

HOT POTATOES: Legal Considerations for Pass Through Claims

Friday June 2, 2023 | IN PERSON AT LANE POWELL and WEBCAST

TUITION

- **\$150** for Construction Section members
- **\$185** for non-members

Pending CLE Approval
(6 Law & Legal Procedure + 1 Ethics)

SCHEDULE

8:00 a.m. Check-in, Registration, Coffee, and Pastry Service

8:25 a.m. Welcome & Introductions by Program Co-Chairs

Jennifer Beyerlein – Lane Powell PC
Ron English – Retired General Counsel, Seattle Schools
Bart Reed – Stoel Rives LLP

8:30 a.m. Ethics (60 mins)

Discussion over ethical considerations on pass-through and flow down claims.

Chris Soelling – Soelling Law PLLC

9:30 a.m. Washington Legislative Update (30 mins)

New laws from the 2023 Legislative Session regarding contractors, public works, employment, the environment, and other areas

Athan Tramountanas – Ogden Murphy Wallace PLLC

10:00 a.m. Break

10:15 a.m. Litigating Multi-Parties Disputes over Pass-Through Claims (60 mins)

A pane on practical solutions and lessons learned from complex construction litigation/arbitration involving subcontractors, general contractor, owner, and sureties involving pass-through and flow down claims.

Andrew Gabel – Lane Powell PC
Chris Wright – Carney Badley Spellman PS
Lindsay Watkins – Ahlers Cressman & Sleight PLLC

11:15 a.m. Claim Certification Case Study (30 mins)

Pass-Through Claims: Pitfalls and Opportunities for the General Contractor in Two Recent Trials

Karl Oles – Stoel Rives LLP

11:45 a.m. Construction Law Section Update & Lunch Break

Jennifer Beyerlein – Lane Powell PC
Bart Reed – Stoel Rives LLP

12:00 p.m. Judicial Panel – View from the Bench (60 mins)

The distinguished panel will share their perspectives on navigating through the post-covid backlog.

Hon. Marshall Ferguson – King County Superior Court
Hon. Jim Rogers – King County Superior Court
Hon. Bill Bowman – Washington Court of Appeals, Div. I

1:00 p.m. Panel on Construction Contract Clauses/flow down/risks, etc. (60 mins)

Panel examination of contractual flow down and flow up clauses in public and private sector construction contracts. The practitioners will look at sample clauses, the interplay of the Severin Doctrine in modern contracts, analyze the drafting of prime and subcontracts to address these issues, discuss key components of asserting a pass through claim, as well as present an overview of the relevant case law to be considered.

Mike Grace – Dorsey & Whitney LLP
Meghan Douris – Seyfarth Shaw LLP
Kainui Smith – Absher Construction

2:00 p.m. Break

2:15 p.m. Analysis of delays/damages with pass through claims/subs (60 mins)

Expert presentation on subcontractor pass through claims and the impact on expert review and evaluation.

Vanessa Williams – Ankura, Managing Director
Kandace Zimmerman – HKA, Director

3:15 p.m. Case Law Updates (60 mins)

Discussion of recent construction-related cases of interest: Arbitration; bid protests; breach of contract; contractor registration; differing site conditions; insurance; jurisdiction; jury trials; lien and bond claims; limitation periods; prevailing wages; product liability; shipping damages; workplace safety; and more.

Paul R. Cressman, Jr. – Ahlers Cressman & Sleight PLLC
Josh Lane – Ahlers Cressman & Sleight PLLC

4:15 p.m. Adjourn Seminar | In-person social hour to follow

Social Reception hosted by Rimkus Consulting Group, a Forensic engineering and technical consulting firm that provides services specializing in forensic consulting, construction dispute resolution, solutions for the built environment and product development support

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FRIDAY, JUNE 2, 2023

To register, visit the event website here, or at:

info.lanepowell.com/2023WSBAConstruction

We encourage early registration.

In-person attendance is limited to 45 attendees on a first-come basis.

\$150 | Section Member, Live/In-Person in Seattle

\$150 | Section Member, via webcast

\$185 | Non-Member, Live/In-Person in Seattle

\$185 | Non-Member, via webcast

Log-in information will be provided to webcast registrants

Digital copies of seminar materials and lunch are included in the price of tuition.

PAYMENT POLICIES

Credit Card Payments: At checkout, the service provider will charge you a non-refundable transaction fee of 2.9% + \$0.30 for each successful credit card transaction. We are unable to accept payment by check at this time.

Refunds: Refunds may be issued for cancellations received by May 30 at 5pm. Registration fees may be refunded less \$25 for handling. For written cancellations, email lanepowellpc@lanepowell.com. No refunds are issued after that date, but you will receive the coursebook. Cancelled registrations may not be transferred to other seminars. You may send a substitute (e.g. someone from your firm) in lieu of cancelling.

Questions? Send an email to lanepowellpc@lanepowell.com