Pete Fowler CONSTRUCTION Services, Inc.

Audience Handout Package

Date:	11/08/2024
To:	
From:	Pete Fowler Construction Services, Inc.
Project:	Investigating Personal Injury Claims Webinar 11/21/2024 (PFCS 23-1163)
Regarding:	Audience Handout Package

Meet the Panel

Paul Kushner

ARCHITECT - PETE FOWLER CONSTRUCTION

Paul V. Kushner, A.I.A. is a licensed architect and a Certified Construction Contract Administrator from the Construction Specifications Institute. Paul graduated from the University of California, Berkeley with a Bachelor of Arts in Architecture, and has since spent decades working in construction, architectural services, construction defect litigation, and in the property and injury claim industry on thousands of projects.

Paul has experience in the design, development and production of construction documents, as well as with construction administration, construction observation, code compliance, technical consultant coordination, property inspection and testing, and with construction claims and litigation. Mr. Kushner also has a long history in building performance analysis, including analyzing damage, performing testing, specifying and overseeing repairs, and testifying at numerous depositions, arbitrations, and trials on a variety of building design, construction, and maintenance issues.

Pat O'Brien

MANAGING PARTNER - O'BRIEN LAW P.C.

Patrick O'Brien owns and manages the boutique California law firm O'Brien Law, PC. Mr. O'Brien received his undergraduate degree from Loyola Marymount University and his law degree from Gonzaga Law School where he was Associate Editor of the Gonzaga Law Review. Mr. O'Brien has also completed his LLM in Negotiation and Dispute Resolution from Pepperdine School of Law and graduated Summa Cum Laude.

O'Brien Law, PC focuses on general civil litigation with an emphasis on corporate general counsel work and litigation, including complex construction, automobile, product liability, professional liability, business, probate, insurance, elder abuse, employment and forensic accounting matters. In six years the firm has grown from two attorneys to ten attorneys, making the firm one of the largest law firm north of San Francisco according to the North Bay Business Journal. Prior to founding O'Brien Law, Mr. O'Brien worked at Ropers, Majeski as a senior associate and then was a partner at Lanahan & Reilley and Daniel Crowley & Associates.

Mr. O'Brien's current practice is heavily weighted toward advising companies in a outside general counsel capacity. These companies are located throughout the State of California and engage in a broad range of activities from Construction companies to RV manufacturers. In addition, Mr. O'Brien has successfully tried and arbitrated a number of cases, including cases regarding fraud, commercial vehicles, wrongful death, breach of contract, probate, construction and elder abuse.

Attachments

1. Lesson Plan
2. Power Point Slides

Investigating Personal Injury Claims Webinar



OFFICES

CALIFORNIA

(949) 240-9971

29122 Rancho Viejo Road, #114
San Juan Capistrano, CA 92675

NEVADA

(725) 333-2365

2470 St Rose Pkwy, Ste 104
Las Vegas, NV 89074

FLORIDA

(407) 517-0650

174 Semoran Commerce Place, #A-109
Apopka, FL 32703

TEXAS

(469) 677-8710

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Investigating Personal Injury Claims

INTRODUCTION

Slips, trips, and falls are among the most common causes of workplace injuries and accidents, yet they are often overlooked or underestimated in terms of their potential impact. This presentation will delve into the critical aspects of these incidents, exploring the underlying causes, the role of negligence, and the importance of adhering to safety standards and building codes.

By examining real-world examples and the legal elements involved in slip and fall cases, we aim to provide a comprehensive understanding of how to prevent these incidents and navigate the complexities when they do occur.

Whether you're a safety or construction professional, legal expert, or insurance professional, this presentation will equip you with the knowledge to enhance workplace safety and manage slip, trip, and fall risks effectively.

