



## Regional CLE Workshop:

# Handling a Construction Failures Case

**Pepper Hamilton LLP**  
**3000 Two Logan Square**  
**18th & Arch Streets**  
**Philadelphia, PA**  
**June 3, 2016**

*Presented by the ABA Section of Litigation Construction Litigation Committee*

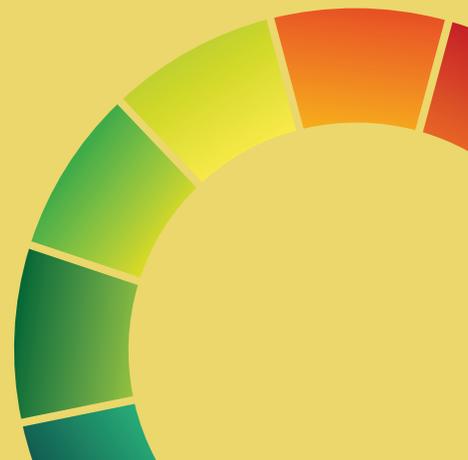


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**#ConstructionLitigation**



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## Regional CLE Event Sponsors

# Program Agenda

This program will discuss legal aspects of handling a construction failure case, focusing on a building collapse during construction as the main model, from start to finish, including securing the project site, interacting with government agencies, preserving evidence, bases of liability, working with experts and trial considerations.

## **Securing The Site And Preserving The Evidence/Dealing With OSHA And Other Governmental Agencies.**

9:00 am – 10:00 am

This panel will discuss day one considerations, particularly the need to secure the site and preserve evidence and developing the protocols among the many parties and interests likely to be involved.

Moderator: **W. Stephen Dale**, Parsons Brinckerhoff, New York, NY  
**Otto C. Guedelhoefer**, Raths, Raths & Johnson, Willowbrook, IL  
**F. Warren Jacoby**, Cozen O'Connor, Philadelphia, PA  
**David B. Peraza, P.E.**, Exponent, New York, NY

## **Liability And Defense Issues From The Perspective Of Designers, Contractors, Subcontractors / And Suppliers**

10:15 am – 11:15 am

This session will discuss the legal principles which govern assessment of liability in a construction failure case.

Moderator: **Chad E. Cron**, MasTec, Inc., Coral Gables, FL  
Panelists: **Raymond L. DeLuca**, Pepper Hamilton, LLP, Philadelphia, PA  
**F. Warren Jacoby**, Cozen O'Connor, Philadelphia, PA

11:15 am – 11:30 am

**Break**

## **Analyzing Causation, Proposing a Fix, Economic Waste, Betterment And Related Damages Issues**

11:30 am – 12:45 pm

This will discuss varied approaches to determining causation including observation, testing and appropriate methods of analysis. It will also discuss legal principles which may serve to govern economic damages available in a failures case.

Moderator: **Kenneth Levin**, Pepper Hamilton LLP, Philadelphia, PA  
Panelists: **Raymond L. DeLuca**, Pepper Hamilton LLP, Philadelphia, PA  
**Otto C. Guedelhoefer**, Raths, Raths & Johnson, Willowbrook, IL  
**Elisabeth Malsch, Ph. D., P.E.**, Thornton Tomasetti, New York, NY

# Organizers and Chairs

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**SPONSORED BY**  
**ABA Section of Litigation, Construction Litigation Committee**

**PROGRAM ORGANIZER**

Kenneth Levin  
Pepper Hamilton, LLP  
3000 Two Logan Square  
18th & Arch Streets  
Philadelphia, PA 19103  
[levink@pepperlaw.com](mailto:levink@pepperlaw.com)

# General Information

**Registration:**

To register online, please [click here](#).

or return the Registration Form on the following page with your payment (checks only) to:

American Bar Association  
Attn: Service Center – Meeting/Event Registrations Department  
321 N. Clark Street, Floor 16  
Chicago, IL 60654  
Secure Fax Number: 312-988-5850

Please register by May 27, 2016 to reserve your spot.

