

NORTH CAROLINA BAR ASSOCIATION

seeking liberty + justice

“Latent Issues”: Considering the Less-Considered Aspects of Construction Law Practice



LIVE and WEBCAST

Thursday, February 21, 2019
North Carolina Bar Center
8000 Weston Parkway
Cary

Register Today!

Save 10% if registration is
received by January 31, 2019.

www.tinyurl.com/CLE693CLP

6.0
HOURS

TOTAL CLE CREDIT

1.0
HOUR

Ethics/Professional
Responsibility

AVAILABLE FORMATS



PROGRAM SUMMARY

This program focuses on providing North Carolina construction lawyers with knowledge of some of the less-considered issues that arise in construction law practice, including labor and staffing concerns, cutting-edge construction products, technology, matters relating to certain products, and issues that arise before the North Carolina Board of General Contractors.

This program is designed to:

- Educate attorneys on practical aspects of construction technology and products
- Demonstrate the impact that construction technology, products, design issues and labor concerns can have on the legal aspects of construction projects
- Discuss ethical considerations related to construction technology, products and construction law

WHAT PEOPLE ARE SAYING...



This was one of the most informative and interesting CLEs I have attended. Exactly the right level of detail with excellent handouts for future reference.



The subject matter was useful, and I will use it in my practice regularly.



Overall, a high-quality program.

—Attendees, 2018 Construction Law Section Winter CLE

AGENDA

THURSDAY, FEBRUARY 21, 2019 | 8:15 a.m. – 4:15 p.m.

- 8:15 **Registration and Continental Breakfast**
- 8:55 **Welcome and Introductions**
Behm, Gray, Litwak and Senter
- 9:00 **The Interplay Between Staffing and Construction**
Lord
- The nature of the relationship between a project's staffing company and the host construction company on a project
 - Considerations relating to the joint responsibility between the staffing company and the host construction company for compliance with applicable OSHA standards, i.e., training, hazard communication and recordkeeping requirements
- 10:00 **Tales from the Design Professional**
Conner and Idol
- The nature of the relationship between the design team and the owner, general contractor and subcontractors
 - Various aspects regarding the creation and execution of the design contract, and any change orders or modification of the contract
 - Specification conflicts when designing in the Southeast: trends with glass, roofing, insulation and temperature considerations
- 11:00 **Break**
Sponsored by Fuller Group
- 11:15 **Emerging Issues in Defective Construction Products**
Bryson
- Recent trends in defective or substandard products
 - Issues regarding shingles, siding, piping, windows, decking and more
 - How to utilize ASTM standards, project specifications and submittals to prove your case
 - Forecasting potential product issues of the future
- 12:15 **Networking Lunch**
- 1:00 **Virtual Design, Construction and Building Information Modeling**
McKinney
- Structuring the construction team
 - Negotiating the allocation of risk
 - Leveraging technology to prevent conflicts in the field
- Issues to look for when the design team is contracted by the owner to administer the construction contract

AGENDA

- 2:00 **Ethical Concerns in Construction Matters***
Modlin and Scruggs
- The importance of loyalty, confidentiality and independent judgment in attorney/client relationships
 - Conflict of interest traps that arise in construction engagements
 - Prudent practices to put in place in order to avoid malpractice claims and State Bar grievances
- 3:00 **Break**
Sponsored by ESI
- 3:15 **A Fly on the Wall: Everything You Wanted to Know from the North Carolina Board of Licensed General Contractors But Were Afraid to Ask**
Choi, Davis and Shields
- Considerations from counsel who regularly seek civil injunctions against violators of N.C.G.S. §§ 87 *et seq.*
 - Insight from counsel that prosecute on behalf of the Board at disciplinary hearings
- 4:15 **Adjourn**
- * Indicates portion providing Ethics/Professional Responsibility credit

PROGRAM DETAILS

SPEAKERS

- **Daniel K. Bryson**, Whitfield Bryson & Mason LLP, Raleigh
- **Anna Baird Choi**, Nichols Choi & Lee, Raleigh
- **Tony Conner**, HagerSmith Design PA, Raleigh
- **Paul E. Davis**, Conner Gwyn Schenck PLLC, Raleigh
- **Scott T. Idol**, HagerSmith Design PA, Raleigh
- **Michael C. Lord**, Williams Mullen, Raleigh
- **Harry L. McKinney**, Clancy & Theys Construction Company, Raleigh
- **Claire A. Modlin**, Lawyers Mutual Liability Insurance Company of North Carolina, Cary
- **Mark A. Scruggs**, Lawyers Mutual Liability Insurance Company of North Carolina, Cary
- **Patricia P. Shields**, Hedrick Gardner, Raleigh

CLE AND PUBLICATION SCHOLARSHIPS

Full and partial scholarships are available for attorneys experiencing a financial hardship of any kind.

Apply at www.ncbar.org/cle/scholarship.

HOTEL INFORMATION

Contact hotels directly for reservations at the special NCBA room rate. Rates are based on availability and rooms may sell out.

TownePlace Suites by Marriott

120 Sage Commons Way, Cary

- **Nightly Rate:** \$114 studio queen with sleeper sofa (Sunday–Thursday)
- **Reservations:** 919.678.0005
- **Ask for the NCBA corporate rate.**

Embassy Suites (limited availability)

201 Harrison Oaks Boulevard, Cary

- **Nightly Rate:** \$169 single/double
- **Reservations:** 919.677.1840 or www.tinyurl.com/NCBA-Embassy
- **Corporate Account Code:** 2691626

PLANNERS

- **Christopher K. Behm**, Block Crouch Keeter Behm & Sayed LLP, Wilmington
- **Philip T. Gray**, Stephenson Law LLP, Cary
- **Nancy S. Litwak**, Rosenwood Rose & Litwak PLLC, Charlotte
- **David A. Senter**, Nexsen Pruet PLLC, Raleigh

PROGRAM DETAILS

SPECIAL ACCOMMODATIONS

NCBA makes every effort to ensure a quality learning experience. If you have dietary restrictions or need special accommodations, please contact us at least one (1) week prior to the program start date.

