



Video Collection

Edition: October 2020

Introduction

Create opportunities for business risk discussion with your team by using the DPRCG Video Collection. You'll find a wealth of experience including Claim Exposés, Claim Case Studies, Current Topics, and Keynote Presentations.

The value of using DPRCG videos:

- Peers sharing their experiences – credible, relevant, and practical
- Watching a scenario unfold on video is powerful
- Other firms' leaders talking about their lessons learned spurs discussions
- Engaging your staff reveals situations on your firm's projects that may need attention
- Earn AXA XL's education credit* with a custom training program that you choose
- Your broker can assist with discussion questions and facilitation
- Use available resources/tools rather than starting from scratch

How your peers are using DPRCG videos:

- Supplement staff meetings or training sessions
- Connect online to support your risk-aware culture
- Invite your team to brown bag their lunch and pick up some education
- Assign videos as an action item in individual performance goals
- Augment your firm's risk management resources

Stream videos from the internet:

- Main, branch and remote offices can view simultaneously or on their own schedule
- For group meetings, a point person can start/stop the broadcast for discussions via tools like Go-To Meeting, etc.
- Access videos from DPRCG's section of AXA XL's Learning Management System (LMS)
- Access videos by logging in as a DPRCG member at www.dprcg.org and go to Convocation/Videos & Presentations

A special thank you to our presenters

Our sincerest thanks go to the presenters from DPRCG member firms who volunteered to share their experiences. This demonstrated commitment is the hallmark of what makes DPRCG so valuable—the sharing of information and tools promoting effective risk management. For more information on how you can get involved in DPRCG's Convocation and other initiatives, please contact dprcg@axaxl.com.

Suggestions

To make this summary more user friendly and effective, send your suggestions and ideas to dprcg@axaxl.com. We continue to strive to deliver tools to help you build your firm's risk-aware culture.

* Viewing keynote presentations are not eligible for AXA XL's education credit.

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Claim Exposé: Letting the Air out of a Claim (2020)

Presented by Peter Longley, AIA, CSI CCS, LEED AP, CBT/
Childs Bertman Tseckares Inc.

When a high-rise project was nearing completion and beginning to show the signs of poor environmental conditions on the lower levels, the design team explained to the client that the problems would go away when the project was finished. Well, they didn't. We'll discuss how the design team's efforts to recover the project design and maintain the client relationship stacked up to the challenge.

Lessons Learned:

- Never walk away from a problem
- When things may be headed south, bring in senior staff to analyze and advise
- If a claim involves a consultant, do your best to keep them engaged
- Hire the right experts to research issues you can't figure out on your own
- Keep communication channels open with client
- You may need to get creative to find a solution
- Go the extra mile with your client to restore trust

Keywords:

stack effect, pressure, HVAC, engineer, claim, cold, freezing, temperature, model

Claim Exposé: Collapse to Cooperation — How We Engineered Our Way Through a Claim (2020)

Presented by René Lambert, P.Eng., LEED AP, J.L. Richards & Associates Limited

It's every engineer's worst nightmare. A project you previously worked on has literally collapsed overnight, and the designers, contractors, and owner are all looking at each other trying to figure out what went wrong. While your first instinct might be to batten down the hatches and call in the lawyers, the best approach may be to do what you already do best: ensure public safety, support the client relationship, ask questions, get the details and keep communication channels open. This session will walk through the key events of a project claim and the critical steps that were taken to ultimately defuse the blame game, find a resolution, and maintain the client relationship.

Lessons Learned:

- Proposal phase updates:
 - Proposal and job opening process centralized
 - Proposal content standardized
 - Proposals require two signatures
 - Design and Contract Administration team members must be identified in advance
 - Contract review process completely revamped
 - Contract signature process tightened
- Project phase updates:
 - Creation of standardized forms and file structures
 - Major investments in corporate finance tools
 - Major investments in project management training
 - Continued push for staff training and education
- These updates led to:
 - Reduced operational and business risk for shareholders
 - Improved ability for more aggressive growth by diversifying business markets, client base and geographical reach

Keywords:

exhaust stack, extension, lateral bracing, sway, wind, small fee, vortex shedding, documentation, peer review, process, procedure

Claim Exposé: All My Vexes Live in Texas (2019)

Presented by Carole Sanderson, Onyx Creative, and Nancy Rigassio, Esq., AXA XL

A long-term client can be a blessing or a curse. While most long-term clients may provide a sense of security, they can also blindside you when least expected. Listen carefully to this story of intrigue, revolving clients, expansive soils, the great state of Texas and an ever-increasing demand for damages.

Take aways:

- Does the contract allow client to assign the contract?
 - If so, does assignment require design professional's consent?
 - Assignment upon notice to design professional?
 - Options if object to assignment? Terminate?
- If you can get an LOL in the contract, how to draft it?
 - Tie the LOL to a specific dollar amount?
 - Reference to insurance limit(s)?
- At what point do you settle?

Pros:

- Good project documentation
- Reasonable defenses

Cons:

- Enormity of damages
- Costs of going to trial
- Time away from business

Keywords:

long-term client, client selection, security, revolving clients, expansive soils, Texas, damages, contract, contract assignment, notice, termination, LOL, limitation of liability, specific dollar amount, insurance limit, documentation, defenses, cost of trial, settlement pros and cons

Claim Exposé: The Right Action for the Wrong Moment (2019)

Presented by Frank H. Johnson, Jr., PE, R.E. Warner & Associates Inc., and Nancy Rigassio, Esq., AXA XL

A significant, clear and discreet design omission relative to additive moment was discovered in the foundation design impacting over 160 large drilled piers related to all process buildings in the middle of a fast paced, green field construction project. So now what? Learn how this engineer's immediate and direct intervention with the owner to analyze, evaluate and propose a fix saved money, the project, and his good reputation.

Take aways:

Insured's constant contact with owner

- Effective communication
- Notified the owner right away as soon as the moment calculation error was discovered
- Identified a solution, developed a remedial design, and kept the owner informed
- Agreed with owner's preference to have the construction contractor perform the remedial work (even though this contractor customarily engaged in new construction, not remedial construction)
- Insured's communications with the owner's rep and his constant presence on site during the remedial work helped minimize the severity of this claim
- If we look to the non-technical risk drivers, the insured excelled at communications and project team capabilities

Keywords:

design omission, additive moment, foundation design, piers, process buildings, greenfield, immediate intervention, direct intervention, reputation, effective communication, moment calculation, remedial design, remedial work, non-technical risk drivers, communications

Claim Exposé: A Cardiovascular Event (2018)

Presented by Jennifer Aliber, FAIA, FACHA, Shepley Bulfinch, and Gregory Thomas, Esq., Thomas, DeGrood & Witenoff, PC

Mediation, negotiation, arbitration and litigation are all legitimate forums in which to resolve a claim; but all in one case? You'll just have to hear it to believe it!

Lessons learned:

- Always have a "pass through" agreement with sub-consultants where they agree to comply with all provisions of the Owner/ Architect Agreement as it relates to their discipline and insurance, copyright, and dispute resolution provisions.
- There is no "right" choice for dispute resolution provisions; mediation, litigation and arbitration all have strengths and weaknesses.
- Your actual performance on the project and the abilities of your lawyer have limited control over a dispute resolution outcome. The personality of the claimant, the tenacity of their lawyer, the indifference of a judge, the uncertainty of arbitrators and the mood of an appellate court are uncontrollable variables
- No matter how distasteful it might seem, approach settlement discussions from a business perspective. Understand that there is always some value to paying money to resolve a dispute and that unresolved disputes can be tremendously expensive.

Keywords:

cardio, cardiovascular center, new construction, mediation, arbitration, litigation, court of appeals, U.S. Supreme Court, scorched earth, unreasonable, no indemnity paid, defense costs, architect, MEP, architectural, mechanical, decreased productivity, lost opportunity, increased costs, extraordinary costs, eleven years, collaboration agreement, victory

Claim Exposé: Deal With It (2018)

Presented by Carl Wendell, Middough Inc., and Bob Meynardie, Meynardie & Nanney, PLLC

On any project the best outcome is a profitable result with no claims and a happy client. On a project with a claim, the second best result is a quick and well-negotiated financial resolution and a happy client with minimal knock-on effects. Here is one way this project-solutions firm made the best of second best.

Lessons learned:

- Go to the top immediately
 - Resolution discussions among senior management
- Leverage the client's interest
 - Speedy resolution more important than maximum recovery

- Understanding the true pressure points is why negotiations should be between top management level
- Leverage your expertise
 - Use your firm's cost estimating expertise to decipher corrective costs

Keywords:

pharmaceutical production facility, liquidated damages, key personnel turnover provision, engineering, HVAC design, expedited construction schedule, fast track, owner changes, affirmative action, early identification, early evaluation, early reporting, early negotiation, strategic negotiations, betterment, added value, negotiation strategies, out-of-sequence design, constant air volume (CAV), variable air volume (VAV), poor communication, inadequate owner participation, leverage expertise, acknowledge participation, avoid admitting guilt, escalate to executive level, six months

Claim Exposé: Stepping Up (2017)

Presented by Daniel Abitz, P.E., and Gary Beck, P.E., George Butler Associates, Inc., and Jerry Bales, Esq., Douthit Frets Rouse Gentile & Rhodes, LLC

Everyone makes mistakes; so too do design professionals in breaching the standard of care. When it happens, the important thing becomes how it is handled. This story illustrates how one firm stepped up and utilized atypical methods to resolve a significant liability issue, reduced total costs and also saved their reputation in the community.

Lessons learned:

- Early notification
- Be proactive
- Consider total cost
 - Litigation / arbitration
 - Replacing an "A" client
 - Reputation
 - Time and stress on staff
 - Cost of repair
- Be creative
 - Design solution
 - Contracting solution
- Work as a Team
 - Benefit of long term relationships

Keywords:

atypical resolution methods, reputation, standard of care, total costs, early notification, proactive

Claim Exposé: All Hands on Deck (2017)

Presented by David Zenk, AIA, Gund Partnership, and George Coakley, Esq., Coakley + Lammert Co. LPA

A 320 unit senior living facility experienced a water infiltration problem on some of their balconies; 84 to be exact. While the parties disagreed on the cause, the cost was pretty clear. Watch, listen and consider the cost to fight vs. the cost to cooperate.

