I. THE HARD-BID LIFE

Stephen B. Williamson – Asheville

HARD-BID LIFE MATERIALS INDEX ................................................................. I-1
41 U.S.C.A. § 8301 DEFINITIONS ................................................................. I-3
41 U.S.C.A. § 8302 AMERICAN MATERIALS REQUIRED FOR PUBLIC USE ........ I-5
41 U.S.C.A. § 8303 CONTRACTS FOR PUBLIC WORKS ................................. I-7
41 U.S.C.A. § 8304 WAIVER RESCISSION ...................................................... I-11
41 U.S.C.A. § 8305 ANNUAL REPORT .............................................................. I-13
49 U.S.C.A. § 5323 GENERAL PROVISIONS ................................................. I-15
23 U.S.C.A. § 313 BUY AMERICA .................................................................... I-25
10 U.S.C.A. § 2533a REQUIREMENT TO BUY CERTAIN ARTICLES FROM American Sources; EXCEPTIONS ................................................................. I-27
40 U.S.C.A. § 3141 DEFINITIONS .................................................................. I-31
40 U.S.C.A. § 3142 RATE OF WAGES FOR LABORERS AND MECHANICS ........ I-33
40 U.S.C.A. § 3143 TERMINATION OF WORK ON FAILURE TO PAY AGREED wages ........................................................................................................ I-35
40 U.S.C.A. § 3144 AUTHORITY TO PAY WAGES AND LIST CONTRACTORS VIOLATING CONTRACTS ............................................................................. I-37
40 U.S.C.A. § 3145 REGULATIONS GOVERNING CONTRACTORS AND SUBCONTRACTORS ......................................................................................... I-39
40 U.S.C.A. § 3146 EFFECT ON OTHER FEDERAL LAWS ............................ I-41
40 U.S.C.A. § 3147 SUSPENSION OF THIS SUBCHAPTER DURING A NATIONAL EMERGENCY ............................................................................................. I-43
40 U.S.C.A. § 3148 APPLICATION OF THIS SUBCHAPTER TO CERTAIN CONTRACTS .................................................................................................. I-45
18 U.S.C.A. § 874 KICKBACKS FROM PUBLIC WORKS EMPLOYEES ............ I-47
49 C.F.R. § 26.1 WHAT ARE THE OBJECTIVES OF THIS PART? ...................... I-49
49 C.F.R. § 26.3 TO WHOM DOES THIS PART APPLY? .................................. I-51
49 C.F.R. § 26.5 WHAT DO THE TERMS USED IN THIS PART MEAN? ........... I-53
49 C.F.R. § 26.7 WHAT DISCRIMINATORY ACTIONS ARE FORBIDDEN? ........ I-59
49 C.F.R. § 26.9 HOW DOES THE DEPARTMENT ISSUE GUIDANCE AND INTERPRETATIONS UNDER THIS PART? ..................................................... I-61
49 C.F.R. § 26.11 WHAT RECORDS DO RECIPIENTS KEEP AND REPORT? ...... I-63
49 C.F.R. § 26.15 HOW CAN RECIPIENTS APPLY FOR EXEMPTIONS OR
II. TAKE THE BULL BY THE HORNS, OR MAYBE THE TAIL

John W. Davidson – Columbia, SC
Allen L. West – Charlotte

CONSTRUCTION MANAGER AT RISK .................................................. II-1
TAKE THE BULL BY THE HORNS, OR MAYBE THE TAIL: LOOK AT DESIGN
BUILD .................................................................................................... II-13

III. WHERE ARE WE AND HOW DID WE GET HERE?

Gregory L. Shelton – Charlotte

WHERE ARE WE AND HOW DID WE GET HERE TWENTY YEARS OF THE AIA’S MUTUAL
WAIVER OF CONSEQUENTIAL DAMAGES AND ONE HUNDRED YEARS OF THE SPEARIN
DOCTRINE ................................................................. III-1

IV. IT’S A BRAVE NEW (AND CONFUSING) WORLD

Edward B. Davis – Charlotte
Samuel T. Reaves – Charlotte

ALTERNATIVE DELIVERY METHODS INTEGRATED PROJECT DELIVERY .......... IV-1
PUBLIC-PRIVATE PARTNERSHIPS IN THE CAROLINAS .......................................... IV-13
EXHIBIT 1 COMMON P3 STRUCTURE ............................................................... IV-49
P3S IN THE CAROLINAS POWERPOINT PRESENTATION .................................. IV-51

V. LET ‘EM WORK, LET ‘EM LIVE

Margaret S. “Maggie” Hanrahan – Charlotte
Mark M. Stubley – Greenville SC

ELEVATING YOUR APPROACH TO LABOR AND EMPLOYMENT ISSUES
POWERPOINT PRESENTATION ....................................................................... V-1

VI. ATTORNEY-CLIENT PRIVILEGE, CONFIDENTIALITY, AND THE WORK PRODUCT
DOCTRINE: TRAPS FOR THE INATTENTIVE LITIGATOR
VII. BRINGING THE DARK SIDE OF THE LAW INTO THE LIGHT: MENTAL HEALTH AND SUBSTANCE ABUSE

Brian S. Clarke – Charlotte

THE JOURNAL OF LAW A PERIODICAL LABORATORY OF LEGAL SCHOLARSHIP ............................................................... VII-1
YOU ARE NOT ALONE MENTAL HEALTH AND WELLNESS IN THE LEGAL PROFESSION POWERPOINT PRESENTATION ........................................... VII-21

VIII. CAROLINA(S) ON MY MIND

L. Franklin Elmore – Greenville, SC
Jay M. Wilkerson – Raleigh

2017 SOUTH CAROLINA CONSTRUCTION LAW UPDATE ........................................ VIII-1
2017 CONSTRUCTION LAW UPDATE .................................................................... VIII-25
AN ACT TO VALIDATE CHOICE OF NORTH CAROLINA LAW AND FORUM PROVISIONS IN BUSINESS CONTRACTS ............................................. VIII-49

IX. STICKY ISSUES IN ARBITRATION

C. Allen Gibson Jr. – Charleston, SC
A. Holt Gwyn – Greensboro

STICKY ISSUES IN ARBITRATION ......................................................................... IX-1
STICKY ISSUES IN ARBITRATION POWERPOINT PRESENTATION ............... IX-27