

# AIA Contracts

This one-day seminar is designed for attorneys, presidents, vice presidents, owners, project managers, architects, engineers, controllers, accountants and contract managers.

**!** Includes 2007 Updates to  
AIA Contract Documents

**San Diego, CA**  
**April 24, 2008**

**Moderator:**

**Karen A. Holmes, Esq.**

*Balestreri, Pendleton & Potocki*

**Jeffrey W. Cavnac, CPCU, RPLU, CRIS**

*Cavnac & Associates Insurance Brokers*

**Bennett J. Chin, Esq.**

*XL Insurance*

**Laurence R. Phillips, Esq.**

*McKenna Long & Aldridge LLP*

**Pamela J. Scholefield, P.E., Esq.**

*Scholefield Associates, P.C.*

**Dennis J. Stryker, Esq.**

*Rick Engineering Company*

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# Critical Issues on the Agenda

8:30 AM – 9:25 AM

## Overview of AIA Family of Documents

— Karen A. Holmes, Esq.

9:25 AM – 10:25 AM

## Owner-Architect Agreements

— Dennis J. Stryker, Esq.

- B141 and B151
- The Parties' Responsibilities
- Scope of Services
- Cost Estimates
- Site Safety
- Work Product Ownership
- Indemnity
- Limitations of Liability
- Dispute Resolution

10:25 AM – 10:35 AM

## Break

10:35 AM – 11:30 AM

## Risk Management Implications of the 2007 AIA Documents

— Jeffrey W. Cavnagac, CPCU, RPLU, CRIS

- Contractual Risk Transfer
- Insurance
- Consequential Damages
- Alternative Dispute Resolution
- Ownership of Instruments of Service
- Other Considerations

11:30 AM – 12:00 PM

## An Insurance Carrier's Identification of Key Provisions to Address for Architects and Engineers

— Bennett J. Chin, Esq.

12:00 PM – 1:00 PM

## Lunch (On Your Own)

1:00 PM – 2:00 PM

## General Conditions A201

— Pamela J. Scholefield, P.E., Esq.

- Contract Documents
- Claims and Disputes
- Change Orders
- Notice of Extra Time and Costs
- Termination by Contractor and Termination by Owner

2:00 PM – 2:10 PM

## Break

2:10 PM – 3:00 PM

## Owner-Contractor Agreements

— Laurence R. Phillips, Esq.

- Pricing Options
- Contract Documents
- Scope of Work and Costs
- Changes in Work
- Notice Requirements
- Payments
- Termination and Suspension

3:00 PM – 3:45 PM

## General Contractor-Subcontractor Agreements A401

— Pamela J. Scholefield, P.E., Esq.

- Understanding and Managing Contract Terms
- Incorporation Clauses
- Remedies for Subcontractor Default
- Remedies for Contractor Nonpayment
- Liquidated Damages
- Notices
- Subcontractor's Duty to Defend and Indemnify Claims

3:45 PM – 4:30 PM

## ADR

— Jeffrey W. Cavnagac, CPCU, RPLU, CRIS, Bennett J. Chin, Esq., Karen A. Holmes, Esq., Laurence R. Phillips, Esq., Pamela J. Scholefield, P.E., Esq., and Dennis J. Stryker, Esq.

*Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.*

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# Seminar Highlights

## Get ready – the AIA document revisions are here, and they're going to affect your practices.

AIA documents affect every aspect of your project – and they've just been changed in some major ways. You need to know how these revisions will impact how you do your job. Come to this informative seminar and learn how the new documents affect the roles and responsibilities of each participant in the project. You'll explore how recent trends in the industry have helped change dispute resolution provisions, insurance issues and much more. Our expert faculty will guide you through the pros and cons of the revisions, as well as how to avoid potential pitfalls of using the documents. AIA contracts are too important for you to ignore – register today and we'll shed some light on the documents and their revisions.

### Benefits for You

- Decipher various elements of the A201
- Know your responsibilities when it comes to insurance requirements
- Determine the pros and cons of the revisions – including dispute resolution and other hot-button issues
- Navigate through the owner-architect agreements with ease
- Avoid the pitfalls of misunderstanding the widely used AIA forms

### Professional Manual

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of CDs and the accompanying manual from this program by using the registration form on the back panel.

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**Managing Construction Projects** – Bidding, Selection of Contractor, and Protests; Project Security – Bonding and Insurance; Project Performance and Changes – Risk Allocation Terms and Tools in Contracts; Payment Procedures and Lien Claims.

**Faculty:** Mark J. Rice, McNeil, Silveira, Rice & Wiley; John M. Donley, Donley Construction Consultants; Constance Riedinger, Riedinger Consulting. ©2007. 136 pages.

<b>Item:</b> 367989TMX	CD and Manual	\$139
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367989EMN	E-Manual Only	\$69

**The Fundamentals of Construction Contracts: Understanding the Issues** – Essential Contract Terms; Claims – When They Can't Be Avoided; Special Issues of Subcontracts; Important Issues in Surety Bonds and Dispute Resolution.

**Faculty:** Irina J. Drill, Esq., Peter F. Lindborg, Esq., Lindborg & Drill LLP. ©2007. 58 pages.

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**Construction Lien Law** – The Required Elements of a Lien Claim or Notice; Claims Based Upon Construction on Privately Owned Land Mechanic's Lien and Stop Notice; Threshold Licensing Considerations; Claims Based Upon Public Works Projects; Claims Based Upon Federal Works Projects.