Lessons learned:

- Stay at the table
- Understand the full story of the problem
- Patience, Persistence and Professionalism
- Understand your existing relationships

Keywords:

senior living facility, water infiltration, balconies, relationships, persistence

Claim Exposé: Water Hazard (2016)

Presented by James Chastain, Jr., Ph.D, P.E., MPH, Chastain-Skillman, Inc., and Stephen French, Esq., Bush Ross, P.A.

Changes in ownership, changes in the layout and changes in the weather resulted in 8 holes underwater on this golf course project. Although it was a very defensible claim on merit and technical assessment, the owner's case was simple—they ended up with an unplanned and unwanted water hazard! Find out how the engineer and counsel pitched out of the rough and convinced the plaintiff to settle on the green.

Lessons learned:

- Know who your client is and your client's relationships with others
- Careful selection of subconsultants and confirm insurance coverage
- Doing good work is not always a "get out of jail" card
- What is the standard of care and who decides if it was met
- Exposure is not a simple question of right and wrong

Keywords:

standard of care, climate, storm water, golf course, media

Claim Exposé: When Tragedy Strikes (2016)

Presented by G. Gray Plosser, Jr., FAIA, KPS Group, Inc., and Kathy Davis, Esq., Carr Allison

A tragic accident took place on the project. A media-frenzy ensued. Gain insights from the experience of your peer. Would your firm be prepared in a pressure-packed situation of the highest order to simultaneously defend the design services, protect the firm's reputation and safeguard its future viability?

Lessons learned:

- Before tragedy strikes:
 - Have an emergency preparedness plan
 - Identify a PR firm with experience in crisis management
 - Have a robust document management system in place
 - Make the unlikely scenario a part of your annual planning
- After tragedy strikes
 - Focus on everything simultaneously
 - Assemble a good team and insist that they work together
 - Be positive
 - Make communication management a priority
 - Take care of your people
 - Retain a trusted attorney to represent the firm and you
 - Seek a highly qualified expert – not a competitor or friend
 - Prepare for depositions thoroughly
 - Focus on service quality with all clients as never before
 - Keep the process and the settlement out of media attention

Objectives of presentation:

- Explore the exposures to design professionals in high-profile cases beyond that of just negligence, focusing on:
 - Media interaction
 - Reputational issues
 - Internal control of outgoing information / social media
 - Other decisions impacting the future of the firm
- Identify specific issues of:
 - Potential excess financial, criminal, and reputational exposures
 - Personal / corporate counsel
 - Media control and public relations
 - Employee counseling
 - The continued viability of the firm
- Compare, analyze, and distinguish the issues which are of consequence to the defense of the firm with the insurance carrier, along with those that are separate and specific to the firm

Keywords:

tragic accident, excess exposure, emergency preparedness plan, media control, public relations, reputation, employee counseling, personal counsel, criminal exposure, financial viability, social media, airports

Claim Exposé: Product Specification and Due Diligence (2015)

Presented by Steve Hostetler, P.E., REFP, LEED AP, Timmons Group, and Stephan (“Hobie”) Andrews, J.D., Hon. AIA, Vandeventer Black LLP

Product liability is a trending claim type. Specifying products can leave professionals vulnerable as owners thrash about looking for someone to blame for their decisions to save money. This story illustrates this exposure and the specious allegations used to point the finger at the engineer.

Lessons learned:

- Get help and get it early
- Don't point fingers; find solutions
- Use bad circumstances as a means of demonstrating professionalism and strengthening relationships
- If using new/untested products, elevate due diligence

Keywords:

product liability, product specification, due diligence, untested products, new products, documentation

Claim Exposé: Just Add Water (2015)

Presented by Linda Marzialis, AIA, ACHA, Gould Turner Group, and Scott McDaniel, McDaniel Acord, PLLC

Issues of limited construction observation, approved pay applications and out-of-town locations can lead to problems. Just add water and you have a recipe for instant liability.

Lessons learned:

- Clear understanding of Architect's role in construction observations and pay application approval
- Ensure contract excludes Architect from quality control function, unless retained specially for that purpose
- Revise construction administration forms to match contract role
- If you do inspect, be trained and diligent!

Keywords:

water, construction observation, architect's role, pay application approval, inspection, quality control

Claim Exposé: Public Space & Safety – A Different Standard (2014)

Presented by Bret Weiss, P.E., WSB & Associates Inc., and Mark Heley, Heley, Duncan & Melander, P.L.L.P

Engineers working with public agencies on the design of recreation paths, trails or parkways face enhanced liability exposure. This case study explores these issues in the context of a bicycle accident death and offers advice on lessons learned and possible steps to minimize the risk of claims.

Lessons learned:

- Higher risk working for public owners on public spaces
- Owners can have immunity, even if at fault
- Role of codes, standards and guidelines in design
- Risk of deviation from codes, standards and guidelines, even if directed by Owner
- Consider contract protections on public space projects

Keywords:

public space, safety, owner immunity, codes, standard of care, guidelines, contract protections

Claim Exposé: Arbiter Aftermath (2014)

Presented by Richard Tanaka, Mark Thomas & Company, Inc., and Rob Buccieri, Long & Levitt LLP

A new addition to a city hall and police department, the contractor fails to perform, the design firm serves as arbiter, the contractor is terminated and the bonding company denies the claim. Think you've heard enough? Listen and learn how a peer firm, fulfilling its contractual requirements, lands in the thick of litigation.

Lessons learned:

- Protect yourself when doing “favors” for clients
- Indemnity clauses with sub-consultants
- When serving as arbiter on project, be cognizant of parties retaining counsel

Keywords:

arbiter, contractor termination, bonding company, indemnity clause, sub-consultants

Claim Exposé: Mediation in the Right Situation (2013)

Presented by Gilbert Raynard, P.Eng., Struct. Eng., P.E., S.E., Read Jones Christoffersen Ltd., and Bruce Furukawa, Esq., Long & Levit LLP

Condo projects have the propensity to be problematic, but this condominium hotel claim is even more complicated than usual. Some unfortunate contract language along with complex design and construction issues produce a formula to confound a jury. Hear how mediation was the perfect venue to resolve this very technical and potentially volatile case.

Lessons learned:

- Avoid incongruous language between prime and sub contracts
- Mediate complex and technical cases where the jury could lose interest or become confused; avoid a potential bad outcome
- If the defense is strong, then mediate sooner rather than later to avoid incurring costs
- Retain good experts and mediators to increase chances of early settlement
- Maintain good relationships with your client to present a unified defense
- Be careful during boom periods
- Contractors may be unable to staff the jobs with qualified workers
- You never know when the boom will end!

Keywords:

mediation, condominium, hotel, complex design, prime contracts, sub contracts, incongruous language, experts, unified defense

Claim Exposé: Dream Team Defense (2013)

Presented by Chris Coios, AIA, CBT Architects, and Kenneth Walton, Esq., Donovan Hatem LLP

Alleging negligent design, the General Contractor/CM sued the State after renovation of a historic county courthouse for additional expense of almost \$56M due to delays in completing the project. The design team quickly moved to form a joint defense and, in exchange for not being joined in the litigation, agreed to support and cooperate in defending the State. Learn how this dream team successfully resolved the issues. This real-life claim demonstrates the type of trouble A/Es can find themselves in without proper risk management practices. Learn important lessons and thereby avoid expensive pitfalls suffered by a fellow design firm.

Lessons learned:

- Settled for a small percentage of the total claim; no claim against any Design Team members
- Dual joint defense approach proved effective and efficient – coordinated defense, cost savings, results
- Strategy - technical expertise, financial/delay analysis, SOC expert witness, strong defense
- CBT and XL Catlin - excellent outcome

Keywords:

state, historic, joint defense, coordinated defense, renovation, cooperation, litigation

Claim Exposé: A Curious Case of Vicarious Vulnerability (2012)

Presented by Alan Tucker, P.E., Alan Plummer Associates, Inc., and D. Wilkes Alexander, AIA, Esq., Fisk & Fielder, P.C.

The Pump Station Facility was an integral part of the city's water delivery system, so when power was lost to the pump motors, and sub surface soil movement crushed the majority of the major piping and conduit, the system faced certain and significant compromise. But what was the cause, who was responsible and how do you obtain the participation of disinterested sub-consultants absent initiating litigation? Learn how the actions of this firm's consultants exposed them to vicarious liability and how a two-pronged approach to resolution through aggressive remedial action along with a causation/liability investigation still saved substantial loss and defense costs, as well as the on-going business relationship between the engineer and the city.

Lessons learned:

- Understand the soil conditions on your project through your Geotechnical Engineer
- Distribute the geotechnical engineering report to ALL team members
- Have the Geotechnical Engineer review and comment on the design plans
- If you encounter an issue during construction, address it aggressively (do not delay)
- Communicate issues with the client
- Report potential claims to the Risk Manager

Keywords:

city, pump station facility, water delivery system, sub surface soil movement, geotechnical engineer, vicarious liability, communication, consultants, team members

Claim Exposé: All Under One Roof (2012)

Presented by Peter Longley, AIA, CSI CCS, LEED AP, Tsoi/Kobus & Associates, Inc., and Jay Gregory, Esq., LeClairRyan

Miscommunication leads to a costly roof problem. Collaboration leads to a cost effective resolution. This is the story of a project that went from bad to best.

