

# 22<sup>nd</sup> Annual Washington Construction Law



SEPTEMBER 17 & 18,  
2015

GRAND HYATT

SEATTLE, WA

## ACCREDITATION

### WA MCLE

12.5 Credits, incl. 1.0 Ethics

### OR CLE

12.5 General & 1.0 Ethics

### ID CLE

12.5 Credits

### CA CLE

11.75 General & 1.0 Ethics

### AK CLE

May Claim Credit

### IRMI

7.0 CRIS Reccreditation Credits

### AIA

12.75 LUs

### Contractors & Engineers

May Qualify

## WHO SHOULD ATTEND

Attorneys/Legal Staff

Contractors

Subcontractors

Design Professionals

Developers/Landowners

Architects/Planners

Government Officials

Consultants/Engineers

## Why You Should Attend:

*If you practice Construction Law, desire to practice Construction Law, or are confronted with matters involving Construction Law, you cannot afford to miss this conference. Learn recent developments in Washington and Federal case law, statutes and regulations. Learn how to protect the rights of your clients when dealing with public contracts, cutting edge contracting delivery methods, insurance, taxes and bankruptcy. Find out from the mediator what strategies and tactics can help you settle your disputes through Alternative Disputes Resolution (ADR).*

*The Construction Law legal terrain is ever changing. Protect your company's rights to receive payment for its work, and preserve defenses against unmeritorious demands. What you don't know will hurt you! Construction industry participants need to have the latest information to navigate the complex construction process in today's world.*

*Come learn from Washington State's top construction lawyers. Our format of presenting the latest developments, with practical insights on the issues, has been time tested for over two decades.*

Available Via:



Live  
Webcast

## Program Co-Chairs:



**Bruce P. Babbitt**  
*Jameson Babbitt Sites &  
Lombard PLLC*



**Paul R. Cressman, Jr.**  
*Ablers & Cressman  
PLLC*

## 5 EASY WAYS TO REGISTER

- 1 ONLINE: [www.TheSeminarGroup.net](http://www.TheSeminarGroup.net)
- 2 FAX: 866-435-3444
- 3 EMAIL: [info@TheSeminarGroup.net](mailto:info@TheSeminarGroup.net)
- 4 PHONE: 206-463-4400 / 800-574-4852
- 5 MAIL: PO Box 523, Vashon, WA 98070

**9:00 Introduction and Overview - Day One**

**Bruce P. Babbitt, Program Co-Chair**  
*Jameson Babbitt Stites & Lombard PLLC*

**9:10 Federal Construction Law - New Developments**

Update on the False Claims Act; New Programs from the SBA  
**Bruce P. Babbitt**  
*Jameson Babbitt Stites & Lombard PLLC*

**9:45 Washington State Public Works Competitive Bidding and Bid Protests**

Statutes Governing Competitive Bidding; The Grounds for Challenging an Award; Bid Responsiveness; Bidder Responsibility; Consideration of Bids Other Than Announced Bid Evaluation Criteria; Ambiguous and Restrictive Specifications, and Owner/Contractor Negotiations; Subcontractor Bidding on GC/CM Projects, and Bid Protests  
**Arnold R. Hedeem**  
*Hedeem & Caditz PLLC*

**10:30 Break**

**10:45 Key Clauses of Construction Contracts**

**Alan Bornstein**  
*Jameson Babbitt Stites & Lombard PLLC*

**11:30 The Current Status of Construction Defect Litigation**

The Size and Scope of Construction in the Northwest has Many Considering, "What Does the Future Hold for Construction Defect and Liability Litigation?"  
**S. Jay Terry**  
*Carney Badley Spellman PS*

**12:15 Midday Break**

**1:15 State Tax Issues Associated with Washington Construction Projects**

Overview of the Various Washington State Taxes Imposed on Construction Work in this State; Discussion of the Recently Adopted Department of Revenue Rules Addressing Whether Construction Joint Ventures and Similar Arrangements are Designed to Unfairly Avoid Taxes, and the Implications of a Finding of Tax Avoidance

**George C. Mastrodonato**  
*Carney Badley Spellman PS*

**2:00 Construction Changes/Differing Site Conditions**

Changes Clause; Limitations on the Owner's Right to Order Changes; Written Change Ordered Requirements/Oral Change Orders; Duty to Proceed; Change Order Impact Costs; Differing Site Conditions; Common Law General Rule; Risk of Unforeseen Difficulties During Performance Falls Upon the Contractor; Risk Shifting Contract Clauses

**John P. Ahlers**  
*Ahlers & Cressman PLLC*

**2:45 Break**

**3:00 What Happens When Someone in the Chain Goes Bankrupt?**

View of Issues That May be Confronted by Owners, Contractors and Subcontractors When One of These Parties Files for Bankruptcy Protection