Requests for refunds must be made in writing and received no later than May 27, 2016, in the ABA Section of Litigation office. Please email your request to the Program Associate. There will be a \$10 administrative fee deducted from the refund. Cancellations received after September 28, 2015 will not be refunded; however, the Section will gladly accept substitutions for those unable to attend.

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**MCLE Credit:**

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 2.75 CLE credit hours in 60-minute states, and 3.3 credit hours in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit [http://www.americanbar.org/cle/mandatory\\_cle.html](http://www.americanbar.org/cle/mandatory_cle.html) or contact Kristen McCann at [Kristen.Mccann@americanbar.org](mailto:Kristen.Mccann@americanbar.org) or (312) 988-5662.

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**Tuition Assistance:**

A limited number of scholarships to defray registration fees may be available for government employees, public interest lawyers employed with nonprofits, academics, and law students, as well as unemployed attorneys. For more information, please contact: Kristen McCann at 312-988-5662.

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**Attendance List:**

Information included in the attendance list is protected by copyright and is solely intended for the individual and private use of ABA members in connection with the ABA's mission, goals and activities. All other use is strictly prohibited without prior written authorization from the ABA. Prohibited use includes but is not limited to the copying, renting, leasing, selling, distributing, transmitting or transfer of all or any portions of the materials, or use for any other commercial and/or solicitation purposes of any type, or in connection with any action taken that violates the ABA's copyright.

# Registration

Handling a Construction Failures Case  
June 3, 2016  
Philadelphia, PA

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Name					Member ID
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Affiliation					
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Address	Apt. #	City	State	Zip Code	
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Phone	Email				

The information submitted on this registration form will be used only to create an attendance list for the **Handling a Construction Failures Case** Regional CLE Workshop.

A limited amount of scholarships are available for this program. For more information, please contact: [Kristen McCann](#) at 312-988-5662.

## Registration Information

\$80.00 Section of Litigation members  
\$140.00 Non-Section members

Checks for attendance and course materials should be made payable to the AMERICAN BAR ASSOCIATION (credit cards for online registration only).

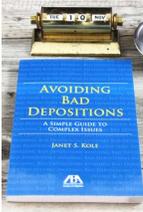
- I will attend the meeting and my check for \$\_\_\_\_\_.00 is enclosed.
- I am unable to attend the meeting, but please send the course materials to the above address, at a cost of \$35.00, a check for which is enclosed.

Please send your Registration Form and check to:  
American Bar Association  
Attn: Service Center – Meeting/Event Registrations Department  
321 N. Clark Street, Floor 16  
Chicago, IL 60654  
Secure Fax Number: 312-988-5850

For additional information about the program, please contact [Kristen McCann](#) at 312-988-5662.

# New! Section of Litigation Titles Related to Programming Available for Purchase

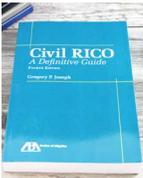
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## *Avoiding Bad Depositions: A Simple Guide to Complex Issues*

**By Janet S. Kole**

Avoid mistakes—and malpractice claims—when preparing for depositions by following the advice in this short guide. To help navigate the minefield of problems inherent in taking and defending depositions, topics covered include an explanation of a deposition and its purpose, how to defend and take depositions, and how to skillfully deal with difficult opponents, problem witnesses, and experts.



## *Civil RICO: A Definitive Guide, Fourth Edition*

**By Gregory P. Joseph**

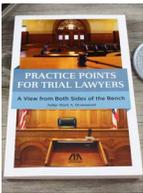
This updated edition provides a concise, yet thorough analysis of the major legal issues arising in civil actions litigated under the Racketeer Influenced and Corrupt Organizations Act (RICO). You will be guided through the complex statute and morass of related case law to help you quickly locate the issues pertinent to your case.