Lessons learned:

- Get the facts right before you respond
 - Drawing wrong conclusions can come back and bite you – making it hard to get back on the right course
 - The written record must include key events
- Don't let key personnel leave
 - ...well... you can't control this, but it is a nice idea
 - But you certainly can keep better records
 - Don't burn bridges so you can call them for their thoughts even after they leave
- Keep on servicing your client through the tough times
 - Clients are a precious commodity – how you respond to them will impact what they think of you
- Get the right expert
 - A really smart expert can get to the root of a problem and wipe away confusion
 - Hiring the best means they won't be working for others
 - You might need more than one type of expertise
- Work with your XL Catlin team
 - Creative solutions sometimes are the only ones that will work
 - Using the right counsel, right experts, and agreeing to some uncertainty in a settlement can be the difference between settlement and being forced to go through arbitration
- Teaming with co-defendants can work
 - Pointing fingers at fellow defendants to avoid blame is not necessarily the best option – TKA very early teamed with the CM it had previously blamed
 - A united front is almost always stronger, and certainly superior to fighting attacks from all sides
 - A "cabal" has added benefits of Brain trust, think tank, where the same story emerges and expert expenses are shared
- Work with good counsel
 - XL Catlin agreed that in this particular case using preferred (Boston) counsel was a good cost management option for legal expenses, despite the project location in Ohio
 - Some depositions held in Boston, some held via video conference – travel expenses minimized
 - Counsel from co-defendant CM proved an excellent ally, and (free) resource for Ohio law opinion

Keywords:

roof, creative solutions, miscommunication, collaboration, cost effective resolution, team, expert, records, key personnel

Claim Exposé: In Case You Didn't Notice (2011)

Presented by Brady Harding, AIA, Design Forum Architects, Inc., and Abbey Elinger, Esq., Interbrand Design Forum

The claim was significant. So was the exposure to the architect. But a certain contractual provision along with the plaintiff's failure to preserve evidence turned this case around. Hear how the architect's early risk management and the attorney's legal defense work saved the day.

Lessons learned:

- Documentation of project requirements and client's decisions to make changes are critical.
- When a party is found to have deliberately destroyed evidence that is important to the opposing party's ability to present a claim or defend itself from a claim, the court has the discretion to impose sanctions on the spoliating party.

Keywords:

contractual provision, evidence, early risk management, documentation, spoliation, legal defense

Claim Exposé: The Battle of the Bollards (2011)

Presented by Anne Zebrowski, Vanasse Hangen Brustlin Inc., and David Hatem, Donovan Hatem LLP

Horrible injuries, a sympathetic, innocent plaintiff, limited funds from the primary defendant and a very dangerous legal venue – a co-defendant’s worst nightmare. But had the standard of care been met? This was more than just a legal argument; it was the deciding factor. Follow this hand-wringing tale of the path to ultimate vindication.

Lessons learned:

- Your duty can be circumscribed by what you undertake to do by contract
- You should not be held responsible for more than you were contractually obligated to perform for your client; however:
 - A vague, broadly drafted scope of services allows room for inventive interpretation
 - Actual conduct in rendering services can broaden duty
- Service scope should be clearly drafted—affirmatively and negatively
- Importance of clarifying scope vis-à-vis scope of services and roles/responsibilities of other project participants
- A well-drafted scope of services should answer these questions:
 - What are you going to be doing?
 - What are other members of the team going to do?
 - What will be the role of other Design Professionals?
 - What is the client’s role, if any?
 - Design integration/coordination
 - How do your services relate to or integrate with the other design professionals?
- Balancing the tensions between (a) Owner program, design preferences, budget and (b) the Design Professional’s duties and standard of care
- Codes and other public regulation, not civil suits against Design Professional, should be the balancing mechanism
- Don’t forget the Internet
 - Search the parties’ web sites at the first sign of trouble for anything useful (before they are sanitized)
 - Use the clients’ materials to your advantage
 - Owner’s web site was critical to VHB’s defense
 - Big box user’s web site was critical to VHB’s defense
 - Big box user’s prototype was critical to VHB’s defense
 - Owner/big box user’s ground lease was critical to VHB’s defense
- Know your own web site; it will be used against you! Protect yourself against the curbless prototypes and other non-standard design features:
 - Owner’s interest to promote access to facility creates tension with need to promote safety

- Obtain waivers
- Notify clients of this negative trend
- Recommend in writing bollards and other barriers
- Several websites & other product info available on bollards
- Be patient – build your case for a win or favorable settlement

Keywords:

bollards, websites, product information, non-standard design, big box store, codes, public regulation, injury, limited funds, design professional’s duties, standard of care, scope of services, venue

Claim Exposé: The Devil’s in the Details (2010)

Presented by Gary Westfall, AIA, LEED AP, Moseley Architects, and James Barkley, J.D., Morin & Barkley LLP

In this real life claims case, an architect contracted with a university for the renovation and expansion of a football stadium. The contract referenced the state’s “Professional Services Manual,” which required structural drawings to show “complete details of all structural components.” The general contractor sued the university for \$33 million, alleging that the design documents contained inadequate detail, resulting in an insufficient bid. Hear the details of this devil-of-a-case, along with the resolution that ultimately needed the state governor’s approval.

Lessons learned:

- The schedule is always important, but sometimes it is everything
- Early recognition, acknowledgement and resolution of problems can save millions
- Lack of candor can undermine legitimate aspects of a claim
- Know the requirements of your contract, and make sure your sub-consultants do, too

Keywords:

football stadium, university, renovation, expansion, professional services manual, structural drawings, inadequate detail, insufficient bid

Claim Exposé: Cost Sensitive Clients (2010)

Presented by Aaron Quick, Farnsworth Group Inc. and Ed Gower, J.D., Hinshaw & Culbertson LLP

Retained by the County to design a new nursing home to replace an existing one, a design firm soon found itself under constant pressure to reduce project costs. Unfortunately, one reduction resulted in the selection of smaller, less robust HVAC units that did not properly perform. Consequently, this firm found itself on the wrong end of a \$6 million claim. Listen and learn about the true cost of inappropriate cost reduction.

Lessons learned:

- Significant design changes demand significant budgetary reconsideration
- Don't compromise design standards to fit budgetary constraints
- Try to recognize, acknowledge and resolve problems early at project level (attorneys may escalate)
- Consider the owner's position when creating a resolution
- Home town – home team advantage
 - Consider local firm/competition for the design team
- Beware of modified contract documents
 - Professional association contracts are easily modified and deserve the same level of review as a client generated contract
- Know your client
 - Beware the public client whose committee chair or members are high profile personal injury lawyers

Keywords:

county, nursing home, HVAC, budgetary constraints, home team advantage, professional association contracts, client-generated contract, modified contract documents, public client, committee chair, committee members

Claim Exposé: Land Fill = Empty Classrooms? Oh That Sinking Feeling! (2009)

Presented by Joel Seeley, AIA, LEED AP, Symmes, Maini and McKee, and David Hatem, Donovan Hatem LLP

The A/E was retained to provide architectural and engineering design for a new 200,000 sq. ft. high school to be built on a solid waste landfill. The Owner had significant budget constraints. The geo-tech recommended Deep Dynamic Compaction with pile supported structure and slab-on-grade as a VE solution—nothing extraordinary. Five years after completion the school's expert issues a report describing "significant settlement," criticizing the choices of both the A/E and its geotech sub with remedial options estimated at \$25 million—EXTRAORDINARY! Listen, learn and experience, vicariously, that sinking feeling.

Lessons learned:

- Mediation and settlement occurred approximately 18 months after City commenced litigation
- Design Team rendered options, cost estimates, betterment assessments and legal defenses – provided critically important framework for mediator evaluation and context for settlement negotiations
- Role of legal defenses – 'Political' sensitivity of statute of limitations defense
- Settlement achieved well within available insurance coverage
- Sometimes 'special' events occur that lead to professional liability claims, and notwithstanding strong traditional legal defenses, more flexible resolution strategies and responses are required

Keywords:

school, landfill, budget constraints, pile supported structure, slab-on-grade, ground settlement, soil subsidence, soil compaction, geotechnical subconsultant, mediation, betterment, statute of limitations

Claim Exposé: Roadway Design & Construction: Public Work Sites – Public Tragedy (2009)

Presented by Pete Patel, P.E., Chiang Patel & Yerby and Richard Capshaw, Capshaw & Associates

On most construction projects the general public is prohibited from or has limited access to the work site. Not so with roadway design and construction. The public is often traveling at speeds and under conditions considered unsafe under normal circumstances. With stimulus packages slated for public roadwork, more design professionals may find themselves exposed to liability. Though extremely tragic and difficult to discuss and the result of a confluence of several unfortunate circumstances, this story serves as a striking reminder of the heightened risks associated with roadway design, CA and construction.

Lessons learned:

- Clear contract scope
- Reliance upon state
- Observation/involvement and lack thereof
- MUTCD plan check
- Exposure for traffic control high; payment low
- Possible contractor immunity
- Work complies with plans
- Early mediation
- Pros and cons of settlement/trial
- Expert guidance helpful (peer review)
- Good client involvement
- Good client equals a good witness
- Impact on firm

Keywords:

public work sites, public roadwork, roadway design, construction administration, scope of services, early mediation, traffic control, immunity, peer review

Claim Case Study: Lessons Learned

Claim Case Study

Who Are Those Guys?! (2019)

Presented by Dave Sofaer, Esq., AXA XL

Years after designing a beautiful 5-Star hotel, an ADA advocate cries foul and your firm is fighting for its life. How “professional” ADA claimants prey on design and engineering project teams and what you can do about it.

Lessons learned:

- Have ADA issues in mind when preparing plans
- Discuss ADA issues with client
- Hire ADA consultant/firm
 - Solid grasp of local, state, and federal ADA laws
 - Review plans and visit site
- Pass costs on to client

Keywords:

disability, disabilities, disabled, ADA, ADA violation, hotel, access, accessibility, accessible, compliance, non-compliant

Misguided Trust (2018)

Presented by Nancy Rigassio, Esq., AXA XL

The contractual description of the parties’ relationship attempted to promote trust and confidence – but ended up imposing a fiduciary obligation on the engineer.

Lessons learned:

- Identify contract clauses that impose an elevated standard of care
- Learn why the jury instructions are important to know now, before you get a claim
- Understand the ramifications of accepting a fiduciary duty

Keywords:

fiduciary, standard of care, elevated standard of care, trust, confidence, jury instructions

But, Why Are We Paying? (2018)

Presented by Scott Finch, Esq., AXA XL

In this case study we explore the factors that caused an architect to pay a large portion of the cost to repair cracks and deflection in concrete floor slabs in a multi-story dormitory even though all involved acknowledged the architect was not at fault.

Lessons learned:

- Joint and several and vicarious liability may increase your potential exposure
- Make sure you and your subconsultants have adequate insurance
- Cases rarely get better with age
- Consider having the Owner retain consultants

Keywords:

dormitory, college, university, deflection, cracks, concrete floor, slabs, joint and several liability, vicarious liability, mediation

Photo Shopping at the Retail Mall (2017)

Presented by Nancy Rigassio, Esq., XL Catlin

Advertisement for the new swanky retail mall required artistic imaging and renderings in anticipation of the completion of construction. The owner asked the architect to hire the vendor to prepare the imaging and authorized a \$75,000 “task order” to the architect to pass along that amount as the vendor’s fee. When a pedestrian recognized her unauthorized image on the advertisements on the sides of the city buses, she sued for invasion of privacy and breach of personal identifiable information.

