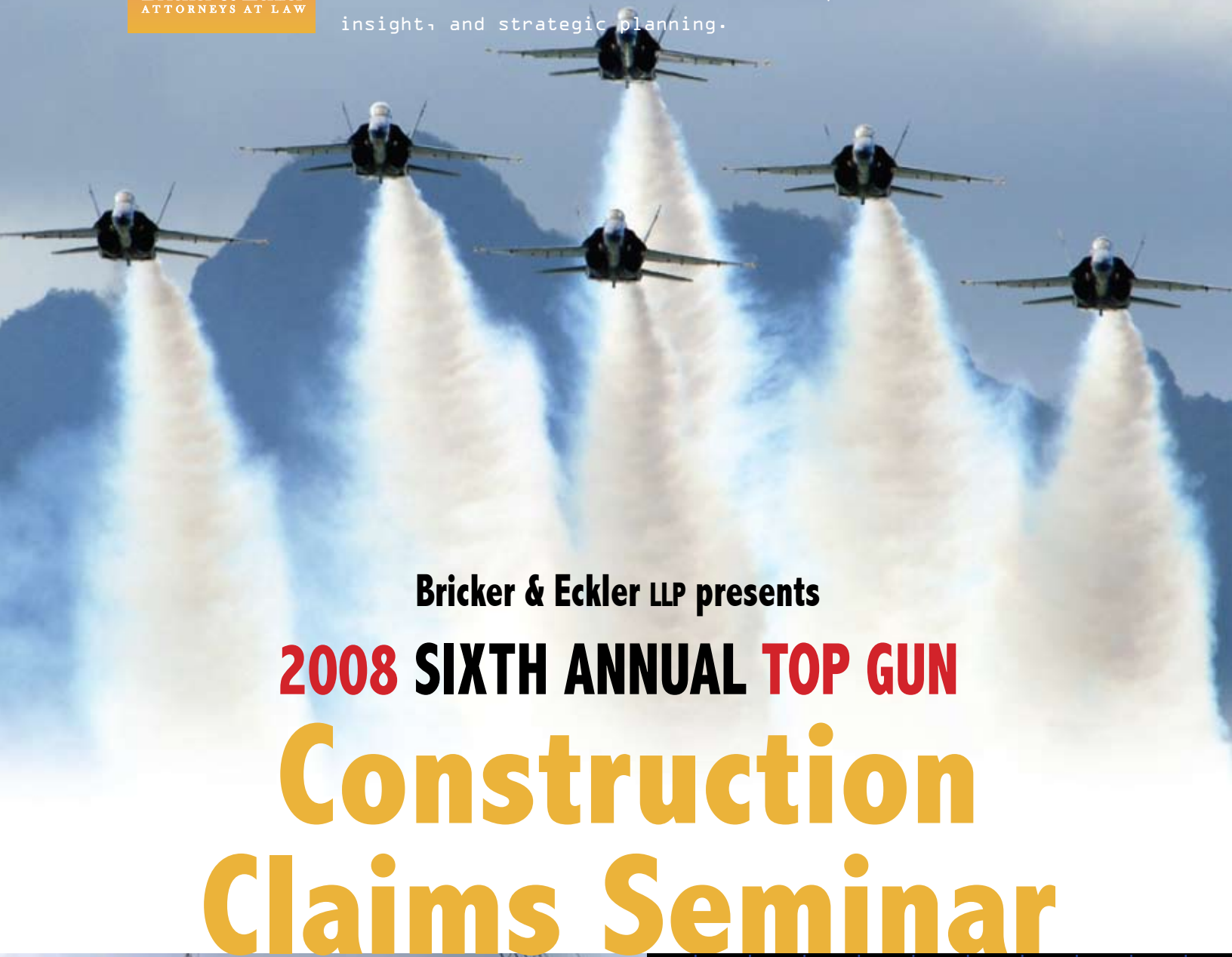




Navigating through the complex maneuvers of construction claims without proper training can result in unforeseen damages.

Lock on to your target, know your options, and attack the battlefield of construction claims with precision, tactical insight, and strategic planning.