PROGRAM OUTLINE

1. Introduction
2. Definitions
3. Basic Elements
4. The Code Rabbit Hole
5. The Stairs the Escher Built
6. Conclusion

LEARNING OBJECTIVES

- Become Familiar with the basic vocabulary of personal injury claims.
- Understand the components of a personal injury claim as they relate to the building environment.
- Explain the basic elements arising from the theory of negligence in slip and fall cases.
- Describe the significance of building codes and standards.
- Explore the role of expert witnesses in slip and fall cases.

PROGRAM CONTENTS

1. Introduction – 5 Minutes
    A. Who We Are
    B. Presenter Information
    C. Program Outline
    D. Introduction
    E. Learning Objectives
2. Definitions - 10 Minutes
    A. Overview: Slips, Trips & Falls
    B. Misstep
    C. Slip
    D. Trip
    E. Fall
3. Basic Elements - 15 Minutes
    A. 6 Basic Elements Arising from Theory of Negligence in Slip and Fall Cases
    B. Constructive Notice
    C. Foreseeability
4. The Code Rabbit Hole - 15 Minutes
    A. Sources
    B. Purpose
    C. Scope
    D. Maintenance
5. The Stairs that Escher Built - 10 Minutes
    A. Stairs
    B. Handrails
6. Conclusion – 5 Minutes
    A. "Reptilian Questioning"
    B. Continuing Education
    C. Feedback


WEBINAR
Pete Fowler
Services, Inc.
THURSDAY, NOVEMBER 21st, 2024 @ 10:00AM PT
Investigating
Personal Injury Claims
With Paul Kushner and Pat O'Brien

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ABOUT US

Building Experts.