Lessons learned:

- What is the risk of accepting an owner drafted confidentiality clause?
 - Distinguish between “information” and “data”
 - Understand how lost information, including emails, may constitute a breach of the confidentiality clause
 - Require confidential information to be specifically identified as such
- Coordinate the contract clauses between the prime agreement and consultant agreements, including vendor contracts for a limited, one-time service
- This includes LOLs, forum for dispute resolution, waivers of consequential damages
- This also includes the confidentiality clauses and associated indemnifications for breach of confidentiality
- Know what insurance policies and endorsements may indemnify and defray costs associated with a breach of confidentiality claim
- Professional liability insurance coverage
- Coverage under the Cyber Suite endorsement
- Coverage under the traditional stand-alone cyber policies

Keywords:

confidentiality, personal identifiable information, cyber coverage

The Customer is Always Right (2017)

Presented by Matt Ford, Esq., XL Catlin

Designed a concrete slab for a warehouse and owner claims the slab has excessive cracking and curling. Design decisions deviated from the town's standard requirements and industry standards, but that structural engineer believed the decisions were reasonable, appropriate and consistent with other successful slabs it had designed.

Lessons learned:

- Deviate from standards at your own peril
- Use caution when rejecting contractor suggestions
- Document, document, document reasons for deviating
- Get Owner consent

Keywords:

standard requirements, deviate, slab, cracking, curling, documentation

Chicken Little – The Sky's Falling (2016)

Presented by Scott Finch, Esq., XL Catlin

New construction of a single family residential subdivision with some steep hills near homes; site work is central to this case.

Lessons learned:

- Signed contract
- Know your client
- Due care when transcribing specifications from other sources
- Huge excess damage case can be settled reasonably

Keywords:

unsigned contract, client selection, unstable soils, geotech, site observation, specification, inspection, code compliance

Terminated for Cause! (2016)

Presented by Nancy Rigassio, Esq., XL Catlin

It's an exciting endeavor to unify a complex of 3 distinct, interconnected buildings into a modern campus (historic chapel, school building and a modern sanctuary). The project added a new 32,000 square foot, 2-story school to replace the existing, antiquated school building. The 19,000 square foot historic chapel received new MEP/FP systems. Project was completed on time.

Lessons learned:

- Document communications during construction phase
 - Have good protocol established for CA, field reports, and emails.
 - This architect was successful in defending the owner's allegations because of an impressive paper trail.
- Establish protocol for field reports and emails
- Consider client's decision making process
- Decision by committee
- Timeliness of decision making
- Emotional component to decision making process
- When a claim is made, allow the project manager or other key witness to spend the time assisting with the defense.
 - The architect on this project pointed out that if he had been required to research the file during off hours, he never could have been so thorough.
 - This firm was willing to take a loss for his billable time to adequately provide a defense to this case.
- Client Selection:
 - What is the ownership's decision making process? Religious institutions, non-profits and municipal entities tend to have limited funding and are ruled by committees who are chaired by people who might not understand construction.
 - This leads to unrealistic expectations of schedules and budgets, committees unequipped to provide decisive direction, and individuals who become very emotional about alterations to their building.

Keywords:

religious institution, unauthorized substitutions, unrealistic construction schedule, owner withholding fees

(not)Signed, Sealed, Delivered; I'm Yours! (2015)

Presented by Jill Eagleson, XL Catlin

New residential subdivision in small town with inexperienced developer client with limited budget. Problems with the storm water management pond tipped the delicate balance into disputes among the parties.

Lessons learned:

- Client selection
 - Inexperienced client with limited financial resources
 - Risk vs. reward
 - Due diligence
- Payment problems – another red flag
- Contracts and agreements
 - Poorly documented
 - Contract not signed
 - Confusing language in Limitation of Liability clause
 - Unclear set up with the geotech consultant
- Inadequate documentation when problem arose
- Time of litigation – 8 years to resolve
- Cost of litigation – emotional and financial

Keywords:

contract management, protocols, client selection, inadequate budget, limited budget, fee disputes, unpaid fees, inexperienced developer

When Not to Make a Mountain Out of a Mole Hill (2015)

Presented by Scott Finch, Esq., XL Catlin

Tunnel/Overpass installation goes awry.

Lessons learned:

- Contract terms
- Understand the manufacturer's literature
- Do not inject yourself into means and methods
- If you do attempt to solve a construction problem
 - Properly investigate
 - Visit site
 - Inform/talk with manufacturer

Keywords:

contract, means and methods, instructing contractor, site visit, problem solving, manufacturer's instructions, component part, construction phase services, construction administration

Bridge Over Troubled Water – Crux of the Claim Small Group Exercise (2014)

Presented by Nancy Rigassio, Esq., XL Catlin

An engineering firm contracted with a design/builder to design a new bridge for the state DOT. Troubles developed with the parties' contract, the DOT's level of review, the increase in the price of steel, and a one-year delay to the project schedule.

Lessons learned:

- In-house review of project team mistakenly made part of project file, exposing items of critical review and admitting mistakes in design
- Double check assumptions about agency deadlines and levels of review
- Betterment is unavailable as a defense in design/build approach to project delivery
 - Late design submission delayed steel fabrication, coinciding with a sharp increase in the price of steel
 - Exposure of engineer to liquidated damages that the DOT imposed on the D/B.

Keywords:

liquidated damages, design/build, betterment defense, self-critical review

Another Brick in the Wall (2012)

Presented by Tonya O'Hern, Esq., XL Catlin

Design and construction of a 2,100 l.f. sheet pile bulkhead wall and concrete supported walkway for a municipality. Project was located along and above a river.

Lessons learned:

- Contractual terms
 - No Limitation of Liability in subs' contracts if not in own contract
 - Every contract requires proper review
 - Only \$16,500 in fees led to \$4M vicarious exposure
- Project management
 - Know your teammates
 - Limits should be equal to your own

Keywords:

bad soils, geotechnical investigation, soils investigation, soil borings, subconsultant fault, insurance limits, subconsultant insurance, vicarious liability, limitation of liability

The Uneven Path to Settlement (2012)

Presented by Jill Eagleson, XL Catlin

New synagogue project was a "legacy building" with a complex site, challenging soils and budget constraints.

Lessons learned:

- Project selection
- Client selection
- Contract and negotiation
- Communication
- Time consuming and costly nature of legal proceedings

Keywords:

project selection, client selection, contract, negotiation, communication

International Incident – Crux of the Claim Small Group Exercise (2011)

Presented by Brett Stewart, Esq., XL Catlin, and
Dion Cominos, Esq., Gordon & Rees LLP

When the bridge fell into disrepair, The Republic of the Philippines and the local province hired MegaWorld to act as the general contractor to demolish and replace the existing span. The steps along the way giving rise to this \$19 million claim are revealing.

Lessons learned:

- Glamorous as they may seem, international projects pose unique and considerable risks.
- Litigating in a foreign country introduces additional layers of uncertainty into an already uncertain process.
- "Stick to your knitting" – the costs from a "Murphy's Law" project can outstrip the gains from 20 others.

Keywords:

infrastructure, bridge, foreign jurisdiction, international, standard of care, limitation of liability, litigation, arbitration, delay, admission of liability, IT backup, email, improper email

Angel Reformed Church and Mock Mediation (2011)

Presented by Nancy Rigassio, Esq., XL Catlin

The Church enjoyed a growing membership but needed to enlarge its facilities to accommodate church functions and services. Ray Altar, a local architect, heard about the church's project and agreed to help by providing, for free, a schematic design for an addition to the existing building.

Lessons learned:

- Client selection
 - Inexperienced in construction
 - Unreasonable expectations
- Contract issues
 - Forum for dispute resolution
 - Insurance requirements
 - Limited scope (schematics only) knowing that client will use schematics for construction
- Communication
 - Scope of Services not explained to client
 - Progress reports / notes from site visits
 - RFIs ignored
- Project team capabilities
 - Inattentive engineering consultant
 - Inexperienced construction contractor (the son of the pastor)

Keywords:

mediation, donated design services, design without CA services, uninsured consultant

Higher Education to Higher Exposure (2010)

Presented by Rick Ruzbasan, XL Catlin

Renovation and addition to a University Life Center; owner opts for renovation instead of tear down.

Lessons learned:

- Do your homework on who your client and how they may impact a project. Project Owner was a large employer in the community; employees would be on any jury.
- The Prime was from out of state, an outsider to any judge, jury or arbitration panel.
- Know why a Contractor was selected. This one was on the Board and the biggest donor of the University and was never made a party to the claim!
- Consider your contracts as a loss mitigation tool. Understand all parties contracts related to Arbitration, Consequential Damages, and Limitation of Liability.
- A Prime takes on vicarious liability of subs – review their Dec Page or Certificate of Insurance; subs should have limits equal to Prime!

Keywords:

lightweight concrete, cracking, political, columns, floor, ceiling, demolition, arbitration, standard of care, jury

Instant Fame or Instant Shame (2009)

Presented by John Petrizzo, Esq., XL Catlin

Pre-acquisition survey on high end residential property located in Northeast. It's an anonymous client seeking to buy 17 acres with 4 structures.

Lessons learned:

- Communication
 - Identify client – an anonymous client may be a tip off of a demanding high-profile client; front page news
 - Understand scope
- Staffing
 - Assign appropriate staff
 - Match skills with project
 - Provide supervision/oversight
- Contract
 - Clear and concise scope
 - Proper risk management provisions
 - Written contracts

Keywords:

pre-acquisition condition survey, cost estimates, anonymous clients, broad undefined, scope, inexperienced staff, client communication, contract consistency

20/20 Hindsight (2009)

Presented by Nancy Rigassio, Esq., XL Catlin

Wealthy owner desired a 23,000 square-foot (3rd) residence in an area that would infringe on the habitat of a protected species. When the county official objected to the size limitation and the owner tried to prevent the architect from documenting the results of the biological study, the architect became the respondent in an arbitration filed by the owner.