**Faculty:** David S. Demian, Marks, Golia & Finch, LLP; Jon F. Gauthier, Jon F. Gauthier, APC. ©2007. 138 pages.

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## Our Distinguished Faculty

**Jeffrey W. Cavignac, CPCU, RPLU, CRIS**, is president of Cavignac & Associates Insurance Brokers. He graduated from the University of California, Los Angeles, with a degree in economics. Mr. Cavignac received his initial insurance training at Lloyds of London. Subsequently, he spent three years with Industrial Indemnity Company as a property and casualty underwriter. During that time, Mr. Cavignac attained the chartered property and casualty underwriter designation. He was awarded the coveted registered professional liability underwriter designation in 1999. Mr. Cavignac is active in numerous professional and civic organizations.

**Bennett J. Chin, Esq.**, is a claims consultant for XL Insurance. Prior to working for XL, he practiced law as a complex civil litigation attorney for 14 years. Mr. Chin has represented architects, engineers, contractors, developers and property owners in construction defect actions and commercial disputes involving allegations of negligence, breach of warranty and breach of contract. He has also represented manufacturers and suppliers of construction-related products in claims relating to alleged product failures. Mr. Chin is an alumnus of the University of California, Berkeley, and Santa Clara University School of Law.

**Karen A. Holmes, Esq.**, is a principal at Balestreri, Pendleton & Potocki. She has over 25 years of experience as a successful litigator and trial attorney focusing on civil litigation and professional casualty defense matters. The firm's professional clients often turn to Ms. Holmes on matters of contract negotiations, risk management and pre-litigation resolution. She has extensive trial experience before juries, judges and arbitrators. Ms. Holmes has successfully defended business and tort cases for a variety of the firm's clients. She is rated as having achieved the highest rating in the *Martindale-Hubbell Law Directory* and has served as president and board member of the San Diego Defense Lawyers. Ms. Holmes sat as a director and vice president on the board of the San Diego County Bar Association from 2003 to 2006. She is a judge pro tem, as well as arbitrator and mediator for the San Diego Superior Court. Ms. Holmes has been designated as a Southern California San Diego Super Lawyer in construction litigation for 2007. She was one of the top attorneys in 2006 in real estate and construction litigation category as awarded by the *San Diego Daily Transcript*. She earned her J.D. degree from California Western School of Law and her B.A. degree in political science from San Diego State University.

**Laurence R. Phillips, Esq.**, is a partner with McKenna Long & Aldridge LLP's San Diego office. His significant litigation experience includes the representation of contractors, public entities, real estate developers, manufacturers, and other clients and their sureties and insurers in the mediation, arbitration, trial and appeal of complex matters concerning government and private contract disputes, commercial disputes, lease disputes, real estate/land use disputes and construction disputes, including payment and performance bond claims, changed conditions claims, delay and disruption claims, prompt payment issues, stop notice and mechanic's lien claims, latent and patent defects in construction and design, products liability and professional liability. Mr. Phillips has in-depth knowledge of government contracting law and competitive bidding requirements. His range of experience in those fields includes bid protests, subcontractor listing issues, termination issues, Miller Act claims, and actions under the California and federal False Claims Acts. He has been instrumental in successfully defending clients against alleged false claims in excess of \$50 million. Mr. Phillips also has significant experience negotiating and drafting public and private works construction contracts, joint venture agreements, commercial leases, work letters, real estate purchase and sale agreements, escrow instructions and related loan documents. He lectures on issues of contract formation/negotiation and is a contributing author to Aspen Publishers' *Construction Law Update*, which is published annually and distributed nationally. Mr. Phillips received a J.D. degree from Pepperdine University School of Law and a B.A. degree from the University of California, San Diego.

**Pamela J. Scholefield, P.E., Esq.**, of Scholefield Associates, P.C., started her career as an engineer with General Electric, eventually becoming the area manager for a division that worked with contractors involved in large commercial and public works projects. Since she became an attorney, her primary focus has been construction law and the unique issues faced by those in the construction industry. Ms. Scholefield is sought out specifically for more complex and multiparty legal matters such as those involving construction contract interpretations, changes and scope-of-work disputes. Technically proficient, she practices in markets where she is able to capitalize on her already extensive construction industry work experience and her legal training. Ms. Scholefield has spoken before construction trade organizations regarding contract interpretation and how to manage contract terms. She earned a B.S. degree in engineering, with honors, from the University of Florida and holds a professional engineer's license in the state of Colorado. Ms. Scholefield received her law degree, cum laude, from the University of San Diego School of Law, where she was an executive editor for the *San Diego Law Review*. She was named 2007 Top Attorney in Real Estate and Construction Litigation by the *San Diego Daily Transcript*.

**Dennis J. Stryker, Esq.**, is the general counsel for Rick Engineering Company. His department is responsible for all legal aspects of the corporation and its subsidiaries, including business and commercial transactions, litigation, employment and labor issues, and professional liability issues. He also acts as the corporation's risk manager. Mr. Stryker is on the steering committee of the California Minority Counsel Program, the Corporate Pro Bono Advisory Board and the board of directors of the San Diego Volunteer Lawyers Program. Has been appointed by the mayor to the San Diego Relocation Appeals Board. Mr. Stryker serves on the Association of Corporate Counsel's national board of directors.

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**San Diego, CA • April 24, 2008**

**Double Tree Downtown • 1646 Front Street**

**Registration: 8:00 am – 8:30 am • Session: 8:30 am – 4:30 pm**

**Lunch Break: 12:00 pm – 1:00 pm (On Your Own)**

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### IACET Learning Objectives

- The attendee will be able to discuss owner-architect agreements.
- The attendee will be able to identify the parties' responsibilities.
- The attendee will be able to discuss alternative dispute resolution.

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