Helping Smart People
Make Smart Decisions



Construction Defects



Property Claims



Personal Injury Claims



Contract Claims



Quality & Construction Management

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Meet our Presenters



Paul Kushner

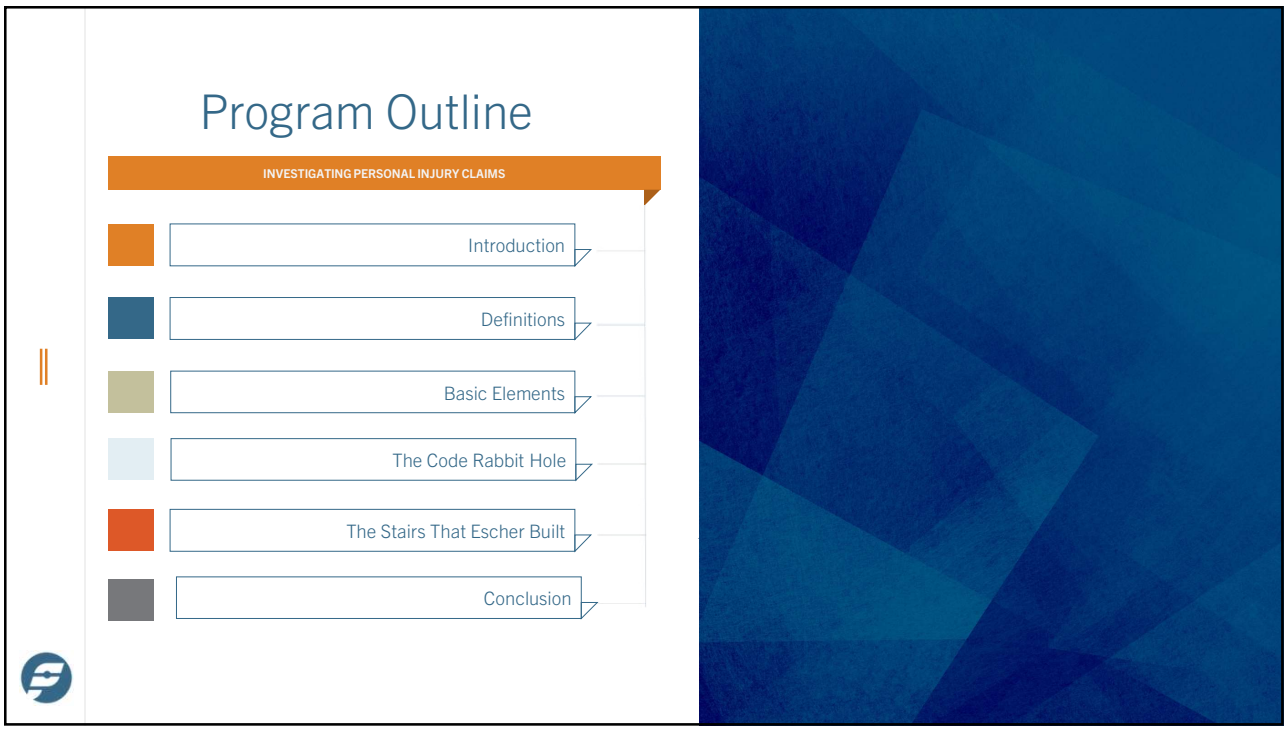
Architect
Pete Fowler Construction



Pat O'Brien

Managing Partner
O'Brien Law P.C.

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Program Outline
INVESTIGATING PERSONAL INJURY CLAIMS
Introduction
Definitions
Basic Elements
The Code Rabbit Hole
The Stairs That Escher Built
Conclusion

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Slip, Trip, and Fall Claims



Slips



Trips



Falls

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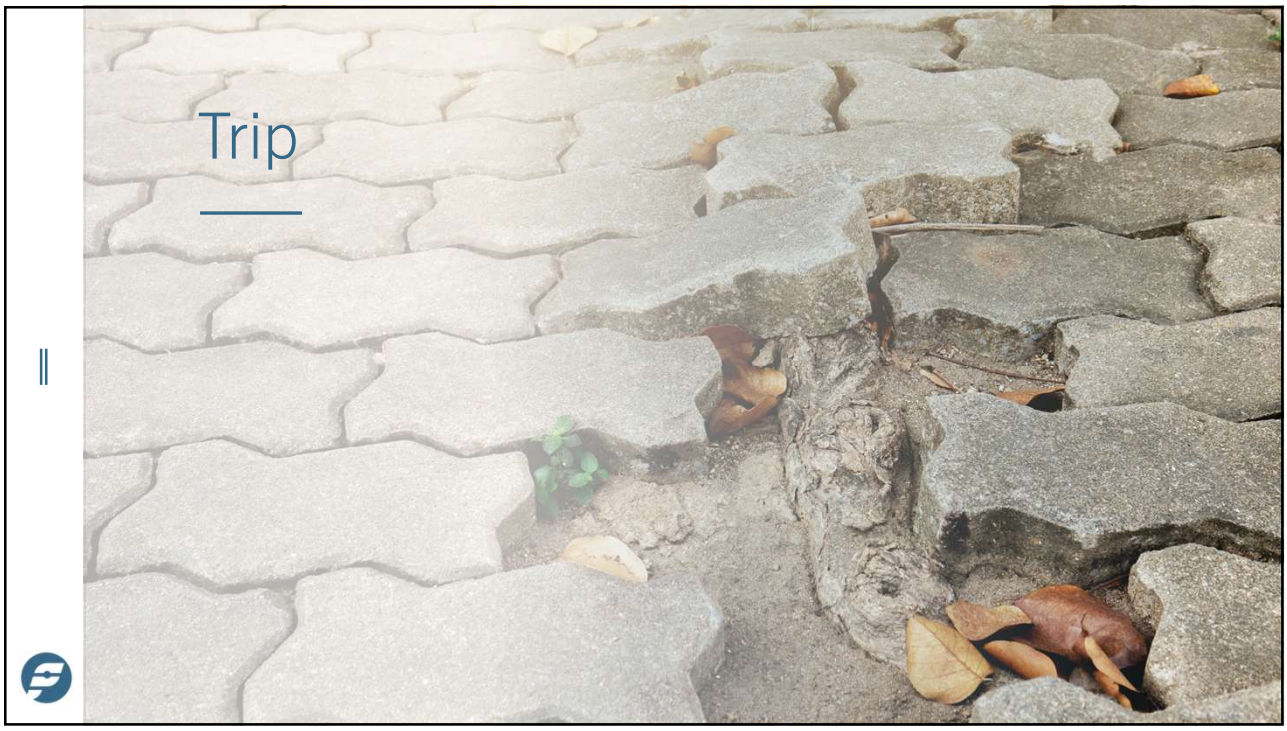
Misstep



