

## Informational Topics

### **Litigation Strategies for the Construction Law Practitioner** *Andrew Ness*

As gleaned from over 30 years of construction litigation experience, Mr. Ness will share his strategies for litigating the complex construction case including pretrial preparation strategies and dealing with expert testimony.

*Andrew D. Ness is a partner with the Washington D.C. firm of Howrey, LLP. He received a BSEE degree from Stanford University and a JD from Harvard Law School. Mr. Ness has assisted owners and contractors with respect to solving complex construction and design related problems and has litigated large construction disputes throughout the United States.*

### **Steel Structure Collapse of the Chicago Post Office Building: Forensic Investigation and Jury Trial** *Ian Chin*

Mr. Chin will present the results of his forensic investigation following the structural steel collapse of a Chicago post office building while under construction. Because the case ultimately went to trial, Mr. Chin will share his trial preparation and presentation strategies from the perspective of testifying expert.

*Ian Chin is Vice President and Senior Principal for Chicago engineering consulting firm Wiss, Janney, Elstner Associates, Inc. He received a Bachelor of Architecture and a Master's degree in structural engineering from the University of Illinois, Urbana-Champaign. Since joining WJE in 1978, Mr. Chin has performed hundreds of investigations of distress conditions in buildings and other structures and often testifies as an expert witness pertaining to structural failures.*

### **Construction Litigation Strategies - Mock Construction Trial** *Chancellor Ellen Hobbs Lyle, Tim Gibbons, Todd Panther, Gary Parkes, David Wright*

This session will focus on litigation strategies to employ in presenting the construction case at trial. Participants will conduct a mock trial of a construction defect case which will include opening statements, fact witness examinations and expert witness examinations. Davidson County Chancellor Ellen Hobbs Lyle will preside over the mock trial and offer her "view from the bench" with regard to the effective presentation of a construction dispute at trial.

## Schedule of Events

### **Thursday, November 5**

5:00-6:00 p.m. Registration  
6:00-7:00 p.m. Cocktails: The Nashville City Club  
7:00 p.m. Dinner: The Nashville City Club

### **Friday, November 6**

8:00-8:30 a.m. Registration & Breakfast  
8:30-8:40 a.m. Welcome/TACC Business Matters, Vic McConnell/Greg Cashion  
8:40-9:00 a.m. Legislative Update, Don Smith and ADR Update, John Blankenship  
9:00-10:30 a.m. Litigation Strategies for the Construction Law Practitioner, Andrew Ness  
10:30-10:45 a.m. Break  
10:45-11:45 a.m. Steel Structure Collapse of the Chicago Post Office Building: Forensic Investigation and Jury Trial, Ian Chin  
11:45-1:00 p.m. Lunch  
1:00-1:15 p.m. Mock Construction Trial – Introduction, Vic McConnell/Greg Cashion  
1:15-1:45 p.m. Opening Statement Strategies  
1:45-2:45 p.m. Fact Witness Examination Strategies  
2:45-3:00 p.m. Break  
3:00-4:00 p.m. Expert Witness Examination Strategies  
4:00-4:45 p.m. Bankruptcy Law for the Construction Practitioner, Dan Puryear  
4:45 p.m. Adjourn

## Registration

\$225.00 for TACC members (includes Thursday dinner and Friday breakfast and lunch)

\$40.00 for dinner guest on Thursday night

Please print clearly:

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

E-mail \_\_\_\_\_

Guest name \_\_\_\_\_

\_\_\_ Enclosed is my check for \$225.00

\_\_\_ Enclosed is the \$40.00 fee for a dinner guest

Please mail this form and a check payable to TACC, to:

**Bob Green**  
**P.O. Box 442**  
**Knoxville, TN 37901-0442**

**Bankruptcy Law for the Construction Practitioner**  
*Dan Puryear*

Given the current state of the construction industry, Mr. Puryear will discuss what every construction practitioner should know about creditor's rights and bankruptcy issues.

*Dan Puryear is a Partner with the firm of Smythe Puryear & Robertson. Mr. Puryear received a B.A. from Vanderbilt University and his law degree from the University of Tennessee. Mr. Puryear focuses his practice on creditor's rights and bankruptcy and serves many construction industry clients. Mr. Puryear is one of four contributing authors to West's Legal Forms, Volume 10 – "Debtor and Creditor Relations."*

**CLE Credit**

This program has applied for 6.25 hours of General Tennessee CLE credit.

**TACC GOLF TOURNAMENT**

Due to the ABA Fundamentals of Construction Law program on Thursday, we have not planned a TACC golf tournament. However, if there is enough interest, we will organize a golf tournament for Thursday, November 5, 2009. If interested, please contact:

*Craig Mangum*  
*Smith, Cashion & Orr, PLC*  
*cmangum@smithcashion.com*  
*(615) 742-8590*

**Hotel Information**

The Hermitage Hotel  
231 Sixth Avenue North  
Nashville, Tennessee 37219

To make reservations, call The Hermitage Hotel at 888-310-8176. Be sure to tell them you are attending the Tennessee Association of Construction Counsel (not TACC) meeting. Room rates are \$249 per night. The cutoff for room reservations is **October 16, 2009.**

**Fundamentals of Construction Law  
Program**

Don't forget to attend the ABA Forum on the Construction Industry program to be held at The Hermitage Hotel on November 5, 2009. You can contact Joe Welborn ([jwelborn@smithcashion.com](mailto:jwelborn@smithcashion.com)) for additional information or register online at: [www.abanet.org/forums/construction/home.html](http://www.abanet.org/forums/construction/home.html)

**Tennessee Association  
of Construction Counsel**



**FALL MEETING 2009**

**Thursday and Friday  
November 5-6, 2009**

**The Hermitage Hotel  
Nashville**