## *Lawyer, Activist, Judge: Fighting for Civil and Voting Rights in Mississippi and Illinois*

**By Martha A. Mills**

Lawyer, Activist, Judge: Fighting for Civil and Voting Rights in Mississippi and Illinois is an inside look at one woman's struggle for civil and voting rights in Mississippi and Illinois in the 1960s and 1970s. In this engaging description of a life spent breaking down barriers, Martha Mills describes living and working in an ardent segregationist culture fraught with danger, and filled with both heroes and villains.



## *Practice Points for Trial Lawyers: A View from Both Sides of the Bench*

**By Mark Allen Drummond**

Designed for aspiring and active trial lawyers, this collection of short works offers Judge Drummond's perspective and practice points on trial preparation, jury selection, trial presentation, witness examination, and professionalism, as well as the shared wisdom of leading trial lawyers across the country.



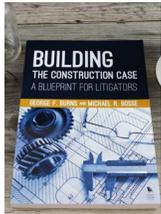
## *Preparing for Trial: 60 Days and Counting*

**By Bruce W. Felmy**

In these days of the "vanishing trial," when there are fewer opportunities to learn from the masters, this book is an invaluable guide for trial lawyers needing to focus, prioritize, and prepare for that morning when they alone will say, "Ready, Your Honor." Preparing for Trial demonstrates how to systematize your approach to the final weeks before trial to assure there are no loose ends in your case, and to limit the stress of a very demanding time.

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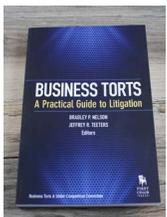
Purchase at [ambar.org/Litigationbooks](http://ambar.org/Litigationbooks) or call 800-285-2221



## *Building the Construction Case: A Blueprint for Litigators*

**By George F. Burns and Michael Bosse**

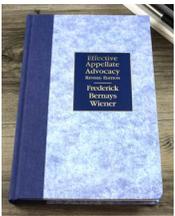
This book is a blueprint for the construction litigator from the first client meeting to final case disposition. Examples of cases illustrative of fundamental patterns that all counsel must handle in construction litigation are analyzed and of use to both new and seasoned attorneys in this field.



## *Business Torts: A Practical Guide to Litigation*

**By Bradley P. Nelson and Jeffrey R. Teeters, Editors**

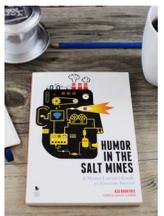
Business torts trials present challenges for both counsel and jurors. This unique resource for practitioners faced with litigating business torts cases provides practical advice for each stage of the case, from pre-litigation investigation to trial, to maximize chances of success.



## *Effective Appellate Advocacy*

**By Fredrick Paul Wiener**

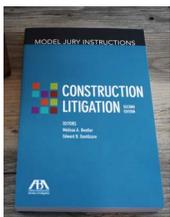
Touted as the best guide to appellate advocacy ever written, the author deals exclusively with the timeless question: How can you best persuade an appellate court to decide a case in your favor? Packed with useful examples and clever anecdotes, this book will sharpen your presentation and oral advocacy skills for use at the state, federal, and Supreme Court level.



## *Humor in the Salt Mines: A Master Lawyer's Guide to Associate Success*

**By Asa Rountree**

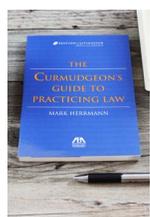
Humor in the Salt Mines is a collection of the author's well-honed views on how to practice law, offering advice that is timeless and practical, but also humorous. This collection hints at the great pleasure that can be had in aiming for excellence as a lawyer.



## *Model Jury Instructions: Construction Litigation, Second Edition*

**By Edward B. Gentilcore and Melissa A. Beutler, Editors**

The instructions in this new edition have been prepared to allow construction litigators to present proposed instructions to the judge that either track verbatim these model instructions or are based upon the instructions. These models accurately and impartially present the elements and critical definitions of construction law in language that is understandable and familiar to the average juror.



## *The Curmudgeon's Guide to Practicing Law*

**By Mark Edward Herrmann**

Find out what drives law partners crazy, what will impress them, and the ten mistakes you should avoid. Concise, humorous and full of valuable (but curmudgeonly) insight, this is a must-read for every lawyer and law student.