







CONSTRUCTION LITIGATION DISPUTE RESOLUTION

At IICLE® Construction Litigation Dispute Resolution, a distinguished faculty including many of the authors of the IICLE® Construction Dispute Litigation handbook (2018 edition) will share their expertise on dealing with the multitude of participants and issues in the construction process.

Utilizing a complex hypothetical, learn about issues unique to construction litigation, including acceleration and delay, commercial defects, disruption/loss of productivity, and construction accidents. Understand how to more successfully handle insurance issues and special defenses, work with experts/consultants, and recover damages.

-  **December 12, 2018**
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Construction Litigation Dispute Resolution
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December 12, 2018

Chicago

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Program Highlights:

- Construction Defects
- Change Orders
- Special Defenses
- Insurance Coverage
- Damages



Moderator:



Lorence H. Slutzky
The Law Office of
Lorence H. Slutzky, Ltd.
Glenview

8:15 – 8:50 Registration

8:50 – 9:00 Welcoming announcements

9:00 – 9:30
It's about the Contract—Critical Clauses and the Impact on Liability
Lorence H. Slutzky

9:30 – 10:00
Personal Injury Litigation

Explore personal injury claims arising out of construction projects and consider the exposures of contractors and construction managers. Learn about derivative rights of action along with third party rights of action against employers under the Illinois Contribution Among Joint Tortfeasors Act.

Douglas J. Palandech, Foran Glennon Palandech Ponzi & Rudloff PC, Chicago

10:00 – 10:45
Construction Defects Litigation

Learn how to prosecute and defend construction defect claims. Topics include: preserving claims and defenses during investigation/repair of defects, disclosing and presenting expert opinions, the differences between correction and warranty obligations, express and implied warranties, damages, defenses, and the impact of various waivers and limitation defenses upon latent and patent defects.

Samuel H. Levine, Bryce Downey & Lenkov LLC, Chicago

Justin L. Weisberg, Schuyler, Roche & Crisham, P.C., Chicago

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10:45 - 11:00 Break

11:00 – 11:30
Design Professional Liability Exposure

Explore the legal and contractual factors that determine architect and engineer liability exposure, including how design professionals face risks unique from other project participants.

Jeremy S. Baker, Schiff Hardin LLP, Chicago

11:30 – 12:00
Changes: Performance, Completion and Compensation

Learn about duty to perform changed work and compensation-based refusals, unauthorized extra work, constructive change orders, the cardinal change doctrine, failure to perform essential duties, late notice of claims for changed work, accord and satisfaction and requests for additional compensation after change orders are signed.

Timothy R. Conway and John S. Mrowiec, Conway & Mrowiec, Chicago

12:00 – 1:00 Lunch is Served, Sponsored by: **WJE**

12:15 – 12:45
Special Lunch Presentation: "It's Often the Simple Things"

Failure to address simple things during design and/or during construction of structures often results in problems that lead to disputes and litigation. Examples of well-known structures with this condition, including the John Hancock swing stage collapse, the Chicago Post Office construction collapse, and the I35W bridge collapse, will be discussed.

Ian Chin, Senior Principal, Wiss, Janney, Elstner Associates, Inc., Northbrook

1:00 – 1:45
Insurance: Coverage for Construction Defects and Who Wants to be an Additional Insured?

PR .25 Hours

Understand the current differences between the federal courts' and Illinois courts' opinions regarding construction defect coverage. Learn about the recent AIA documents requiring insurance as well as specific requirements for and ethical dilemmas involving additional insureds.

Geoffrey A. Bryce, Bryce Downey & Lenkov LLC, Chicago

1:45 – 2:30
Special Defenses in Construction Litigation

Learn about defenses and doctrines unique to the construction context and develop a checklist for defenses to construction claims. Defenses, limitations of liability, and immunities unique to construction claims established by statutes and appellate courts, as well as the body of case law interpreting common phrases and provisions, will be discussed.

Ryanne Bush Dent, Michael Pisano, and Eric L. Singer, Ice Miller LLP, Lisle

2:30 – 2:45 Break

2:45 – 3:45
Construction Damages: What Can You Recover?

Get insight into the different types of economic and non-economic losses that can arise in a construction defect dispute, including direct damages, consequential damages, liquidated damages and attorney's fees, and the legal theories that facilitate recovery of those damages.

Adam L. Gill, Duane Morris LLP, Chicago

Eric A. Berg, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., Chicago

3:45 – 4:30
Ethical Considerations of Common Representation
PR .75 Hours

Learn about relevant ethical standards and rules implicated in connection with the representation of multiple clients within a construction project and the use of common interest or joint defense agreements in connection with that representation.

Jeffrey B. Charkow, Harris Winick Harris LLP, Chicago

4:30 Adjourn

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2018 Edition**

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