



CONSULTANTS INC. ®

EXPERIENCE AND INNOVATION



# 4<sup>th</sup> Annual Pacific Northwest Construction Defect Seminar & Networking Party

March 20, 2013 3:00 - 7:00 p.m.  
Embassy Suites Portland - Downtown

Embassy Suites

319 SW Pine Street  
Portland, OR

**2 MCLE Credit Hours  
(OR and WA)**

## AGENDA

▶ 3:00 - 3:30 p.m. - Registration

▶ 3:30 - 4:30 p.m. - Oregon Industry Trends and Case Law Review:

### Panel Speakers:

- Hon. Judith H. Matarazzo, Multnomah County Circuit Court, OR
- Rachel C. Nies, Esq.; Lorber, Greenfield & Polito, LLP
- Brian F. Church, Esq.; Davis Rothwell Earle & Xochihua P.C.
- Eric A. Kekel, Esq.; Dunn Carney Allen Higgins & Tongue LLP
- Thomas M. Johnson, Esq.; Vial Fotheringham LLP

### Discussion Points:

- Indemnity and Defense Obligations and Risk Transfer Issues
- Duty to Defend
  - Massachusetts now follows California (Crawford and CH2M Hill)
  - Will Oregon be next?
- Statutes of Limitations/Repose Issues
- Insurance Coverage Issues
- Scopes of Settlements
- Other New Statutes and Case Law
  - Bresee Homes, Inc. v. Farmers Insurance Exchange
  - Sunset Presbyterian Church v. Brockamp & Jaeger, Inc. et al
  - PIH Beaverton, LLC v. Super One, Inc. et al
- Wrap Insurance Issues (not limited to commercial buildings)
  - CCIP vs. OCIP
  - Who should be brought into the case
  - Who needs to be separately represented
  - Underfunded WRAPs

▶ 4:40 - 5:40 p.m. - Washington Industry Trends and Case Law Review:

### Panel Speakers:

- John E. Zehnder, Jr., Esq.; Scheer & Zehnder LLP
- Anthony L. Rafel, Esq.; Rafel Law Group PLLC
- Lowell P. McKelvey, Esq.; Mitchell Lang & Smith LLP

### Discussion Points:

- Indemnity and Defense Obligations
- Condominium Act Arbitration Issues
- Increased Involvement and Liability of Design Professionals
- Independent Duty Doctrine
- New Product Liability Issues
- Insurance Coverage Issues
- Settlements and the Reasonableness Hearing
- Other New Statutes and Case Law

▶ 5:45 - 7:00 p.m. - Networking Cocktail Reception

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