

TEXAS PRODUCT LIABILITY LAW FOR ENGINEERS
Thursday, November 29, 2007 — Houston, TX • Holiday Inn-Galleria, 3131 West Loop South



HalfMoon LLC
PO Box 268
Eau Claire, WI 54702-0268



PRESORTED
STANDARD
U.S. POSTAGE PAID
EAU CLAIRE, WI
PERMIT NO. 2016

5 REASONS... You Won't Want To Miss This Seminar!

1. You'll get an understanding of the history of product liability law in the United States and in Texas.
2. You'll learn the basic theories of product liability.
3. You'll learn about the defenses to product liability claims.
4. You'll examine product liability case studies.
5. You'll learn how to implement strategies to minimize product liability claims.

Texas Product Liability Law for Engineers: Understanding and Reducing Risk

A practical, one-day program where you'll learn to:

- ▶ **Understand** Texas product liability law
- ▶ **Defend** existing product liability claims
- ▶ **Review** product liability case studies
- ▶ **Adopt** strategies for minimizing potential claims
- ▶ **Implement** procedures to reduce product liability risks
- ▶ **Understand** product liability claims in construction cases

Houston, TX

Thursday, November 29, 2007

6.0 PDHs for Texas Professional Engineers.

(See inside for details.)



HMS
Continuing Legal Education
a division of HalfMoon LLC

Visit our web site at www.halfmoonseminars.com

SEMINAR AGENDA

Understanding the Basics of Product Liability Law *J. Detloff*

- ▶ Brief history of products liability law in the United States and in Texas
- ▶ Basic theories of liability
 - Negligence
 - Misrepresentation
 - Strict liability
 - Express and implied warranties

Examining the Elements of a Product Liability Case *J. Gray*

- ▶ Plaintiff's burden to prove defectiveness
- ▶ Plaintiff's burden to prove legal cause of injury
 - Defending against a product liability claim
 - User misconduct
 - Other defenses
- ▶ Defending against damages
 - Actual damages
 - Punitive damages

Examining Product Liability Case Studies *J. Schreiber*

- ▶ Case 1
- ▶ Case 2
- ▶ Case 3

Adopting Strategies for Reducing Risk of Product Liability Claims *I. Kaiser*

- ▶ Design
- ▶ Testing
- ▶ Inspection

Implementing Procedures to Minimize Claims and Reduce Litigation Costs *P. McLauchlan*

- ▶ Producing and maintaining documentation
- ▶ Document retention

Product Manufacturers-Where their Products "Fit" in a Construction Case *D. Norris*

- ▶ How product manufacturers get caught up in a construction case
- ▶ Strategies for a defense

SEMINAR FACULTY

Janis H. Detloff is a partner with Thompson, Coe, Cousins & Irons, L.L.P., in Houston. She practices in the Mass Tort and Product Liability group, with a focus geared to high level oil and gas and insurance-related issues. Having prior experience as a petroleum geologist, Ms. Detloff was involved in wildcat, appraisal, and exploitation drilling for oil and gas in the Texas Gulf Coast, the Gulf of Mexico, offshore Western Africa, Northern Europe, and the North Sea. In preparing cases for trial, Ms. Detloff works with a wide array of engineering and medical experts. She received her J.D. degree from the University of Houston in 1990, where she was named Outstanding Graduate by the Order of the Barons.

John S. Gray is a partner with Gardere Wynne Sewell in Houston. He specializes in environmental law focusing on the natural resources, manufacturing, real estate development, and petroleum industries. Prior to obtaining his law degree, Mr. Gray was an accomplished licensed professional engineer, earning extensive experience as an environmental consultant. Mr. Gray's experience as both an attorney and engineer places his clients in a position of substantial advantage in the environmental arena. He has authored and co-authored many publications and is a frequent speaker at numerous seminars. Mr. Gray received his M.B.A. degree from the University of Notre Dame and earned his J.D. degree from Southern Methodist University Dedman School of Law, *cum laude*.

Joseph M. Schreiber is an attorney with Bracewell & Giuliani in Houston. His practice focuses on commercial litigation, both on the plaintiff and defendant sides. Mr. Schreiber recently defended an independent contractor from product liability claims of 3000 plaintiffs, resulting in nonsuit granted to his client. He has represented clients in the chemical, auto, energy, tire, pharmaceutical, architectural and engineering fields. Mr. Schreiber has been named a Texas "Rising Star" in 2005, 2006 and 2007. He received his B.A. degree, *cum laude*, at Macalester College and earned his J.D. degree, with honors at The University of Texas School of Law.

Iona N. Kaiser is an attorney with Schirrmeister Diaz-Arrastia Brem, LLP, in Houston. She holds a degree in Chemical Engineering from Virginia Tech and completed her law degree *magna cum laude* at the University of Houston. Prior to becoming a lawyer, Ms. Kaiser worked for some five years in the commodity chemical industry as a chemical engineer focusing on distributed process control support and development. Today, Ms. Kaiser's focus is on technical litigation in both federal and state court, helping clients in disputes based on negligence, contracts, product liability, and defending against wrongful death.