EARLY ARRIVALS RECEPTION

Wednesday, February 20, 2019

5:00 – 6:30 p.m.

Anderson Jones, PLLC

421 North Blount Street

Raleigh, NC 27601

Sponsored by MBP

We extend our sincere gratitude to the NCBA Construction Law Section as well as the planners and speakers who volunteer their time and expertise toward the goal of presenting an educational program of the highest quality.

Upcoming Technology Program for All Legal Professionals:

Mastering Microsoft Word in the Law Office

When legal instruments require complex formatting, most Microsoft Word users struggle to get the document to look the way they want. Users often describe it as a "wrestling match" or having to "outsmart the program." Some advanced features like automatic paragraph numbering, tables of contents, and tables of authority seem inaccessible or broken. Because legal professionals require so much out of Word, they often feel extremely frustrated by it.

If you're sick of the struggle, this program — designed by a lawyer — is to help legal professionals master and control Word.

Wednesday, February 20, 2019
North Carolina Bar Center, Cary

CLE Credit: 6.0 Hours Technology credit

Contact the CLE Department at 800.228.3402 for details
or visit www.tinyurl.com/CLE823MWP.

REGISTER TODAY!

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STEP 1: Tell us who you are. (Please print clearly.)

Print Full Name: _____

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NC State Bar No. (Required for MCLE Credit): _____

STEP 2: Select your tuition rate. (Register early and save 10%. Payment must be received three (3) weeks prior to program date to qualify for the early rate.)

Standard Rate: \$325 / \$295 *Early*

NCBA Member: \$270 / \$245 *Early*

Construction Law Section Member: \$250 / \$225 *Early*

CLE Premier Pass: \$0

STEP 3: Select your learning format.

Live (693CLP) Webcast (693LWC) Video Replay (See below.)

Video Replay registration (if selected).

Video Replays are scheduled for this program. The agenda may not include certain breakouts/tracks shown at the original program. For a list of dates and locations visit www.tinyurl.com/CLE693CLP and indicate your choice below.

Location: _____ Date: _____ Code: _____

STEP 4: Complete your payment information.

(Registration is complete only after payment is processed. Please print clearly.)

I am registering for this program at the tuition rate checked above.

Enclosed is a check, payable to NCBA. Please charge my credit card.

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Total Amount: _____ Signature: _____

Discounts may be available for NCBA members who are students, law professors, judges or legal services/public interest attorneys. Call CLE at 800.228.3402 for details.



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INTRODUCING...

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The 2018-2019 CLE Premier Pass is an exclusive NCBA member benefit providing unlimited CLE including access to hundreds of On Demand programs.

www.tinyurl.com/PremierPass

REGISTRATION: All registrations are processed after payment is received. To qualify for the early tuition rate, payment must be received prior to the deadline indicated. Stated early discount rate percentage is approximate. Registrations may be capped based on venue size and may include an overflow room with additional seating. **CHANGES TO EXISTING REGISTRATIONS:** Should an attendee need to cancel his or her registration to a Live, Webcast or Video Replay program, the cancellation request must be received by 9:00a ET one (1) week prior to the start of the program to receive a full refund. Any attendee requesting cancellation less than one week prior to the program will receive a refund, less a \$75 administrative fee. An attendee may choose to transfer his or her registration at a program to the Live, Webcast or Video Replay format of the same program only. Transfer requests must be received by 9:00a ET one (1) business day prior to the program start date. An attendee may further choose to substitute his or her registration to a Live or Video Replay program only. Substitution means sending another person to attend the Live or Video Replay program when the original registrant is unable to attend. Substitution requests must be received by 9:00a ET one (1) week prior to the program start date. The substituted person may be assessed a different fee based on their NCBA membership classification. Cancellation, transfer and substitution requests must be provided in writing by email at askcle@ncbar.org or by calling 800.228.3402. If an attendee misses any portion of a program, that portion is not subject to substitution, refund or transfer. Except as provided herein, registrations including On Demand registrations, cannot be cancelled, substituted or transferred once purchased. **NO-SHOWS:** Anyone who is registered for a program, including CLE Premier Pass holders, but does not check in is considered a no-show. No-shows are not issued a refund, and Premier Pass holders will be assessed a \$75 administrative fee. These registrants will receive the digital materials, available in their online accounts, in full consideration of tuition paid. **MISCELLANEOUS:** The NCBA reserves the right to cancel or reschedule programs at any time. Should the NCBA cancel or reschedule a program, registrants may elect to receive a full refund or attend the newly scheduled program. Notifications regarding program changes will be sent to the email address on file. The NCBA is not responsible for any additional expenses incurred as a result of such cancellation or rescheduling. Each attorney must maintain a record of his or her attendance for the NC State Bar Annual Report. MCLE credit is reported by the NCBA only if a NC State Bar number is provided. Registration and attendance at NCBA CLE programs constitutes an agreement by the registrant with the NCBA for use and distribution of the attendee's image or voice in photographs, videotapes, electronic reproductions and audiotapes of such programs and activities. Unless specified, spouses or guests are not eligible to attend NCBA CLE programs and activities without registering to attend. These terms are subject to change.