

AGENDA



Construction Law Forum

A Virtual CLE Event

January 22, 2021

Program Producers: Luke Cantrell, Baker Donelson Bearman Caldwell & Berkowitz
Tim Crenshaw, Schulman LeRoy & Bennett
Theresa Critchfield, TLC Law
Adam Knight, Law Office of Brad Scarbrough

Total Credits: 3 General 1 Dual

Join us for this year's Construction Forum where industry experts will provide a virtual and in-depth analysis of construction legislative updates, including important changes to the Prompt Pay Act and construction lien laws. This will be followed by a practical "view from the bench" on remote hearings, depositions, mediations and more... what works, what doesn't work and what is just plain unacceptable. This portion of the seminar will also dive into ethical considerations as attorneys, their clients and their witnesses navigate "virtual justice" in the coronavirus era, with commentary from judges across the state at every court level. This year's virtual 1/2 day program qualifies for 4.0 CLE hours, including 1 hour of dual credit.

8:30 - 10:30 a.m. CT **The Impact of the 2020 Tennessee Construction Legislation**

2 General

The following topics will be discussed:

- *Enhanced Protections under the Prompt Payment Act*
 - o *Modification of Banking Exemption*
 - o *Additional Trust Fund Protections*
 - o *Adoption of Stop Work Procedure*
 - o *Right to Reasonable Assurances*
 - o *Increased Interest*
 - o *New User-Friendly Forms*
 - o *Other Changes*
- *Modifications to the Consumer Protection Act*
- *Statute of Repose*
- *Limitations of Liability*
- *Foreshadowing Potential Future Changes*

Wally Irvin, Lewis Thomason
Bridget Parkes, Compass Partners LLC
D. Bryan Thomas, Bradley Arant Boult Cummings

10:30 - 10:45 a.m. CT **BREAK**

10:45 a.m. - 12:45 p.m. CT **Our 9-Month Journey Conducting Zoom Trials During the Pandemic**

1 General &

1 Dual

Since the COVID-19 pandemic began in March of 2020, Chancellor Lyle and Staff Attorney Justin Seamon have conducted seven bench trials and over sixty hearings using Zoom Video Conferencing and a YouTube channel with all attorneys, parties, witnesses and court staff participating remotely. Two of these trials were construction cases, and one trial lasted three weeks. From these experiences, this CLE presentation will discuss the pros, cons and logistics of conducting trials via Zoom, how to prepare witnesses, appropriate safeguards for remote witness testimony, managing trial exhibits, public access to the proceedings, and the ramifications of this technology for the future of litigation. Examples from actual court proceedings where video conferencing has been used will be shown. In addition, one hour of the two hour seminar will cover ethical issues encountered when using video conferencing in litigation, including discussion of a recent TBA poll on remote court proceedings.

Chancellor Ellen Hobbs Lyle, Chancery Court of Davidson County, Part III
Justin Seamon, Staff Attorney, Chancery Court of Davidson County, Part III