Lessons learned:

- Who is your client?
 - Is your client too eager to resolve issues by litigation/arbitration?
 - Does your client understand that changing the program during the construction phase will delay the project and increase the costs?
- What does your contract say?
 - Prevailing party clause
 - Arbitration as forum for dispute resolution

Keywords:

client selection; environmental considerations, arbitration, prevailing party clause

We Made Them An Offer They Did Refuse (2009)

Presented by Chuck Graham, XL Catlin

Design and construction of a \$9M custom single family home.

Lessons learned:

- Jury trial for 3 months
- Client selection is critical
- Heightened due diligence was necessary
- Client control/interaction was poor
- Clear contractual provisions and job file documents were critical to victory
- The insured did nothing wrong but paid a significant price

Keywords:

custom home, substitutions, deviations, jury, construction administration, due diligence, client selection

Current Topic

Current Topic

Design Professionals' Role in the Built Environment – Leaders or Followers (2020)

Presented by Courtney Beamon, PE, Delta Airport Consultants

DPRCG President Courtney Beamon welcomes attendees and opens the Convocation with a strategic message to leaders.

Keywords:

leadership, influence, invest, power

Negotiations — It's Not Getting Any Easier (2020)

Presented by Phil Casey, AIA, LEED AP, CBT Architects and Greg Kacvinsky, PE, OHM Advisors

Negotiations have always been a challenge even for the most seasoned veteran. Proper preparation, knowing your client, including their litigation propensity, and aligning the prospective opportunity with the firm's business goals all factor into the negotiation strategy and process. With a growing trend of owners stipulating more and more demands including no negotiation of terms at the onset of RFP's, good negotiating skills are even more critical. We aim to share experiences and strategies from a cross section of A & E member firms that may well prove helpful to you as you prepare for your next negotiation.

Keywords:

innovative, preparing, prepare, contract, negotiations, understanding your client, resources, billing rate, diplomacy, find a win, client drivers, risk sharing, incentive, empathy, go no go, decision threshold, pain points, balance, change orders, uninsurable, educate, gatekeeper, cop, leverage

How to Hit a Moving Target (2020)

Presented by Randy Lewis, CPCU, Design Professional unit of AXA XL

Forward thinking design professionals must adapt to change. Equally axiomatic, the standard of care is the lynchpin in managing risk, yet it is always changing. So how does the AE focus on this moving target? Learn the issues that surround the Standard of Care, and how you can instill a "culture of response" to the changing standard of care. While no one has every answer, we'll offer steps forward as well as some cautionary notes.

Keywords:

standard of care, risk management, project management, legal definition

Your Company's WHY as a Catalyst to Move Forward (2020)

Presented by James Hailey, AIA, BRR Architecture

If you think your agility and adaptability are being tested on a daily basis, you are not alone. Leaders and staff at every level are feeling the grind. Revisiting your firm's mission, culture and value statements may be the catalyst to help you all keep moving forward. Take the opportunity to re-identify WHY you've achieved success and the principles and methods that continue to deliver results. What may seem like the basics will help ground your team in this time of myriad distractions and bring new ideas to the fore that support the unique culture of your firm. If you think you don't have time for this, you'll probably look back with regret

Keywords:

culture, why, move forward, basic, leadership

DPRCG Director Speaks Out (2020)

Presented by Laura Plosz, Architect, SAA, AAA, MAA, MRAIC, LEED AP, Group2 Architecture Interior Design

Strategic planning for a potential recession could make all the difference in our firms' abilities to weather shifts in demand for services and the economy.

Keywords:

mission, vision, collaboration, recession, strategy, plan, leadership

Groundhog Day (2019)

Presented by Laurie Cybulski, PHR, SHRM-CP, GBA, and Tim Schroeder, AIA, LEED AP, CDT, Neumann Monson Architects

As we are faced with replacing 10-20% of our staff every year, it begins to feel like Groundhog Day. How do we ensure that our staff receive the right training to make them effective employees and reduce our risk in delivering projects? How are we sure they are adopting the culture our firm embodies? How do we provide consistency in onboarding as we become more and more busy? Are there models of providing onboarding and staff training that are scalable to be effective in mid-size firms as well as large firms?

Keywords:

onboarding, culture, relationships, sponsor, mentor, mentorship, relationships, empathy, excellence

Collaborative Project Outcomes & DPRCG Director Speaks Out (2019)

Presented by Pamela Neckar, MBA, Bostwick Design Partnership, Craig Webber, Architect, AAA, SAA, MAIBC, BComm, March, FRAIC, REFP, Group2 Architecture Interior Design Ltd., and Mike Broshar, FAIA, INVISION Architecture

Much of the value our teams bring to projects is the ability to collaborate and solve problems with creative solutions, yet our traditional approach neither supports nor incentivizes this behavior. A number of industry groups are tackling this challenge through the use of collaborative project delivery models and contracts. Leaders from two broadly-based organizations that include owners, architects, engineers and contractors will present data that demonstrates the advantages and challenges that come with this approach. Pamela Neckar, President of Cogence Alliance, and Craig Webber, President of The Integrated Project Delivery Alliance (IPDA), will share data from projects across the USA and Canada including project goals and actual budget, schedule and financial performance.

Keywords:

collaboration, integrated project delivery, Cogence, IPD, LEAN, IPDA

The Unique Roles of QA & QC (2019)

Presented by James Edwards, PE, C.T. Male Associates, and Jyutika Baheti, AIA, LEED AP, STUDIOS architecture

Quality Assurance and Quality Control are important to your bottom line. Take a moment to consider your firm's current state. Your project pipeline is full, project teams are busy and working long hours, and new employees are eager to dive in. Add to the mix that owners increasingly seek to hold the design team accountable for all sorts of issues whether truly related to the designer's services or not! Are QA and QC getting the attention they deserve? Although some treat QA/QC as one in the same thing, each serves different components of the design process. We'll take a fresh look at how to update Quality Assurance and Quality Control, integrate each into the design process, and share ideas about documenting our "lessons learned" to benefit quality-based education.

Keywords:

quality, assurance, control, plan, review, design, standards, independent, checklist, specification, inspection, manual

Bulwark Against Shifts in the Economy (2019)

Presented by Peter Kuttner, FAIA, CambridgeSeven

What did we learn from the last Great Recession? The next slow down seems overdue – what lessons should be applied in advance? This session will begin with a discussion on the impact of economic cycles and business trends in the professional service industry in general, and how each economic dip has had a different impact on the building industry in the '70s, '80s, '90s, the tech bubble, and the last Great Recession. We'll consider the reactions – pay cuts, cutbacks, diversification, technology, new markets, mergers, acquisitions, and the search for increased efficiencies – and discuss how those practices, and the influence of the recent long but slow recovery, suggest how successful firms may change for the longer term.

Keywords:

expansion, recession, diversification, economy, mergers, cutbacks, efficiency, recovery, economic cycles, unemployment, economic research, marketing, staff reductions, leadership, training, technology, transition planning, outsourcing

Walking Away (2019)

Presented by Stewart Haney, PE, PMP, LEED AP, Wendel Companies, Donald White, PE, LEED AP, TowerPinkster, and facilitated by Dan Fredendall, PE, OHM Advisors

Every firm has a client that is not a fit or a client that feels the firm is not the right fit after a long relationship. How do you back away or regroup? Learn from your peers how they have approached this issue, what they wrestled with and what they learned from the process that left the firm in a better position for the future.

Keywords:

client evaluation, cultural fit, values, profitability, ethical standards, risk mitigation, diversification

DPRCG Director Speaks Out (2019)

Presented by Carl Munkel, Gresham Smith

Current issues facing larger firms specifically involvement by staff in professional organizations and innovation.

Keywords:

industry involvement, professional organizations, network, innovation, incubators, trends, development

Considering Your Options (2019)

Presented by Christopher Griffith, PE, CCM, KCI Technologies, Inc.

Your stubborn sub claims no fault and will not participate in settling a claim though they are insured. Your client, the source of significant annual revenue for your firm, gives an ultimatum – no new projects until the dispute is settled (conceivably 3+ years). You're stuck in the middle and weighing the net benefit to your firm from various options including "pay to make it go away" or go to trial to set the record straight. The subs' Goliathan size brings an element of swagger to the discussions and their "one and done" mentality runs counter to your firms' best practices of customer relations – you may feel the power squeeze from this sub on future projects.

Keywords:

business risk, public sector, sub consultant, prime consultant, claim, deductible, settlement strategy, negotiation

Cyber Security (2019)

Presented by Benjamin Keeper and Donald Woolley, PLS, Rick Engineering Company

Are you insulated from this ever-evolving risk? We'll share insights of what can be done now.

Keywords:

cyber, cybersecurity, computer, virus, data, breach, antivirus, malware, phishing

Impact of the Economy (2018)

Presented by Lisa Brothers, PE, ENV SP, LEED AP BD+C, Nitsch Engineering, and Don McAllister, AIA, LEED AP, Lionakis

The economic environment has significant impacts to your firms from many aspects. Some impacts are externally driven such as the opportunity (or limited opportunity) for new projects and project construction cost due to material or labor availability. Many impacts are internally driven such as staffing availability, go/no go decisions, and blowing profitability due to "busyness" of staff. This session will explore the external and internal drivers that impact our business and offer best practices to manage the risk that these drivers represent.

Keywords:

economy, economic impact, client relationships, book of business, staff levels, profit, firm reputation

What We've Got Here is Failure to Communicate (2018)

Presented by John Komisin, AIA, LEED AP BD+C, Little

The iconic line from the film Cool Hand Luke may very well summarize the root cause of many of our non-technical risk issues. This presentation will focus on ways to improve communication with your clients to foster business-centered mutually beneficial relationships that will mitigate your risk.

Keywords:

risk management, communication, risk mitigation

DPRCG Directors Speak Out (2018)

Presented by Dennis Stryker, General Counsel, Rick Engineering Company, and Courtney Beamon, PE, Delta Airport Consultants, Inc.

Current trends and risks associated with project photography, videography, and site surveillance.

