Tricks, Traps and Ploys Used in Construction Scheduling in Virginia

Moderator:
W. McCauley Arnold, Esq.
McCandlish & Lillard, PCP

Charles E. Bolyard Jr., PSP
McDonough Bolyard Peck, Inc.

James D. Fullerton, Esq.
Fullerton & Knowles, P.C.

This seminar is designed for construction and project managers, engineers, presidents, vice presidents, owners, architects, contractors, subcontractors and attorneys.

ARLINGTON, VA
APRIL 19, 2007

CONTINUING EDUCATION CREDIT
AIA 6.50  CSI 0.65
VA CLE (Pending)  CC 1.0
PMI 6.50  IACET 0.65
Critical Issues on the Agenda

Holiday Inn Rosslyn • 1900 North Fort Myer Drive
703-807-2000
Arlington, VA • April 19, 2007

This seminar will be presented by W. McCauley Arnold, Esq., Charles E. Bolyard Jr., PSP, and James D. Fullerton, Esq.

8:00 am – 8:30 am
Registration

8:30 am – 12:00 pm
Overview
A. Scheduling Today
B. Why Realistic, Well Thought-Out Schedules Benefit Everyone

A. Contract Duration
B. Liquidated Damages
C. Responsibility for Coordination
D. Schedule Preparation and Updating
E. No Damage for Delay
F. Implied Duties
G. Notice Requirements

Critical Path Method Scheduling Basics
A. What Is Critical Path Scheduling?
B. How to Get a Good Schedule
C. Practical Considerations

The Magic Behind a Critical Path Method Schedule
A. Schedule Calculation Methods
B. Work Calendars
C. Mandatory Constraints
D. Lags
E. Phantom Float

Baseline Schedule Tricks, Traps and Ploys
A. Late Baseline Schedules
B. Flawed Baseline Schedules
C. Float Suppression
D. Early Completion Schedules

12:00 pm – 1:00 pm
Lunch (On Your Own)

1:00 pm – 4:30 pm
Schedule Updating Gamesmanship and Watchouts
A. Out-Of-Sequence Work
B. Reschedule or Schedule Update?
C. Insertion of Delay Activities
D. Acceleration
E. Inaccurate Progressing

Delay Evaluation Uses and Abuses
A. What Are Excusable and Compensable Delays?
B. Delay Evaluation Techniques

Legal Issues Relevant to Scheduling and Recovery of Delay Damages
A. What Is Substantial Completion?
B. Who Owns the Float?
C. The Right to Finish Early
D. Concurrent Delay
E. Legal Burdens and Standard of Proof for Recovery of Delay Damages

Questions and Answers

Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.
Registration

Seminar ID: 373378

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Seminar Tuition (includes manual)
☐ $329 for a single registrant ☐ $319 each for two or more from the same organization

Products Order If Unable to Attend Please allow four to six weeks after the date of the seminar for delivery.
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Names of Attendees (Please print clearly)
1. Name ______________________________________________________________________
   Title ______________________________________ E-mail _______________________

2. Name ______________________________________________________________________
   Title ______________________________________ E-mail _______________________

3. Name ______________________________________________________________________
   Title ______________________________________ E-mail _______________________

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Our Distinguished Faculty

W. McCauley Arnold, Esq., is a member of McCandlish & Lillard, P.C., a law firm with offices in Fairfax and Leesburg, Virginia. Mr. Arnold focuses his practice on construction-related matters such as the selection of business entity; the review of construction documents; the analysis of claims; and the mediation, arbitration or litigation of disputes. He has over 31 years of experience working with owners, general contractors and subcontractors. Mr. Arnold is a frequent lecturer and has authored various publications on construction-related issues. He is a graduate of Duke University and The University of Texas School of Law. Mr. Arnold has been a Fairfax County Circuit Court mediator and an American Arbitration Association arbitrator, and is certified in civil litigation by the National Board of Trial Advocacy. He has been selected by Virginia Business Magazine as one of Virginia’s Legal Elite lawyers in construction-related matters.