**Jerry N. Stehlik**  
*Bucknell Stehlik Sato & Stubner LLP*

**3:45 Discovery Issues in Construction Claims**

Overview; Unique Aspects of Discovery in Construction Claims; E-Discovery; Managing a Large Amount of Data; Emerging Issues and Key Cases

**Andrew L. Greene**  
*and*  
**Brendan J. Peters, AIA**  
*Perkins Coie LLP*

**4:30 What You Need to Know About ADR for Construction Disputes**

Key Provisions in Contract ADR Agreements – Claim Procedures, DRB, Mediation, Arbitration, Litigation; What to Watch Out for in Industry Standard Forms

**Bryan A. Kelley**  
*Oles Morrison Rinker Baker LLP*

**5:15 Adjourn & Reception**

JAMESON BABBITT STITES & LOMBARD PLLC  
FOUNDED 1978



Friday, September 18, 2015

**9:00 Introduction and Overview - Day Two**

**Paul R. Cressman, Jr., Program Co-Chair**  
*Ahlers & Cressman PLLC*

**9:10 Washington Construction Law – New Developments**

Recent Cases of Interest: Claim/Notice Issues, Lien and Bond Claims, Damage Issues, Insurance, Labor and Employment, Construction Defects, Dispute Resolution and More; Legislative Developments: Legislation of Interest to the Construction Industry Passed During the 2015 Legislative Session; Independent Duty Doctrine

**Paul R. Cressman, Jr.**  
*Ahlers & Cressman PLLC*

**10:00 Claims Against Design Professionals**

Recent Decisions, Legislation, and Other Issues of Concern to Those Involved With Claims Against Design Professionals

**Stanton P. Beck**  
*Lane Powell PC*

**10:30 Break**

**10:45 Design Professional Considerations**

**Blaine Weber, AIA**  
*Weber Thompson Architects*

**11:30 Ethical Considerations for Construction Lawyers**

**John A. Strait**  
*Seattle University School of Law*

**12:30 Midday Break**

**1:45 Insurance in the Construction Industry**

Commercial General Liability Policies; Additional Insured Coverage; Builder's Risk; Drafting a Checklist

**Todd C. Hayes**  
*Harper | Hayes PLLC*

**2:30 Lien and Bond Claims; Dealing with Sureties**

General Construction and Interpretation; Parties Eligible to Claim a Mechanic's Lien; Property Subject to the Lien; Personal Liability; Enforcement and Preparation for Litigation; Options Regarding Enforcement; Preparing, Filing and Serving the Lawsuit; Prosecuting and Defending Lien Claims; The General Agreement of Indemnity

**Kerry C. Lawrence**  
*Pillar Law PLLC*

**3:30 Break**

**3:45 Construction Mediation**

Effective Advocacy in Construction Mediation to Settle Your Case; What Works and Does Not Work

**Henry C. Jameson**  
*Jameson Babbitt Stites & Lombard PLLC*

**4:45 Adjourn**

Washington Construction Law



**Bruce P. Babbitt**, *Program Co-Chair*, is a founding member of Jameson Babbitt Stites & Lombard PLLC. His practice encompasses nearly all aspects of construction law and government contracting. He represents architects, private owners, public agencies, subcontractors, and general contractors in drafting and negotiating contract documents, bid protests, and claims.

**Paul R. Cressman, Jr.**, *Program Co-Chair*, is a founding member of the Seattle law firm of Ahlers & Cressman PLLC, where he co-chairs the firm's Construction Industry Practice Group. His practice involves the representation of general contractors, subcontractors, suppliers, owners, and design professionals involved in both public and private construction projects.



**John P. Ahlers** is a founding member of Ahlers & Cressman PLLC, focusing on the resolution of construction disputes. His experience spans from small private construction projects to complex engineering matters.

**Stanton P. Beck** is a member of the Construction Services Group at Lane Powell PC. He has been involved in most of the major construction projects in the Pacific Northwest and is nationally recognized for his work.



**Alan Bornstein**, a member of Jameson Babbitt Stites & Lombard PLLC, has tried cases in state and federal courts, board of contract appeals, and arbitrations. He is a past Chair of the Construction Law Section of the Washington State Bar.

**Andrew L. Greene** is a Partner at Perkins Coie LLP focusing on construction and development law. He has extensive experience assisting public and private clients resolve disputes through negotiation, ADR, and trial practice.



**Todd C. Hayes** is a member of Harper | Hayes PLLC. He represents business owners, with an emphasis on insurance coverage and appeals. He has represented policyholders in disputes over nearly every kind of insurance available.

**Arnold R. Hedeon** is a member of Hedeon & Caditz PLLC where his practice focuses on construction and government contract law and general civil litigation. He is co-author of the Washington Real Property Deskbook.



**Henry C. Jameson** is a founding member of Jameson Babbitt Stites & Lombard PLLC. He is experienced in construction law and has represented contractors, owners and architects in numerous arbitration hearings.