Keywords:

photography, videography, site surveillance

Is Resilient Design the New Sustainability? (2018)

Presented by Michael Davis, FAIA, LEED AP, Bergmeyer Associates, Inc., and Jake San Antonio, PE, ENV SP, VHB

2018 was a year of record insurance losses. Half of the \$135 billion in insured losses occurred in the United States. Losses in 2018 were largely traceable to extreme weather. If climate change brings more frequent extreme weather, will the losses of 2018 become the new normal?

How are designers responding to the increase in extreme weather events? Is resiliency the new sustainability? Is the standard of care changing as designers are required to confront the issues caused by more frequent extreme weather events such as earthquakes, hurricanes and wildfires? How does the infrastructure deficit and lack of public investment impede our ability to provide resiliency in the development of our communities?

This session will look at examples of how designers are responding to the environment in the design of both horizontal and vertical infrastructure and building projects. We will investigate how resilient design affects the design process, as well as communication and decision-making with owners and developers, as projects are developed in environments susceptible to extreme weather and climate related events.

Keywords:

human activity, greenhouse gas, extreme, weather, societal impact, climate, redundancy, efficiency, daylighting, landscaping, sea level, drought, flooding, wildfires, transit, environment, temperature, precipitation

Competing for Talent (2018)

Presented by Mariah Meyer, AIA, LEED AP BD+C, BRR Architecture

With an increasingly hot economy, demand for qualified architects and engineers has greatly surpassed supply. From recent graduates to seasoned laterals, design firms are feeling additional pressure from higher salary and compensation packages that potentially erode firm profitability. Firms are forced to find creative ways to attract and retain talent in an effort to continue delivering successful projects while mitigating the potential for errors and omissions caused by lack of training and staffing shortages.

Keywords:

competing, talent, retaining talent, attracting talent, employee turnover, culture, purpose, inexperienced staff, investment, employee engagement, servant leadership, goal setting, professional development, mentor, leadership, leaders, managers, employee, leadership summit, salary, marketing, social media, website

Disruptive Technology (2018)

Presented by Murat Ulasir, PE, PhD, OHM Advisors, and Greg McClure, AIA, LEED AP, Delawie

The latest lexicon to enter the design world (and elsewhere). New technologies are upping the game and allowing business to use powerful intellectual enterprise-wide systems, creating new opportunities and changing the way we work. Existing technologies are being used in ways not contemplated when first introduced. How, where and when we do business has been changing for some time, and now the way A/E firms do business is changing. Hear how new technologies, inventive ways of engaging clients, stakeholders and employees, as well as leadership, communication and new ways of design practice present new challenges for our business and the business models we use to create and deliver our services, as well as how we interact with our employees and clients. Hear how A/E firms are reacting to technology that is radically altering how business is done by A/Es, for A/Es and what clients are expecting as a result of this upheaval.

Keywords:

technology, disruptive, disruption, innovation, 3D printing, digital, drone, laser scanning, terrain, emergent, emerging, analytics, AI, artificial intelligence

Alternative Project Delivery (2017)

Presented by Bill Green, P.E., DBIA, LEED AP BD+C, The RMH Group, Inc., Todd Symonds, AIA, LEED AP BD+C, Goody Clancy, and Craig Webber, Architect, AAA, SAA, MAIBC, BComm, March, FRAIC, REFP, Group2 Architecture Interior Design Ltd. Facilitated by Nathan Beil, P.E., D.WRE, KCI Technologies Inc.

Alternative project delivery offers both opportunity and liability for those firms who choose to engage in the various forms (IPD, design/build, P3, etc.). We will examine the cultural aspects (professional mindset during execution, organization, project pace/speed), lessons learned from the evolution of alternative delivery contracts and their associated liability clauses, and how the A/E community has chosen to evolve with the change in project delivery. Specific firm experiences will be discussed and best practices for “go/no go” selection will be presented. The intent is to explore how A/E firms can successfully navigate the pitfalls of alternative project delivery and to recognize that a firm’s capacity can be exceeded before it is understood.

Keywords:

APD, IPD, P3, Design Build, alternative, go/no go decisions, speed of delivery, project funding, staffing, solution

Knowledge (2017)

Presented by Chris Brasier, FAIA, LEED AP, Clark Nexsen, Inc., and Dan Meckes, P.E., Crawford, Murphy & Tilly, Inc.

The nurturing of knowledge creation and transfer is becoming increasingly important for A/E firms to remain relevant to their clients in today’s competitive landscape. The diminishing half-life of new technologies, retirement of a generation of subject matter experts and the need to understand and respond to the accelerating pace of change and innovation in our client’s markets demands that firms give thoughtful consideration and make strategic investments in how knowledge is leveraged. This session will share the journey of two firms of implementing knowledge management ideas that advance their organization’s strategic plans.

Keywords:

knowledge, leadership, development, generation, continuous improvement, strategy, management, communication, T-shaped team members, investment, leverage, strategic plan, transition, leader, cloud, disseminate info, competitive advantage, explicit, tacit, people, learning, process, practice, technology, Friday forum, combustion chamber, design challenge, practice communities, tech studio, intranet, online, AI, artificial intelligence, young professional planning group, communities of interest

Smart Perspectives (2017)

Presented by Aaron Domini, OHM Advisors

Smart Cities are here and evolving quickly as the Internet of Things (IOT) expands and impacts municipal services around the globe. The smart city industry is projected to be a \$400 billion market by 2020. Does the AE industry have a space within the smart city marketplace? Our presenter will share what communities are thinking based on recent survey data and offer ideas on what that means for architects and engineers who are providing services to and within Smart Cities.

Keywords:

IOT, smart, city, research, survey, results, public sector, municipal, government, community, Columbus, big data, component, pattern, systems, technology, innovation, next generation, smart technology, save, savings, efficient, quality of life, infrastructure, ROI, politics, investment, budget, payback, planning, communication, leadership

Vision & Renewal (2017)

Presented by Philip Hodgkin, AIA, RDG Planning & Design, James Lee, P.E., LEED AP, Shive-Hattery Group, Inc., and David Moeller, P.E., Snyder & Associates, Inc. Facilitated by Michael Broshar, FAIA, INVISION

Driving continued improvement takes leaders’ commitment. Creativity and innovation are key to individual project success, but also to the continuing success of design firms. This doesn’t just happen, though. Leaders need to make a concerted effort to encourage creativity in an industry that is sometimes risk averse. Your talent’s capacity for design and creating solutions can expand in a culture that balances innovation and risk awareness. This session will share examples of how firms’ have been successful in creating better projects while laying the groundwork for the future success of the enterprise.

Keywords:

ownership transition, continuity, strategic plan, planning, scenarios, technology, market changes, government regulations, generation, future state, vision, mission

Recharging the Firm's Life Cycle (2016)

Presented by Curt Helman, P.E., Erdman Anthony, and Randolph Meiklejohn, AIA, LEED AP, Goody Clancy

As management teams look to the future, they often recognize that the momentum of the firm could be propelled forward through changes in senior leadership assignments. Making these decisions for the good of the whole organization require diplomacy given the complexities of personal egos and deploying individuals' expertise and talents to support the firm's goals. Some senior leaders with approaching retirement dates may be asked to step into different roles to enable next-generation leaders to step up. The experience including the actual transition can be difficult but not overtly planning senior-leader transitions can result in serious loss of client relationships, leadership, institutional knowledge, and technical expertise. Our speakers will highlight their experiences and discuss some of the new senior-leader roles, what was implemented well and what could have been implemented better.

Keywords:

ownership transition, successor, new leadership, retirement date, next generation

Full Disclosure on Non-Disclosure (2016)

Presented by John Komisin, AIA, LEED AP BD+C, Little

In recent years, we have seen a significant increase in the potential business risks associated with every Non-Disclosure Agreement (NDA). Not long ago, NDAs were relatively rare, while today our pursuits and projects regularly include them. So, what are the risks associated with NDAs and how can we best mitigate those risks? The presentation will provide an overview of NDA risk, best practices to assure understanding and compliance by the team, best practices for segregation of project data and a discussion of how to best navigate these waters in the age of social media.

Keywords:

NDA, confidentiality, damage control, intellectual property, NDA protocols, social media protocols

Are You Training Design Professionals or Tourists? (2016)

Presented by Michael Matsumoto, P.E., FACEC, SSFM International, Inc., and Phil Casey, AIA, LEED AP, CBT Architects

For inexperienced design professionals, entering through the construction fencing onto an active jobsite can be as exciting and disorienting as their first trip to NYC, Paris or Hong Kong! Everything's coming from all directions – noise, chatter, organized chaos! It's easy to understand how quickly one can fall into the trap of becoming a jobsite tourist! We'll review the generally-accepted best practices that many may take for granted, learn about new technological tools-of-the-trade, and discuss the professional liability risks and pitfalls inherent when inadvertently back-sliding into jobsite tourist.

Keywords:

construction administration, construction observation, scope, job site, conditions, site visit, CA services, deficient work, deviation, report, nonconforming, non-conforming, camera, visual documentation, image retention, CA site, tourist

Well Building and Standard of Care (2016)

Presented by Richard Jackson, MD, MPH, University of California, Fielding School of Public Health

Dr. Richard Jackson discusses the impact our built environment has on key public health indices. The Well Building movement is gaining momentum and innovative solutions are coming into focus. Best practices and standard of care will be discussed.

Keywords:

health, statistics, built environments

You Were Asked to Sign What? (2016)

Presented by Susan McInnes, Pro-Form Sinclair Professional, HUB International, and Wyatt Sanders, Alexander & Sanders Insurance Agency

Our presenters are professional liability experts who review hundreds of contracts each year and have a good bead on some of the complex clauses in today's contracts. In preparing this presentation, they have reached out to members, XL Catlin's claims professionals, insurance agents/brokers and defense attorneys for some examples to share with you. We will analyze clauses, point out the risks, and offer advice as to how to educate owners and negotiate for fairness and optimal insurance coverage. In the end, you decide whether the terms are deal breakers. We'll ask attendees for their input and tell a few real-world stories too.

Keywords:

prevailing party clause, definition of loss, fiduciary liability, products liability, verification of existing conditions, green design, indemnities, indemnity, certifications, warranties, warranty, guarantees, limitation of liability, consequential damages, termination, standard of care

Lions and Tigers and Drones, Oh My! (2015)

Presented by David Kressock, MRAIC MAA SAA AAA LEED AP, LM Architectural Group, and Kent Bredehoeft, P.E., Argus Consulting, Inc.

