

Please review the following marketing
information for your seminar.

Planner/Assistant: Melody Manteufel, Lynn

Title: Construction Lien Law in Delaware

Location: Wilmington, DE

Hotel: To be determined

Date: November 21, 2008

Seminar ID: 379227

Tuition: \$ 329

Audience: This seminar is designed for attorneys, presidents, vice presidents, owners, accountants, credit managers, lenders, controllers, construction managers, project managers, office managers, engineers, architects, contractors and subcontractors.

Credit: Continuing education credit will be applied for. Please contact me if you have questions or concerns.

Our Distinguished Faculty

Speaker Names

Paul Cottrell, Esq.

Tighe & Cottrell, P.A.

G. Kevin Fasic, Esq.

Law Offices of G. Kevin Fasic, LLC

Patrick M. McGrory

Tighe & Cottrell, P.A.

Daniel F. Wolcott Jr., Esq.

Potter Anderson & Corroon LLP

Paul Cottrell, Esq., is a principal at the Mid-Atlantic regional law firm of Tighe & Cottrell, P.A. He is a member of the state bars of Pennsylvania, Delaware, Maryland and Illinois. Mr. Cottrell is a graduate of the University of Chicago Law School, and he received his undergraduate degree, magna cum laude, from the University of Delaware. He is the author of the textbook *Architects and Engineers: Law, Liability and Risk Management* (2004), which surveys the laws of Pennsylvania, Maryland, Delaware and New Jersey regarding their impact on the design professional. From 1982 to 1984, Mr. Cottrell served as associate director of the Construction Law Institute.

G. Kevin Fasic, Esq., founded the Law Offices of G. Kevin Fasic, LLC, on September 1, 2006. He appears frequently before various administrative boards and agencies, as well as private dispute resolution forums. Mr. Fasic concentrates his practice in the areas of labor, employment, construction, bankruptcy, commercial litigation and insurance defense. His labor and employment practice is primarily management-based and includes discrimination, wage and hour, Davis-Bacon/prevailing wage, child labor, occupational safety and health, unfair labor disputes, union elections, employee handbooks and policies, benefits and unemployment compensation. In March 2007, Mr. Fasic received his certification as a mediator from the Delaware Superior Court, and he can now mediate disputes in the area of labor/employment law and construction law/mechanics liens. He received his B.A. degree from Lehigh University and his J.D. degree from the Widener University School of Law. Mr. Fasic is a frequent speaker on employment and construction law topics for various professional and trade organizations.

Patrick M. McGrory is an attorney at Tighe & Cottrell, P.A., where he practices in the areas of professional liability, construction law and insurance defense. Mr. McGrory has a B.A. degree in political science from the University of Delaware and a J.D. degree from The Catholic University of America Columbus School of Law. From 2001 to 2004, he served as a legislative correspondent and projects advisor in the Washington and Delaware offices of U.S. Rep. Michael N. Castle, where he advised individuals, as well as charitable and corporate entities, on matters related to various federal, local and private funding programs. As a litigator, Mr. McGrory has represented various construction entities and design professionals in mediation, arbitration and litigation in Delaware, Pennsylvania and New Jersey. He is a member of the Delaware State Bar Association and the Pennsylvania Bar Association. Mr. McGrory is admitted to practice before the Supreme Court of Delaware, the Supreme Court of Pennsylvania, the Supreme Court of New Jersey and the U.S. District Court for the District of Delaware.

Daniel F. Wolcott Jr., Esq., is a partner in the Wilmington law firm of Potter Anderson & Corroon LLP, where he practices in the area of civil litigation, primarily in construction, employment and commercial cases. Mr. Wolcott has represented various entities in the construction industry, including owners, professionals, contractors, subcontractors and suppliers in litigation, arbitration and mediation, and in the negotiation of their contracts. He received his B.A. degree from Bethany College and his J.D. degree from the University of Virginia. Mr. Wolcott is a member of the Forum Committee on the Construction Industry of the American Bar Association and a member of the Delaware State Bar Association. He has been a Delaware code revisor since 1980. Mr. Wolcott is the author of the Delaware portion of the *Fifty State Monograph* on the enforceability of the no damages for delay clause published by the American Bar Association in 1998.

Critical Issues on the Agenda

8:00 AM – 8:30 AM

Registration

8:30 AM – 9:45 AM

Right to Assert Lien

— Daniel F. Wolcott Jr., Esq.

- Who Can Assert a Lien?
- For What Can a Lien Be Asserted?
- Improvements to Land Alone
- Improvements to Leased Premises
- Improvements to Property Used Solely as Residence
- Waiver of Liens

9:45 AM – 10:20 AM

Enforcement of Lien

— G. Kevin Fasic, Esq.

- Time of Filing
- Requirements for Complaint and Statement of Claim
- Alternative Claims for Relief
- Multiple Structures
- Service and Notice Requirement for Scire Facias Proceedings

10:20 AM – 10:30 AM

Break

10:30 AM – 11:15 AM

Enforcement of Lien (Continued)

— G. Kevin Fasic, Esq.

11:15 AM – 12:00 PM

Defenses and Responsive Action

— Paul Cottrell, Esq.

- Right to Withhold Payments to Contractor
- Discharge of Lien on Payment Into Court
- Motions to Dismiss

12:00 PM – 1:00 PM

Lunch (On Your Own)

1:00 PM – 1:30 PM

Defenses and Responsive Action (Continued)

1:30 PM – 2:50 PM

Special Concerns

— Patrick M. McGrory

- Bankruptcy Issues
- Priorities
- Contractor's Trust Fund
- Prompt Pay Act

2:50 PM – 3:00 PM

Break

3:00 PM – 3:30 PM

Government Projects

— Patrick M. McGrory

- State of Delaware
- Miller Act

3:30 PM – 4:30 PM

Collection Actions

— Daniel F. Wolcott Jr., Esq.

- Litigation
- Alternative Dispute Resolution

Seminar Highlights

Exercise your lien rights and be prepared for any legal battles on the horizon – Don't be caught off guard!

Construction liens and bonds are two of the murkiest areas of the law for owners, contractors, subcontractors and suppliers. Handling construction payment disputes in Delaware can be a turbulent process, but armed with the necessary legal knowledge, you can successfully manage even the most complex and costly situation.

Attend this seminar and learn strategies for tackling lien and bond issues for private and public projects. Owners will learn how to protect property from unwarranted liens – and what steps to take if they do arise. Contractors, subcontractors and suppliers will learn how to efficiently collect payment for work performed or supplies provided. And if you're an attorney, you'll find out how to succeed in the litigation and foreclosure of mechanics liens.

Benefits for You

- Correctly identify what property is subject to a lien and who is entitled to recover payment
- Properly fulfill requirements for releasing and discharging a lien
- Take advantage of useful remedies for collection of payment – such as the Prompt Pay Act
- Understand the complex issues surrounding government projects
- Use alternate dispute resolution to avoid courtroom hassles and costs

Professional Manual

You will receive a professionally prepared manual made exclusively for this seminar by our faculty. If you can't attend, you can still get the manual – along with a copy of the recorded seminar on CD – by simply using the registration form on the inside of this brochure.

Learning Objectives

- You will be able to discuss enforcement of lien.
- You will be able to review defenses and responsive action.
- You will be able to identify issues related to government projects.