

# Construction Law Forum:

*A Commercial Construction Dispute from the Stakeholders Perspective*



January 25, 2019

Tennessee Bar Center – Nashville, Tenn.

**Program Producer:** Jerry M. Martin, Attorney at Law

**Total Credits:** 5.75 General, 1 Dual

A majority of legal disputes involve just two parties. And while construction disputes may start out as a disagreement between only two parties, they often proliferate into multiple party litigation. The parties in a commercial construction case often include: the owner(s), lender, surety, general contractor(s), subcontractors and suppliers. Though the interest of these stakeholders may align on some issues they diverge on others. The TBA Construction Law Section is providing 6.75 hours of CLE, including one hour of ethics to examine the perspectives of these different stakeholders. Based on a common fact pattern, some of the topics to be discussed are: surety bonds, mechanics' and materialmen's liens, Prompt Pay Act, recent statutory changes and etc. The topics will be informative for all attorneys, regardless of construction law experience.

8 a.m. – 8:30 a.m.



**Registration/Welcome**

8:30 a.m. – 10:00 a.m.

## **Session 1: Owner Perspective**

*This section examines specific issues that owners may face in a building project, from initial development issues to completion of construction and warranty issues. We will also discuss statutes that provide protections for owners, as well as potential pitfalls in the construction process.*

Timothy M. Gibbons, Chambliss, Bahner & Stophel P.C.

Industry Rep: John Critchfield, Corporate Counsel, Volkswagen Group of America, Inc.

10 a.m.- 10:15 a.m.



**Break**

10:15 a.m. – 11:45 a.m.

## **Session 2: General Contractor Perspective**

*This session will focus on the practical issues that relate to the general/prime contractor on a project. This includes dealing with the Owner, Architect/engineer and sometimes the Lender. Most of the focus will be on how a general contractor coordinates and deals with the multiple subcontractors on the project.*

David K. Taylor, Bradley Arant Boult Cummings LLC

Industry Rep: Glynn Dowdle, President, Dowdle Construction Group, LLC

11:45 a.m. – 12:30 p.m.



**Lunch (provided)**

*Sponsored by the TBA Construction Law Section*

12:30 p.m. – 1:30 p.m.

**Session 3: Subcontractor Perspective**

J. Timothy Crenshaw, Schulman LeRoy & Bennett, P.C.

1:30 p.m. – 2:30 p.m.

**Session 4: Supplier Perspective**

*If the customer is unable or unwilling to pay for the materials furnished to a construction project, then usually the only recourse available to the material supplier (other than suing the customer) is to assert its materialmen's lien. This session will explore the procedures and pitfalls of Tennessee Lien Law from the supplier perspective.*

Jerry M. Martin, Attorney at Law

Industry Rep: Daniel Henricks, District Credit Manager, Ferguson Enterprises

2:30 p.m. – 2:45 p.m.



**Break**

2:45 p.m. – 3:30 p.m.

**Session 5: Lender and Surety**

Jerry M. Martin, Attorney at Law

David K. Taylor, Bradley Arant Boult Cummings LLC

3:30 p.m. – 4:30 p.m.

**DUAL**

**Session 6: Bad Faith Mediation – What Crosses the Line**

*What are the ethical issues involved in a party acting in "bad faith" in a mediation? What can the other side, the Mediator or a judge do about it? The session will cover all of these issues and more.*

David K. Taylor, Bradley Arant Boult Cummings LLC