Peter A. McLauchlan is a partner with the law firm Gardere Wynne Sewell in Houston. He has over 20 years of experience handling transactions and litigation concerning all aspects of exploration, development, production, refining, transportation and marketing of oil, gas and petrochemicals. He routinely counsels clients in methods to minimize risk and solve problems in their business operations. Mr. McLauchlan is AV Peer Review Rated by Martindale-Hubbell. He is author and speaker of many publications and presentations and also serves as an adjunct professor. Mr. McLauchlan received his B.A. degree in Marine Engineering and Nautical Science from the United State Merchant Marine Academy, and earned his J.D. degree from St. John's University School of Law.

SEMINAR FACULTY *continued*

Debra Bourn Norris is a director of her own law firm, Debra B. Norris, P.C., in Houston. Ms. Norris combines her engineering and legal backgrounds in a technically-oriented practice, with a special focus on construction law and commercial litigation. She received a B.A. degree in physics, *cum laude*, from Centenary College, a B.S.E.E. degree *magna cum laude* from Louisiana Tech University and a J.D. degree from the University of Texas School of Law. For ten years Ms. Norris worked as an engineer designing, automating and building plants in the oil, gas and chemical industries. Ms. Norris now represents owners, contractors, suppliers and design professionals in the construction industry. In addition to her law practice, Ms. Norris teaches construction law as an adjunct professor in the Department of Civil and environmental Engineering at the University of Houston.

ADDITIONAL INFORMATION

► **Tuition:** \$249.00 for one, or \$229.00 each for 3 or more from the same company or firm registering at the same time. Please make check payable to **HalfMoon LLC**. Each registration includes one copy of *Texas Product Liability Law for Engineers*. **Pre-registration is recommended.** *Walk-in registrations will be accepted at the program if space is available.*

► **Send Registrations to:** HMS, P.O. Box 268, Eau Claire, WI 54702-0268. You may also register via fax at 715-835-6066, over the phone at 715-835-5900, or online at www.halfmoonseminars.com. **We do not send confirmations.** You will be contacted if any scheduling changes occur.

► **Date:** Thursday, November 29, 2007

► **Location:** Holiday Inn-Galleria • (713) 961-1640
3131 West Loop South, Houston, TX 77027
(Call the Holiday Inn or HalfMoon LLC for directions.)

► **Schedule:** Registration 8:00 - 8:30 a.m.
Morning Session 8:30 - 11:45 a.m.
Lunch 11:45 a.m. - 1:00 p.m. (On your own.)
Afternoon Session 1:00 - 4:15 p.m.

► **Continuing Education Credit:** This program is designed to qualify for 6.0 PDHs for Texas engineers. The Texas Board of Professional Engineers does not pre-approve continuing education activities, but it holds final authority over the PDHs claimed by its licensees. *Please call HMS at 715-835-5900 with any continuing education questions or send an email to doug@halfmoonseminars.com.*

► **Cancellations:** If your schedule changes and you contact us **at least 48 hours** before the start of the seminar (CST), we will offer you a full tuition refund, minus a \$10.00 service charge for each registrant. If you contact us after that time, we will offer you a credit toward another seminar, or a credit toward the CD/manual package. *If you desire, you may send another person to take your place at the seminar.*

► **CD/Manual Package:** A full recording of the seminar is available for \$259.00, which includes shipping and handling. Please allow five weeks from the seminar date for delivery.

TEXAS PRODUCT LIABILITY LAW FOR ENGINEERS Thursday, November 29, 2007 — Houston, TX • Holiday Inn-Galleria, 3131 West Loop South

1. Check appropriate product(s):

- Houston, TX** - Thursday, November 29, 2007.
\$249.00 for one or \$229.00 each for 3 or more from the same firm. (Includes Manual)
- CD/Manual Package**, \$259.00, including shipping and handling.
- Manual only**, \$56.00, including shipping and handling.

2. Please complete for each registrant:

(Attach duplicate forms if necessary.)

Name: _____
Position: _____
Name: _____
Position: _____
Company/Firm: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone where we can reach you: (_____) _____ - _____

3. I am making payment by:

Check payable to HalfMoon LLC
(___ Yes, I was pre-registered by phone or fax.)

MC VISA AmEx Discover
Card No: _____ Expires: _____

Cardholder Name: _____

Signature: _____

E-mail Address (for credit card receipt and program changes only): _____

4. Detach entire panel and send via fax to
715-835-6066 or by mail to
HMS, PO Box 268, Eau Claire, WI 54702-0268.

I need special accommodations. Please contact me.

Program #07273

Thank you

© 2007 HalfMoon LLC
LH #07273 - HSTN