The technology curve is steeper than it's ever been in the world of architecture and engineering! It's almost as if new tools-of-the-trade are debuted on a daily basis intended to take our professional services to a whole new level. Many design professionals are beginning to experiment with and incorporate the use of drones, virtual and augmented reality tools, and powerful smart phone-based apps. Often it's our youngest and most inexperienced professionals that are drawn to these exciting new tools, so what are the hidden pitfalls and unintended consequences we may be creating for ourselves? Hear from your peer firm leaders as they explore and grapple with these new technology issues. You'll be challenged to consider real-world concerns that may inadvertently elevate Standard of Care, explore unintended professional liability issues, best practices on how to introduce the use of these new tools to owners/projects and, most importantly, manage the expectations we create. As an example, the use of drones could allow access/photography of areas that normally are not observable during conventional site visits and later these images are brought into the plaintiff's claim against the design professional. It's a brave new world!

Keywords:

laser, scanning, UAV, survey, SCADA, 3D, visualization, predictive, analytics, simulation, clash, storage, BIM, data

Managing Uncertainty and Expectations in Building Design and Construction (2015)

Presented by Stephen Jones, Dodge Data & Analytics (formerly McGraw-Hill Construction)

Owners, design teams and contractors contend with many types of uncertainty as they produce building projects on strict schedules and budgets in a dynamic environment of frequent change. In this context, is it realistic or even possible to expect flawless execution of error-free documents? This research examines the parameters of that question, including the causes of uncertainty, reasonable expectations for performance by various parties and effective means of mitigating uncertainty to improve outcomes for everyone.

Keywords:

survey, research, causes, uncertainty, coordination, contractor, integration, collaboration

Millennial Encounters (2015)

Presented by Jonathan Kramer, P.E., OHM Advisors, and Shad Vermeesch, AIA, CDP, BRR Architecture, Inc.

Millennials are making more and more contributions to your firm's direction and success. Can you feel the shift? In preparation for this session, we've provided a platform for Millennials from our members' firms to "speak out" and you'll want to hear their input! Topics include ways to increase their best work product, attract and retain colleagues, improve future successes plus insights on other topics. As the Millennial Generation is set to become the predominate generation within the work force and as they move more and more into management it's time we started the process of not just understanding this generation, but managing the process of integration into our management teams and beyond. This interactive session may just reveal a few things that will surprise you!

Keywords:

Millennial, generation, survey

Have You Been Hacked? (2015)

Presented by Dave Chatfield, NetDiligence, Stephanie Garcia, J.D., Corgan Associates, Inc., and Matthew Barratt, P.E., R.E. Warner & Associates

Don't be in denial. What if you were hacked? What would your next steps be? Hackers, competitors, disgruntled employees and those looking for ransom are potential threats. Learn from an expert about what's really going on including firms who don't report their problems to save their reputation. In addition, DPRCG members who have tested their networks for vulnerabilities share their experience and provide insights on potential contract requirements regarding more secure systems.

Keywords:

cyber, intellectual property, personal information, professional services, reputation, business interruption, encryption, network, host

The Future of the Design Industry (2014)

Presented by Jim Cramer, Design Futures Council Co-Founder, and Chairman & Chief Executive Officer, Greenway Group

Jim Cramer will share new research on practice management and behavior. His focus will be on best practice models and how firms are adapting to change in today's competitive landscape. The new ideas have the potential to transform the design professions and the AEC industry for the better. Anyone who wants their mind stretched concerning matters of their firm's future success in architecture and engineering need look no further.

Keywords:

personal lifecycle, strategic renewal, interpreting trends, blind spots, value creation model, technology, trends, mobile, automation of knowledge work, Internet of Things, IOT, cloud, robotics, wearable, self-healing polymers, bio skin, design thinking

Don't Rush to Judgment (2014)

Presented by Kerri Raney, AIA, Esq., Huckabee & Associates, and Thomas Anzia, P.E., Felsburg Holt & Ullevig

Picture the day when your firm has just been presented with a claim. The insurance company has been notified and the history has been researched. Now it's time to think about the strategy for defense. What are the options? Do you have an open mind to assess the pros/cons of each option? Have you factored in the potential downside to your business if negotiations go awry? In this interactive session, you will hear about actual cases and provide your input as to how best to proceed. After gathering the audience responses, the actual dispute resolution strategy will be revealed as well as how the case was resolved.

Keywords:

potential error, calculation, heaving soil, property damage, early intervention, loss prevention file, communication with client, maintain relationship, collaboration, interactive audience

Bldg=Data (2014)

Presented by David Fano, CASE Design, Inc.

The construction industry produces vast amounts of data thanks to the shift towards BIM-based project delivery. Some firms are missing an opportunity to derive maximum value from their data. Using a range of case studies, our speaker will argue that data is a renewable resource and AEC firms need to harness it to deliver value, generate knowledge, and drive performance.

Keywords:

building information, big data, metrics, analysis, performance, space planning, fabrication, quality, project management, operations, occupant data collection, spatial usage metrics, indoor positioning, building data monetization, facility API

Creating Value in a Shrinking Market (2013)

Presented by Peter Kienle, FSMPS, CPSM, MBA, Kienle Communications LLC

In this recovering economy, A/Es continue to have fewer opportunities to provide traditional services. Increased competition has resulted in pressure to reduce fees, reducing revenue and profit. Some A/E firms have identified non-traditional A/E services as new revenue opportunities. Many of these non-traditional services not only generate new revenue, they can be very profitable and have less risk than traditional services.

Keywords:

nontraditional, expanded services

Emerging Trends – Fact or Fiction in Your World (2013)

Presented by Bret Weiss, P.E, WSB & Associates, Inc., and Joe Rapier, Parkhill, Smith & Cooper

There's a great deal of buzz about emerging trends by the pundits in the AEC industry, but what's your actual experience? Participate in this interactive session among your trusted peers as we identify the trends that have the most potential impact. You may be surprised by the results.

Keywords:

public infrastructure policy, project delivery, design fees, future size of A/E firms, ownership transition, design technology, contract, liability, generation, staff engagement, future staffing

Panel: Creating Value in a Shrinking Market (2013)

Presented by Jim Millar, P.E., AIA, LEED AP BD+C, THP Limited Inc., Chris Griffith, P.E., CCM, KCI Technologies Inc., Mike Broshar, FAIA, INVISION planning | architecture | interiors, and facilitated by Peter Kienle, Kienle Communications LLC

Join our panel of three DPRCG members as they discuss some of their actual value added experiences. Each has delved into providing non-traditional services while being mindful to limit risk to their traditional base. The results have improved their client relationships while adding to their bottom line.

Keywords:

specialty services, waterproofing, utility tunnels, seismic design, communications infrastructure, wetland and stream restoration, design and construction, facility assessment, master planning, move management, graphic design, graphic identity, short duration planning studies, teaming with construction manager

Do you know what your people DON'T know? (2013)

Presented by Paula Selvaggio, RPLU, Oswald Companies, and Robert Wilson, C.I.P., Pro-Form Sinclair Professional

Like the Convocation Committee, have you wondered how you could identify potential gaps in understanding about risk management among your front-line staff? Who better to help us with this issue than our insurance specialists from Professional Liability Agents Network (PLAN). Two PLAN members have canvassed their peer group to identify the most frequently asked risk management questions. Perhaps you may not be surprised (or maybe you will) to hear the topics and anecdotal situations that drive many of the questions. The evolving challenges of our industry cause some of the questions but others arise from basic blocking-and-tackling risk management. Our seasoned professionals will offer their insights and suggested resources that can help bridge gaps in understanding and strengthen your firm's best practices in risk management.

Keywords:

when to report, loss prevention file, claim, insurable, site safety, budget, schedule delay, combative, finger pointing, slow pay, subpoena, deposition, special certificate language, unsafe, accident

Best Practices: Document Retention (2012)

Presented by Carol Stair, XL Catlin

More than ever before, a Document Retention Policy is important. The oft-asked questions of how to create a policy will be discussed. Learn why a firm-wide policy that is understood and followed by all staff is critical to risk management. Equally important is the clarity of the documents retained. You will benefit from the advice and stories as told by our speaker with years of experience as a defense attorney, claims consultant and manager.

Keywords:

policy, train, document, retention, electronic, digital, paper, physical, file, model, CAD, BIM, email, website, photo, mock up, statute of limitation, statute of repose, defense, good documents, best practice, bad habit, examples

Leadership is Key to Creative Solutions (2012)

Presented by John Birge, FAIA, LEED AP, RDG Planning & Design, and Sergio "Satch" Pecori, P.E., ExecEng, Hanson Professional Services Inc.

Our paradigm can be too limiting and leave little room for differentiation in a crowded market...unless our leadership fosters creativity. Our presenters will share "the story" of several AE firms focused on bringing higher value to their current and prospective clients. Creativity and collaboration have produced game-changing shifts in client relationships, business models, services, and practice management. We think you'll agree that the title of trusted advisor takes on a whole new meaning for firms on the journey from ordinary to extraordinary.

Keywords:

adapt, focus growth, strategic, demonstrate value proposition, scenario planning, business case, specialty services, examples

Employer of Choice Continuum (2012)

Presented by Edward Jerdonek, AIA, LEED AP, Lockett & Farley Architects, Engineers and Construction Managers, Inc.

Hear from your peer about an internal revolution of their culture that has thoroughly engaged its employees in ways that have markedly changed the 158 year old organization. The results weren't immediate and required an ongoing "walk of faith" on the part of a newly transitioned leadership team. Framing all management and strategic decisions made against the backdrop of the initiative was critical to the positive outcomes to date: improved risk management, an engaged workforce, and improved technical quality, customer service and internal coordination. The program's info will be shared with the corresponding payback to the company, clients and employees.

Keywords:

engage, quality, customer service, reduced errors, turnover, profit, productivity, resilient, shared values, culture, reward, business case, recognition, award, reputation

A16: Knowledge Transfer in the Express Lane (2011)

Presented by John S. Pocarobba, AIA, NCARB, LEED AP, John Tobin, RA, LEED AP, Rachel Monk, NCARB, LEED AP, and Niles Tooher, LEED AP, Einhorn Yaffee Prescott Architecture & Engineering P.C.