**Bryan A. Kelley** is an attorney with Oles Morrison Rinker Baker LLP. He represents general contractors and subcontractors throughout all phases of project administration, with an emphasis on resolving complex contract disputes.



**Kerry C. Lawrence** is of counsel at Pillar Law PLLC, where his practice focuses almost exclusively on construction issues, with heavy emphasis on payment issues, liens, bond claims and dispute resolution.

**George C. Mastrodonato** is a shareholder with Carney Badley Spellman PS. His practice focuses on Washington State and local taxes in a variety of industries, including construction, forest products, and utilities.



**Brendan J. Peters, AIA**, a partner with Perkins Coie LLP, focuses on construction litigation, transactions, and complex commercial litigation. He has over 15 years of experience in the legal and construction fields.

**Jerry N. Stehlik** is a partner at the firm of Bucknell Stehlik Sato & Stubner LLP. For over 24 years, he has concentrated his practice on commercial litigation, business reorganization, and insolvency matters.



**John A. Strait** is an Associate Professor of Law with Seattle University School of Law. He has taught, researched, and written in the field of professional responsibility and legal malpractice since 1976.

**S. Jay Terry** is a principal of Carney Badley Spellman PS. His practice focuses on resolving and litigating commercial disputes and assisting individuals and businesses with contracting issues and risk identification.



**Blaine Weber, AIA**, is a Founding Partner of Weber Thompson Architects. He has over 40 years of experience designing high-rise residential towers, commercial office structures, luxury condominiums, and hospitality projects.

Conference Information

Course Accreditation

This course has been approved for 12.5 hours of Washington MCLE credit, including 1.0 hour of ethics credit (*attending and live webcast*); and approved by the Oregon State Bar for 12.5 general and 1.0 ethics CLE credits (*attending and live webcast*). This course has been approved by the Idaho State Bar for 12.5 general CLE credits (*attending and live webcast*). The Seminar Group is a State Bar of California approved MCLE provider; therefore this course is approved for 11.75 general and 1.0 ethics CLE credits (*attending and live webcast*). Alaska bar members may claim CLE credit for this course. This course has been approved by the IRMI for 7.0 hours of CRIS reaccreditation credits (*in person attendance only*). This course has been approved by The American Institute of Architects for 12.75 LUs (*in person attendance only*). The Seminar Group is an AIA CES Approved Provider. Contractors and engineers may qualify for continuing education hours through the

American Institute of Constructors or the Construction Management Association of America. For information or accreditation in other states, please call THE SEMINAR GROUP at (206) 463-4400 or (800) 574-4852.

Substitution/Cancellation

You may substitute another person at any time. We will refund tuition, less a \$50 cancellation charge, if we receive your cancellation by **Friday, September 11, 2015**. No refunds will be given after this date. *Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.*

Seminar Location

The seminar will be held at the Grand Hyatt, 721 Pine Street, Seattle, Washington, (206) 774-1234. Please call the hotel for directions/questions. *Check our website for sleeping room discounts.*

**Washington Construction Law**

September 17 & 18, 2015 • Grand Hyatt • Seattle, WA

Name \_\_\_\_\_  
Additional Name \_\_\_\_\_  
Firm \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_

**Attendance Fees**

- Attorney \$795
- Government/ Non-Profit \$645
- Other Professionals \$560

\* Live Webcast Available at Above Rates

**Pre-Order Homestudy**

- Video and course book available for pre-order

- Check
- Purchase Order
- Credit Card

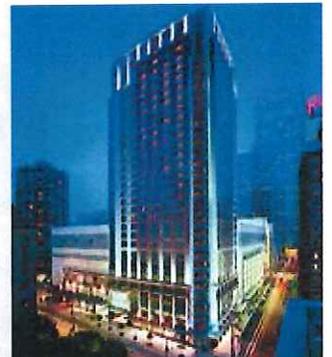
Card No. \_\_\_\_\_ Exp. Date \_\_\_\_\_

Signature \_\_\_\_\_

Call 800-574-4852 or Register Online at [www.TheSeminarGroup.net](http://www.TheSeminarGroup.net)



*22<sup>nd</sup> Annual*  
**Washington  
Construction  
Law**



**SEPTEMBER 17 & 18,  
2015**  
**GRAND HYATT  
SEATTLE, WA**

Available Via:



**Live  
Webcast**

**ACCREDITATION**

- WA MCLE** 12.5 Credits, incl. 1.0 Ethics
- OR CLE** 12.5 General & 1.0 Ethics Credits
- ID CLE** 12.5 Credits
- CA CLE** 11.75 General & 1.0 Ethics Credits
- AK CLE** *May Claim Credit*
- IRMI** 7.0 CRIS Reccreditation Credits
- AIA** 12.75 LUs
- Contractors & Engineers** *May Qualify*

[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net)