Reservations

Online: www.bricker.com/seminars
(VISA/MC only)

By Mail: Bricker & Eckler LLP
Attn: Traci Graham
100 S. Third Street
Columbus, Ohio 43215
(For checks and purchase orders)

By E-mail: tgraham@bricker.com

By Phone: 800.750.1525 – toll free
614.227.4941 – direct

Cancellation Policy

Registrants may be substituted at any time.
Full-refund cancellation requests must be made on or before November 6, 2015.
No refunds will be made after that time.

Who Should Attend

- Owners and their representatives
- Architects and engineers
- Construction claims companies (consultants)
- Construction attorneys
- Prosecuting attorneys
- Construction managers
- Contractors

What You Will Learn

- Learn about important contract language, best practices for project documentation, the risks of unforeseen site conditions, delay and lost productivity claims and the design professional's standard of care
- Understand damages and claims
- Learn to analyze, prepare for and defend against claims for additional compensation or damages
- Learn how to manage and resolve construction claims efficiently

Co-Sponsors

- American Institute of Architects (AIA)
- Buckeye Association of School Administrators (BASA)
- County Commissioners Association of Ohio (CCAO)
- County Engineers Association of Ohio (CEAO)
- Ohio Contractors Association (OCA)
- Ohio Council of Port Authorities
- Ohio Manufacturers' Association (OMA)
- Ohio Municipal League (OML)
- Ohio Prosecuting Attorneys Association (OPAA)
- Ohio Township Association (OTA)

If you have special needs as addressed by the Americans with Disabilities Act, please notify us at least two weeks prior to the program.