Bricker & Eckler LLP presents

2008 SIXTH ANNUAL TOP GUN

Construction Claims Seminar



**The Premier Midwest
Construction Claims Seminar**

November 17, 2008

**Embassy Suites
Dublin, Ohio**

New This Year

- **Selecting Your Flight Crew** – Getting Good Contractors – Rejection of bidders on public projects – legal and practical strategies and tactics
- **Claims, Accidents, and Mishaps** – Who is liable? The Design Professional? The Construction Manager? The Owner?

The Mission

Training a Construction Claims Specialist for your Company

The Objective

- Learn about important contract language, best practices for project documentation, the risks of differing 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

The Assignment

Join Bricker & Eckler's Construction Law Group, which includes ten engineering school graduates, two registered professional engineers, one school of architecture graduate and the distinguished Top Gun faculty as they teach the ins and outs of some of the most important challenges in construction law.

Mission Fulfilled: The Outcome

This seminar will provide you with weapons to attack claims that frequently occur on construction projects.

Who Should Report

- Owners' Representatives
- Construction Claims Companies (Consultants)
- Construction Attorneys
- Prosecuting Attorneys
- Engineers
- Architects
- Contractors
- Subcontractors
- Construction Managers

Co-sponsors

- AIA Ohio
- County Commissioners' Association of Ohio
- County Engineers Association of Ohio
- Ohio Contractors Association
- The Ohio Manufacturers' Association
- Ohio Township Association
- Ohio Prosecuting Attorneys Association

I have attended Top Gun in the past and found it to be an outstanding program - great content and excellent speakers. If you are involved with construction projects, Top Gun is a program you need to attend.

Jim Boerke

*Director of Planning, Operations,
and Construction Management
Hamilton City School District*



Agenda for the Sixth Annual Construction Claims Seminar

Monday, November 17, 2008

0715-0745 **Registration**

0745-0800 **General Quarters – All hands man your battle stations**

Pilots report to the ready room for briefing

Jack Rosati, Jr., Esq., *Bricker & Eckler LLP*

0800-0845 **Basic Air to Air Combat Tactics**

The Fundamentals of Construction Claims

Mark Evans, P.E., Esq., *Bricker & Eckler LLP*

Ben Hyden, Esq., *Bricker & Eckler LLP*

- What is a Claim?
- How to make a Claim?
- Pitfalls to avoid

0845-0900 **Pilots know where your electrical wires, gas pipes and cables are located or pay the price**

Doug Shevelow, P.E., Esq., *Bricker & Eckler LLP*

- Know and comply with OUPS or you will pay

0900-0945 **Your Flight Manual**

Follow it or Crash, Burn, and Die (aka RTFC)

Sylvia Gillis, Esq., Michael Holman, Esq.,

Hank Reder, AIA, Esq., *Bricker & Eckler LLP*

- Key contract provisions that you must know and understand, including: notice requirements, claims procedures, indemnification, unforeseen site conditions, and insurance requirements

0945-1000 **Break**

1000-1045 **Successful Missions Building projects**

Andy Englehart, P.E., Esq. *Construction Process Solutions, Ltd.*

Andrew Balcar, Esq., *Bricker & Eckler LLP*

- What makes for a successful building project (or a disaster)?

Heavy Highway projects

Michael Leary, P.E., *RV Buric Construction Management Consultants*

John (Jack) M. Meagher, *Judge (Retired), Center for Dispute Resolution*

Doug Shevelow, P.E., Esq., *Bricker & Eckler LLP*

- What makes for a successful heavy highway project (or a disaster)?

1045-1130 **Claims, Accidents, and Mishaps – When are the Design Professional and Construction Manager liable?**

Christopher McCloskey, Esq., *Bricker & Eckler LLP*

Matthew Warnock, Esq., *Bricker & Eckler LLP*

- The roof leaks, a contractor claims it has been delayed, or a subcontractor's employee is seriously injured in a fall. When will the design professional or construction manager be liable?

1130-1145 **Project Insurance – an Update and Comparison**

Rod Davisson, Esq., *Bricker & Eckler LLP*

Joseph G. Urquhart, CPCU, *Hilb Rogal & Hobbs*

- What is Project Insurance?
- How much does it cost?
- Should I buy it for my project?

