

Florida Law Alliance Construction Conference

Friday, February 16, 2018

Holiday Inn Fort Myers Airport-Town Center

9931 Interstate Commerce Drive

Fort Myers, FL 33913



Presented by the Florida Law Alliance Member Firms:

Clark Partington *Pensacola*

Clarke Silverglate *Miami*

Fisher Rushmer *Orlando*

Henderson Franklin Starnes & Holt *Fort Myers*

Hill Ward Henderson *Tampa*

Marks Gray *Jacksonville*

www.floridalawalliance.com

ABOUT FLORIDA LAW ALLIANCE

The Florida Law Alliance is a group of independent law firms practicing throughout Florida that have combined their knowledge, efforts, and resources. The goal is to increase efficiency, lower costs, expand the scope and improve the quality of legal services each firm provides to its own clients.

The member firms of the Florida Law Alliance are better able to serve the interests of their clients because of the statewide geographical reach, cumulative expertise in both general and specialized practice areas, and local community knowledge and legal credibility before a specific court or other decision-making body. The Florida Law Alliance is not a partnership. Each member law firm is a separate entity that performs its own work independently for its clients, and is solely responsible for the quality of its work. No member law firm accepts responsibility for another firm's work.

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CONFERENCE OVERVIEW

Continuing Education Credits: Approved for 6 CILB Credits by the Florida Construction Industry Licensing Board; 6.0 CEU 3-24(a) (Adjuster Law & Policy) by the Florida Department of Financial Services for Florida Insurance Adjusters; and 6.0 PDH Credits for Florida Engineers.

Friday, February 16, 2018
7:30am – 4:15pm

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CONFERENCE AGENDA

Friday, February 16, 2018

7:30am **Registration and Continental Breakfast**

8:30am **Hot Topics and Defense Strategies in Construction Defect Litigation**, *J. Matthew Belcastro, Esq., Henderson, Franklin, Starnes & Holt, P.A.*



The last few years were among the most challenging for construction companies. This session, Matthew will discuss contracts, pre-litigation considerations, indemnification provisions and common defenses in construction defect litigation. Matthew concentrates his practice in the areas of construction litigation, construction contracts, business and real estate litigation. He is a founding officer of the Lee County A.C.E Mentoring Program and is a member of the Lee County Building Industry Association (Lee BIA). Matt is also a former board member of the City of Fort Myers Code Enforcement Board. He may be reached at matthew.belcastro@henlaw.com or by phone at 239.344.1205.

9:30am **Break**

9:45am **Mediating Construction Cases**, *Joseph L. Amos, Esq., Fisher Rushmer, and David W. Henry, Esq., Marshall Dennehey Warner Coleman and Goggin*



Joseph and David will update attendees on the law, application and ethical rules of mediation, as specifically utilized in construction cases. They will also discuss special considerations in cases with multiple defendants and multi-party mediations.

Since 1990, Joseph has concentrated his practice in the areas related to catastrophic loss, personal injury, professional and product liability, bad faith claims and insurance disputes, and business litigation. Part of his practice also includes mediation/dispute resolution and CE teaching.

Joseph is a member of the Florida Supreme Court's Standard Civil Jury Instructions Committee and serves as President of ABOTA. He may be reached at jamos@fisherlawfirm.com or by phone at 407.535.4868.

As a mediator and litigator, David's practice includes business, IP, insurance, construction, E&O and D&O claims, and employment disputes. He is a Florida Supreme Court Certified Civil and Appellate Mediator and serves on the Executive Council of the ADR Section of the Florida Bar. David is a frequent convention speaker for bar and insurance organizations and is a member of the National Faculty of the Society of Certified Insurance Counselors. He may be reached at dwheny@mdwgc.com or by phone at 407.420.4418.

10:45am **Causes of Action and Damages in Construction Defect Disputes: Current Issues and Developments, *Michael Bittner, Esq., Marks Gray***



Michael will take a deep dive into the construction defect disputes and discuss damages for typical construction defect causes of action, proof of damages and the extrapolation of evidence, pre and postjudgment interest, and attorneys' fees and costs. Michael practices in the areas of construction litigation, commercial litigation, real estate litigation and business law. He has extensive experience litigating construction and business disputes including complex construction defect claims, contractual disputes, real property disputes, landlord/tenant disputes, and collections matters. Michael is a member of the Jacksonville and Florida Bar Associations, the Florida Defense Lawyers Association (FDLA), the Jacksonville Association of Defense Counsel (JADC), and the Catholic Lawyers Guild. He may be reached at mbittner@marksgray.com or by phone at (904) 398-0900.