Gen X/Gen Y'ers have the computer literacy necessary for an advanced BIM workflow, yet the Boomers have the experience and technical knowledge required for sound building practice. This talk reveals a unique branded method to embrace this age/experience diversity while harnessing the strengths of each individual group to promote learning across the generational divides. In order to succeed, practitioners need to embrace new perspectives on age-old mentoring and teaming strategies. Learn about EYP's A16 program designed to complement the BIM environment. This session will breed new innovative ideas to accelerate Up/Dn Mentoring, increase staff satisfaction and commitment while energizing the most senior talent in your firm.

Keywords:

training program, interns / weeks / modules, diversity, generations, communication, knowledge transfer, mentor, BIM, productivity, retention, recruit, Millennial, Gen X, Boomer, oil, lion, A16, engage, confidence, competence, relationship, feedback, advancement

Human Capital Risk: Managing Leadership Transition (2011)

Presented by John Birge, FAIA, LEED AP, RDG Planning & Design, and Lori Stohs, Lori Stohs Consulting

In the world of professionalism your brand and image is built by your people and their relationships. Are you comfortable knowing that you have the right people who can lead your firm into the generations to come and connect with your new millennial clients? How are you planning your leadership transition in your firm? How do you identify the best leaders in your firm who will continue the legacy of your brand and culture inside and out?

Keywords:

leader, transition, successor, culture, talent, engagement, accountability, passion, performance, diversification of talent, leadership team, business outcome, survey, engagement drivers

Industry Trends (2010)

Presented by Rex Miller, Thought Leader and Author

Michael Burry was a hedge fund manager who saw the financial collapse coming and was able to make a 490% return. By 2018 there will be nearly twice as many Millennials as Boomers and they will also outnumber Generation X. The AEC industry is the only industry that has lost productivity over the last 45 years and produces waste and green-house gases at unsustainable rates. Rex Miller shows us how to see the future with the clarity of a Michael Burry, how to bring change to our industry and how to "future proof" our companies.

Keywords:

mobile knowledge workers, generation, inefficient, construction productivity index, integration, speed and quality, design-bid-build, trust-based project delivery, collaboration, BIM, IPD, collective risk, when rules change

The New Economy – Risks & Recovery (2010)

Presented by James McGarry, AIA, Little Diversified Architectural Consulting Inc., John Pocarobba, AIA, NCARB, LEED AP, Einhorn Yaffee Prescott Architecture & Engineering, Nate Beil, P.E., KCI Technologies Inc., and Bruce Starkweather, FAIA, Lionakis

To follow up on Friday's presentation on the industry trends driving change in the design and construction field, Bruce Starkweather leads a panel discussion with three other DPRCG members to explore the "what, why and how" of these challenging changes. The panel unveils new risks to be managed and new rewards to be realized in our "new economy."

Keywords:

new economy, risk, reward, challenge, adaptive reuse, client led, stimulus, government projects, partnering, new services, PPP, transportation, military, active role in bundling team with funding, sustainable, building performance, BIM, globalization of design services and construction, Section 179D, Design Build, innovation, speed to change, LEED, rebalance workforce for future services, talent development, match of passion to skill set required, generations

Keynote

Keynote

NOT AVAILABLE

2017, 2015

Focus on What Makes a Difference (2020)

Presented by Stephen Harvill, Creative Ventures

A simple pattern of success was discovered through researching 7 different industries and interviewing 150 top sales people. The 21 Secrets of Million Dollar Sellers – 21 specific sales activities shared between industries – can be repeated by anyone. This multimedia, interactive program introduces two years of research creating a simple and dynamic sales process.

AI: Making Architecture Easier, Simpler, More Efficient and Secure (2020)

Presented by Randy Deutsch, FAIA, LEED AP

This fast-paced thought-provoking and engaging presentation by Architect | Author | Educator | Speaker Randy Deutsch FAIA will illuminate and demonstrate how artificial intelligence (AI) helps to improve the conception and construction of buildings by leveraging emerging technologies including generative-, computational-, and predictive-design and construction tools, and explore the role AI plays in contributing to running a more productive and successful AECO business.

Client Acquisition is Sales (2019)

Presented by Stephen Harvill, Creative Ventures

A simple pattern of success was discovered through researching 7 different industries and interviewing 150 top sales people. The 21 Secrets of Million Dollar Sellers – 21 specific sales activities shared between industries – can be repeated by anyone. This multimedia, interactive program introduces two years of research creating a simple and dynamic sales process.

Making It Real (2019)

Presented by Stephen Harvill, Creative Ventures

The value of an idea is proportionate to its successful application. The most powerful ideas follow this path: I Get It ▶ I Value It ▶ I Can Apply It In The Context of What I Do. This workshop brings you direct value application to these power sales behaviors:

- Tell A Good Tale – the power in crafting and telling a great story
- One Level at a Time – the ability to focus only on what is impactful

This session could be a game changer for client acquisition and retention.

The Case for Audacious Leadering (2019)

Presented by Nancy Giordano, Play Big Inc.

Transformational technologies abound in our work and personal lives. We marvel at the visionary creativity, speed of innovation and market expectations in other industries. Are we prepared to make the most of digital advancements and understand how they impact our business and our clients' needs and expectations? Are our organizations and people building the capacity to make change and harness new opportunities? Buckle up as we make the discussion both personal and relevant. Are you seeing new ways to collaborate, create, and tap into talent? This session will challenge you to embrace new ways of thinking, navigate boundless ambiguity and step up to audacious leadering.

Fearless at Work (2018)

Presented by Molly Fletcher

Nothing extraordinary has ever happened by staying comfortable. What would happen if we traded comfort for courage? What if we traded obstacles for opportunity? What if we traded circumstances for vision? We would fear less and innovate more, and our fearlessness would influence the people we serve and the teams we lead. Molly Fletcher's message will have you ready to embrace change and break the mold.

Get Your SHIFT Together: Start Each Day with an Unstoppable Attitude to Succeed (2016)

Presented by Steve Rizzo

One of the biggest challenges that people in business face today is staying optimistic and motivated to be at their best for more than just a few days. Nothing keeps them from being productive and achieving their goals more than harboring negative feelings or having a bad attitude during the process. In this entertaining and content rich presentation, Steve Rizzo engages the audience with laughter as he teaches each attendee his Common Sense Success Strategies that will not only take them to a better place in business, but also in life.

Making a Difference (2014)

Presented by Steve Gilliland, CSP, CPAE

Focusing on the conscious choices we make every day that impact the lives of others, Making a Difference™ is an eye-opening and heartfelt keynote detailing how to positively influence people in every imaginable way, regardless of position or status. Each of us has the potential to transform the culture of an organization through our actions and attitude. This presentation centers on three empowering dynamics: Purpose – it drives you! Passion – it fuels you! Pride – it defines you!

Creating Value in an Age of Uncertainty (2013)

Presented by John Brandt, The MPI Group

Business visionary John Brandt will share new research and examples of how firms in a variety of industries have reinvented how they create value and sustainable profits — and how professional services firms can follow their leads. As former publisher and editor-in-chief of IndustryWeek; president, publisher, and editorial director of Chief Executive; and now CEO and founder of The MPI Group, a global research firm, Brandt has spent more than two decades studying leadership in effective, purpose-driven organizations. Brandt will talk about innovation, talent, process improvement and competitive advantage in a knowledge economy. His deep experience in working with executives from leading companies around the globe, combined with unparalleled research delivered with humor and affability, make Creating Value in an Age of Uncertainty a session you can't afford to miss.

Dazzling Blue (2012)

Presented by Steve Harvill, Creative Ventures

The distance between ordinary and extraordinary is within reach. Your firm can make notable progress with impactful small steps, linking ideas and gaining participation among team members. A discipline of transforming your ideas will result in a compelling story that differentiates your firm in the marketplace and a shift in your clients' experience beyond their expectations.

Leading and Engaging Four Generations (2011)

Presented by Seth Mattison, BridgeWorks, LLC

Our keynoter will demonstrate not only why it's important to understand what shaped the generations and why they behave the way they do, but the challenges they face. Learn about ClashPoints™ – areas at work where the generations are bumping up against each other and causing some problems. The approaching talent gap is worthy of our attention—especially when you recognize the hit to the bottom line caused by generation gaps. Discover how to convert this form of diversity from an obstacle into an opportunity for your firm and your clients.

The Journey (2010)

Presented by Eric Saperston, LIVE IN WONDER Entertainment

Daniel Pink of Fast Company magazine said it best: "Eric Saperston is Huck Finn with a digital camcorder. He's Merriweather Lewis with a laptop. He's Charles Kuralt with a goatee. Saperston set out on a journey with the Grateful Dead—and wound up on a "Journey" fueled by advice from CEOs, movie stars, leadership gurus and a former U.S. president on how to lead a successful life. The result is The Journey, an award-winning feature film. Eric's story is On the Road meets Tuesdays With Morrie. It's Roger & Me meets Chicken Soup for the Soul. It's MTV's Road Rules with a heart. It's...well, our advice? See the film." And our advice? Listen closely to this fascinating keynote address.

Mastering the Art and Science of Engaged Customer Experiences (2010)

Presented by Joseph Michelli, Ph.D.

Operational excellence is merely the ticket to admission for business success. You also need customer-loyalty building skills and an appreciation that “all business is personal.” Relationships and trust are paramount. Dr. Michelli, an expert in developing customer loyalty, will share ways to strengthen team behavior that creates a culture of service and drives relevant and engaging customer experiences. By focusing on the importance of training, relationship-based problem-solving, and a clearly defined “service statement,” Dr. Michelli will offer practical tools for maximizing customer loyalty while effectively managing customer expectations.

Leading a Culture of Innovation – excerpts (2009)

Presented by Sir Ken Robinson

The changing fortunes of the Fortune 500 will tell you that no company has a guaranteed place at the top. Keeping up and staying ahead of the game depends entirely on continuous and sustained innovation. We all know that’s true, but what do leaders have to do to make it happen? Sir Ken Robinson has worked with some of the world’s leading creative organizations—in the corporate, educational and cultural fields. In this presentation, he identifies the myths about innovation that hold many organizations back, and the basic practices that drive the most innovative organizations ahead of the pack.