



# **The Construction Lawyer's Swiss Army Knife: Tools for the Modern 21st Century**

## **2021 Construction Law Section Fall Program**

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**Thursday–Friday, September 23–24, 2021**  
**Live Webcast**

**North Carolina: 6.00 MCLE Hours**

**Includes:**

- 1.00 Ethics/Professional Responsibility**
- 1.00 Substance Abuse/Mental Health**
- 1.00 Technology Training**
- 1.00 NC Dispute Resolution Commission CME**

**Planned by the NCBA Construction Law Section**

Equipped with the right tools, the construction lawyer can practice more efficiently and better serve their clients in the 21st century. Join the Construction Law Section as we explore some of the most useful tools to have at your disposal — including case law and legislative updates, mediation training, and recent appellate court decisions pertaining to the economic loss rule — all folded into one essential program. To round out the construction lawyer's Swiss Army knife, an appellate judge and a trial judge delve into lessons learned, potential pitfalls, best practices and future trends for virtual hearings.

# The Construction Lawyer's Swiss Army Knife: Tools for the Modern 21st Century

Thursday–Friday  
September 23–24, 2021

Thursday, September 23, 2021 | 1:00–4:25 PM

**1:00 Welcome and Introductions**

**1:05 Finding Balance: The Lawyer's Workcation on Points and Miles<sup>†</sup>**

**Lay**

This session addresses some of the biggest excuses we make when it comes to stepping away from the office — time, money, family and professional obligation. Learn how to escape your office and reap the benefits of working remotely and enjoying vacations while serving your clients, building your practice and staving off burnout to find more balance in your life.

**2:05 Break**

**2:15 Mediation: Showing Up Is Just Part of the Process<sup>‡</sup>**

**Beason and Trehy**

Analyze recent court decisions that have a direct impact on parties, attorneys and mediators participating in court-ordered mediation. Learn best practices for finalizing the settlement agreement during the mediation and apply lessons from virtual mediations that are likely to carry forward post-pandemic.

**3:15 Break**

**3:25 The Elephant in the Courtroom: Conversations on Inequity Within the Legal Profession<sup>\*</sup>**

**Judge Dunston**

COVID-19 is not the only silent virus that we have to be concerned about. Racism, sexism, microaggressions and microinvalidations are not only demeaning and an attempt to normalize inequality amongst equal individuals, but further erode the public's trust in our justice system. This session explores the implications of racial discrimination and sexism against attorneys and tangible ways that we can prevent further instances of this behavior in our profession.

**4:25 Adjourn**

Friday, September 24, 2021 | 8:55 AM–12:20 PM

**8:55 Welcome and Introductions**

**9:00 Economic Loss Rule**

**Coats, Mabe and Massell**

The recent *Crescent* decision has caused construction lawyers to (re)consider current implications of this old rule, including its definition, scope and exceptions. Walk through what this decision means for claims against subcontractors and the design professional exception. Then discuss how it impacts insurance for subcontractors.

**10:00 Break**

**10:10 Case Law and Legislative Update**

**Wilkerson**

Review recent key North Carolina court opinions and legislation from the past year and how they affect you and your clients.

**11:10 Break**

**11:20 Advocacy in the Digital Age<sup>‡</sup>**

**Judge Dietz and Judge Ridgeway**

In this session, an appellate judge and a trial judge delve into lessons learned, pitfalls, future trends and best practices for hearings conducted on video platforms, and the advent of widespread digital case management in North Carolina courts.

**12:20 Adjourn**

\* Indicates portion providing Ethics/Professional Responsibility credit

† Indicates portion providing Substance Abuse/Mental Health credit

‡ Indicates portion providing Technology Training credit

≠ Indicates portion providing NC Dispute Resolution Commission Continuing Mediator Education

## Speakers

- Judge Richard D. Dietz, North Carolina Court of Appeals, Raleigh
- Judge Ashleigh Parker Dunston, North Carolina District Court, Raleigh
- Judge Paul C. Ridgeway, North Carolina Superior Court, Raleigh
- Robert A. Beason, Beason & Trehy Conflict Resolution LLC, Durham
- David S. Coats, Bailey & Dixon LLP, Raleigh
- M. Aaron Lay, Hamilton Stephens Steele & Martin PLLC, Charlotte
- John I. Mabe Jr., Nexsen Pruet PLLC, Raleigh
- Jonathan W. Massell, Nexsen Pruet PLLC, Raleigh
- René Stemple Trehy, Beason & Trehy Conflict Resolution LLC, Durham
- Jay M. Wilkerson, Conner Gwyn Schenck PLLC, Raleigh

## Planners

- Daniel J. Knight, Parker Poe Adams & Bernstein LLP, Raleigh
- Carmela E. Mastrianni, Hamilton Stephens Steele & Martin PLLC, Charlotte
- Brian J. Schoolman, Safran Law Offices, Raleigh
- David A. Senter, Nexsen Pruet PLLC, Raleigh

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