



AMERICAN **BAR** ASSOCIATION

Forum on Construction Law

Limitation of Liability Clauses in Construction Contracts: Is the Sky the Limit? Enforcement and Exceptions to Limitation of Liability Clauses

WEBINAR - THURSDAY, FEBRUARY 27, 2020

1:00 PM - 2:30 PM ET

Speakers:

Brianna Kostecka, King & Spalding, New York, NY

Elizabeth Rosado, Manafort Brothers Incorporated, Plainville, CT

Monica L. Freeman, HDR, Omaha, Nebraska

Join our esteemed panel from the **ABA** and
National Association of Women in Construction (NAWIC) as they discuss:

Many industry form documents and custom construction contracts contain provisions shifting or limiting the respective parties' risks. One of the main risk-limiting provisions seen primarily in the terms and conditions of construction or professional services agreements is the "limitation of liability" clause ("LoL" clause). These clauses generally establish the maximum liability or exposure of an owner, contractor or designer/engineer if there is a claim. When dealing with a limitation of liability clause a frequent legal issue that is often disputed, is whether or not the clause is actually enforceable. The panel will discuss key cases, such as *Zirkelbach Construction, Inc. v. DOWL, LLC*, 389 Mont. 8 (Montana 2017) (capping design firm's liability at \$50,000 where Contractor alleged over \$1 million in damages due to a LoL clause in the contract).

The panel will provide best practices for:

- Enforceability
- Common exclusions
- Restrictions in operation and legality per U.S. and International Laws
- Negotiation
- Disputes

CLE Credits	1.5
List Price	\$195
ABA Member	\$150
Forum & NAWIC Members	\$95
Student	\$65



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A limited number of scholarships to defray tuition expenses are available for this program.

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Please contact Tamara.Harrington@americanbar.org for more information.

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The ABA will seek credit for this program in the states indicated on this page. The ABA will seek 1.5 hours of General CLE credit in 60-minute states and 1.8 hours of General CLE credit in 50-minute states. Credit hours granted are subject to each state's approval and credit rounding rules.

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