11:45am **Lunch**

12:45pm **Raffles**

1:00pm

Best Practices Defending/Deposing Corporate Representatives in Construction Cases, *Michael J. Schofield, Esq., Clark Partington*



Michael will educate attendees on advanced areas of the taking and defending of corporate representative depositions. This presentation will discuss the applicable case law, legal basis, structure and methodology for taking corporate representative depositions. Michael has a broad based civil litigation practice. He has experience in aviation matters, construction litigation, commercial litigation, insurance coverage and disputes, products, and general liability matters. He is a Certified Mediator and Qualified Arbitrator in Florida, and Mediator and Arbitrator in Alabama. He also serves as a mediator, arbitrator, and neutral in ADR matters. Michael may be reached at mschofield@clarkpartington.com or by phone at 850.208.7062.

2:00pm

Best Practices for Handling OSHA Inspections and Investigations, *Mark Schultz, Esq., Henderson, Franklin, Starnes & Holt, P.A.*



Mark will share best practices for preparing for and handling OSHA investigations and complaints. More specifically, he will discuss the OSHA complaint process, injury reporting and recordkeeping, enforcement, handling citations and accident investigations. Mark focuses his practice in the area of Tort and Insurance Litigation, defense of design professionals and contractors in civil suits, construction and design professional contract drafting, defense of design professionals in administrative complaints before the Board of Professional Engineers and the Board of Architecture and Interior Design, and defense of construction companies in OSHA matters. He is a member of the Florida Defense Lawyers Association and is an allied member of the American Institute for Architects (AIA) Florida Southwest. Mark may be reached at mark.schultz@henlaw.com or by phone at 239.344.1168.

3:00pm

Break

3:15pm

Florida Lien Law, Erik Raines, Esq., Hill Ward Henderson



Erik will provide attendees with an indepth discussion on Florida's Lien Law, including its strict compliance requirements, prerequisites to assert lien rights, critical deadlines and lien foreclosure lawsuits. Erik's practice primarily involves representing owners, developers, contractors, design professionals, subcontractors, and sureties in transactions and litigation/arbitration. Erik is AV-Preeminent rated by Martindale-Hubbell, regularly publishes articles on construction law topics, and has been selected for listing by Best Lawyers in America and Florida Super Lawyers in Construction Law. Erik formerly served as Co-Chair of the Hillsborough County Bar Association's Construction Law Section and currently serves on the ABA Forum on Construction Law's Steering Committee for Division 12 (Owners and Project Finance). Erik may be reached at erik.raines@hwlaw.com or by phone at 813.227.8422.

4:15pm

Closing Remarks

CONFERENCE LOCATION

Holiday Inn Fort Myers Airport-Town Center
9931 Interstate Commerce Drive
Fort Myers, FL 33913

DIRECTIONS

- Take Exit 128 (Alico Road) from I-75
- Proceed one-half mile east and turn left onto Interstate Commerce Drive
- The Holiday Inn is located at the end of the drive

OVERNIGHT ACCOMMODATIONS NEEDED?

A group rate of \$189 (single or double occupancy) plus tax is available to all attendees the night of February 15. Reservations should be made by calling the Holiday Inn Fort Myers Airport-Town Center directly at 239.561.1550 by January 18, 2018. After January 18, reservations will be accepted based on availability at the prevailing hotel rate. Be sure to mention Henderson Franklin Claims Defense Update when making your reservation. Ask for the Florida Law Alliance Group Rate.

REGISTRATION FORM

The registration fee is \$35.00 and includes breakfast, lunch, seminar materials and valet parking. To register, visit floridalawalliance.com or mail this completed form to the address below with a check payable to Florida Law Alliance **by February 8, 2018.**

Name _____

Title _____

Company _____

Address _____

City _____

State _____ Zip _____

Phone _____

E-mail _____

Credit Card # _____

(Visa, MasterCard or American Express only)

Expiration Date _____ Security Code _____

Signature _____

Gail Lamarche, Director of Marketing
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