Charles E. Bolyard Jr., PSP, is president and CEO of McDonough Bolyard Peck, Inc. (MBP), a construction management consulting firm with offices in the Mid-Atlantic and Southeast. MBP focuses on agency construction management representation of owners and claims analysis/dispute resolution services to U.S. and international clients. Mr. Bolyard has over 31 years of experience working for contractors and construction managers, and as a consultant to owners, designers, architects, contractors, sureties and insurance companies. He graduated from West Virginia Institute of Technology with a B.S. degree in civil engineering and is a certified planning and scheduling professional through AACE International. Mr. Bolyard has extensive experience in analysis of construction claims, including technical and delay issues, and has provided expert testimony in court and arbitration. He is based in MBP’s Fairfax, Virginia, headquarters office.

James D. Fullerton, Esq., is an attorney licensed in Virginia, Maryland and the District of Columbia with the law firm of Fullerton & Knowles, P.C. The firm represents owners, design professionals, suppliers, subcontractors, general contractors, and other members of the real estate and construction industries, filing mechanics’ liens, surety bond and other construction claims across all of the states in the Mid-Atlantic region. He also is involved with representing creditors in bankruptcy issues nationwide, particularly defense of bankruptcy preference claims; advising on all real estate and construction law issues; contract formation and disputes; defects in labor and materials; design defects in plans and specifications; inefficiency, impact and delay claims; and litigation, arbitration and mediation in public and private projects. Mr. Fullerton is also a master brick mason, a licensed real estate broker and the president of Summit Real Estate, Inc. He is on the board of directors of Northern Virginia Conservation Trust; is counsel to the board of directors of the National Association of Credit Management, East Coast Corporation; and is counsel to the board of directors of the Virginia Precast Concrete Association. He graduated from the University of Colorado and the University of Virginia School of Law. The firm’s Construction Law Survival Manual is well-known and widely used by participants in the construction process.

Additional Educational Opportunities

Teleconferences: Not able to commit to a full day? Teleconferences are now available. Visit us at www.lorman.com/teleconference for a complete listing of teleconferences.

On-Site Seminars: If you have a group of 10 or more, it may be financially beneficial for you to schedule a seminar at your facility. Contact Lorman at (715) 855-7107 or e-mail us at onsite@lorman.com to inquire about on-site seminars on this or other topics.

Exhibit at this seminar: To exhibit at a Lorman seminar, contact Nicki Wolff at (715) 833-3940 or nwolff@lorman.com. Sponsorship opportunities available as well.
The Benefits for You

This informative seminar is intended to provide you with an understanding of the legal issues relevant to construction project scheduling in Virginia. Critical path method (CPM) scheduling will be addressed, as well as methods to use CPM contract scheduling specifications to effectively plan and construct capital projects. You will learn how CPM scheduling and construction scheduling specifications can be used – and sometimes misused – to provide unreliable results, or results intended to bolster delay claim positions.

Learning Objectives:

• The attendee will be able to discuss scheduling basics.
• The attendee will be able to identify legal burdens and standard of proof for recovery of delay damages.
• The attendee will be able to review how to manipulate a CPM schedule.

Continuing Education Credit

Please remember to bring your license number, ID or other necessary information to the seminar. This will ensure timely reporting of continuing education credit.

Lorman Business Center, Inc. is an Authorized Provider by the International Association of Continuing Education and Training (IACET). Lorman Business Center, Inc. will award 0.65 CEUs to participants who successfully complete this program. Participants must complete an evaluation in order to receive CEUs. Please verify applicability with your professional board before attending.

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This program has been submitted to the Virginia Mandatory Continuing Legal Education Board for 6.5 CLE credit hours.

This seminar has been reviewed and approved for inclusion in the Construction Compliance ™ Certification Program and qualifies for 1.0 credit. It has been approved by an advisory board consisting of leading professionals from Reed Smith LLP, Kirkpatrick & Lockhart Nicholson Graham LLP, Trauner Consulting Services, Inc. and PinnacleOne, Inc. Please visit www.lorman.com/certification/cc for more information.
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Seminar Highlights

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Including seminar highlights will increase the recipient’s interest. With your topic knowledge, you can provide the most comprehensive highlights. Please forward 3 - 5 key points.