1145-1230

Mission Documentation (can determine who wins and who loses)

Scott Davis, Esq., *Bricker & Eckler, LLP*

Michael Leary, P.E., *RV Buric Construction Management*

- Job records – best practices for maintaining compliance
- Record keeping – common entry habits to avoid
- Daily job logs – practical examples

1230-1330

Lunch

1330-1415

Selecting Your Flight Crew – Getting Good Contractors

Kim Brown, Esq. and Rod Davisson, Esq., *Bricker & Eckler LLP*

- Bid standards: lowest and best and lowest responsible
- Gather information
- Dealing with the bad bidder

1415-1500

Navigating Clouds, Mountains and Thunderstorms – Unforeseen site conditions

Doug Shevelow, P.E., Esq. and Desmond Cullimore, P.E., *Construction Fellow, Bricker & Eckler LLP*

- RTFC – Did I really agree to accept all this risk?
- Good geotechnical survey (oxymoron?)
- Indiana bats, indian burial grounds, and peat bogs

1500-1515

Break

1515-1615

Dealing with Disaster – Delay, Acceleration and Lost Productivity Claims

Mark Evans, P.E., Esq., *Bricker & Eckler LLP*

Robert Vail, *VN Services*

- Examples of projects gone bad
- Types of time related delay claims
- Causes and types of acceleration claims
- Damages
- Proving lost productivity claims

1615-1700

Safe Landings – Navigating the Construction Dispute – Strategies and Tactics

Sam Wampler, Esq., *Bricker & Eckler LLP*

- RTFC – Did I really agree to arbitrate with the engineer as the arbitrator?
- Making mediation work
- Arbitration or Litigation?
- Why does it cost so much?

1700-1800

Closing Comments and Reception

Critical Issues

During lunch, Critical Issues will feature table topics with an assigned Table Captain. Subject to available seating at each table, you may choose among the following topics:

- Avoiding Bad Bidders & Litigation
- Differing Site Conditions
- Dispute Resolution During Construction
- Design Professional's Standard of Care
- Key Contract Provisions
- Mechanics' Liens
- Liquidated Damages
- Roof Leaks
- Project Scheduling
- Contract Administration
- Dugan & Meyers
- Project Close Out
- Surety Claims

Where To Report

The Embassy Suites Dublin

5100 Upper Metro Place • Dublin, OH 43017

Phone: 614.790.9000 • Fax: 614.790.9001

From East:

Take I-70 West to I-270 North (toward Cleveland) to exit 17A. Go to first light (Frantz Road) and turn right. Take your first right onto Upper Metro Place. Hotel will be on your right.

From West:

Take I-70 East to I-270 North (toward Cleveland) to exit 17A. Go to first light (Frantz Road) and turn right. Take first right onto Upper Metro Place. Hotel will be on your right.

From South:

Take I-270 West (toward Dublin) to exit 17A. Go to first light (Frantz Road) and turn right. Take first right onto Upper Metro Place. Hotel will be on your right.

From North:

Take I-71 South to I-270 West (toward Dublin) to exit 17A. Go to first light (Frantz Road) and turn right. Take first right onto Upper Metro Place. Hotel will be on your right.

Training Fee

- \$349 • Early bird registration through Friday, October 17
 - Second and subsequent registrations from one organization
 - Members of sponsoring organizations
- \$399 • Regular registration fee
- \$259 • Nonprofit organization
 - Public employees

Credit

- 7.5 AIA Learning Units (pending)
- 7.5 OCILB credits in business (pending)
- 7.5 Supreme Court Continuing Legal Education (pending)

Reservations

Online: www.bricker.com/seminars
Online registration VISA/MC only

By Mail: Bricker & Eckler LLP
P.O. Box 15249
Columbus, OH 43215-0249

Complete the registration form and send with payment to Bricker & Eckler LLP.

By Fax: 614.227.2390

By Phone: 614.227.4973 or 800.844.5292

By Email: mheiser@bricker.com

If you have special needs as addressed by the Americans with Disabilities Act, please notify Megan Heiser at mheiser@bricker.com or 614.227.4973 or 800.844.5292 at least two weeks prior to this program.

Registrants may be substituted at any time. Full refund cancellation requests must be made on or before November 10, 2008. No refunds will be made after this time.

2008 – TOP GUN Construction Claims Seminar Registration

Name _____ Title _____
Name _____ Title _____
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