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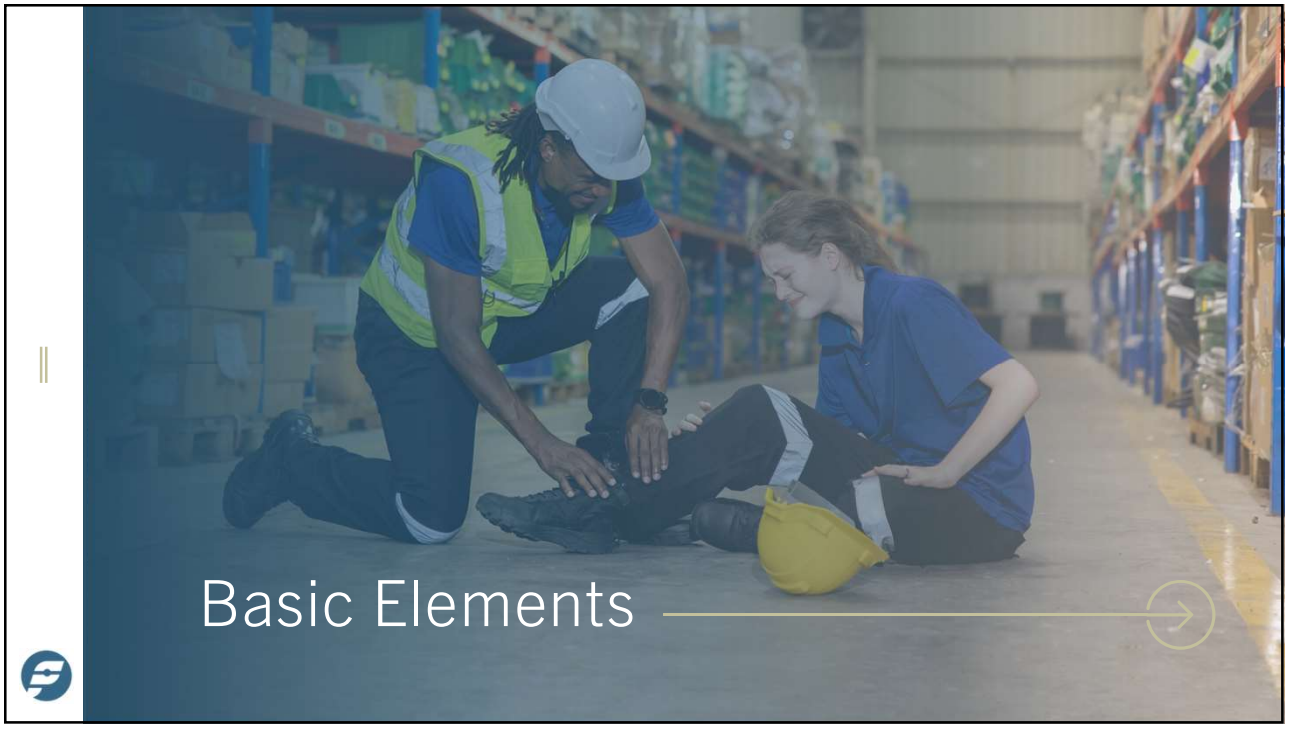
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Basic Elements
Victim
Hazard
Injury
Causation
Notice
Duty

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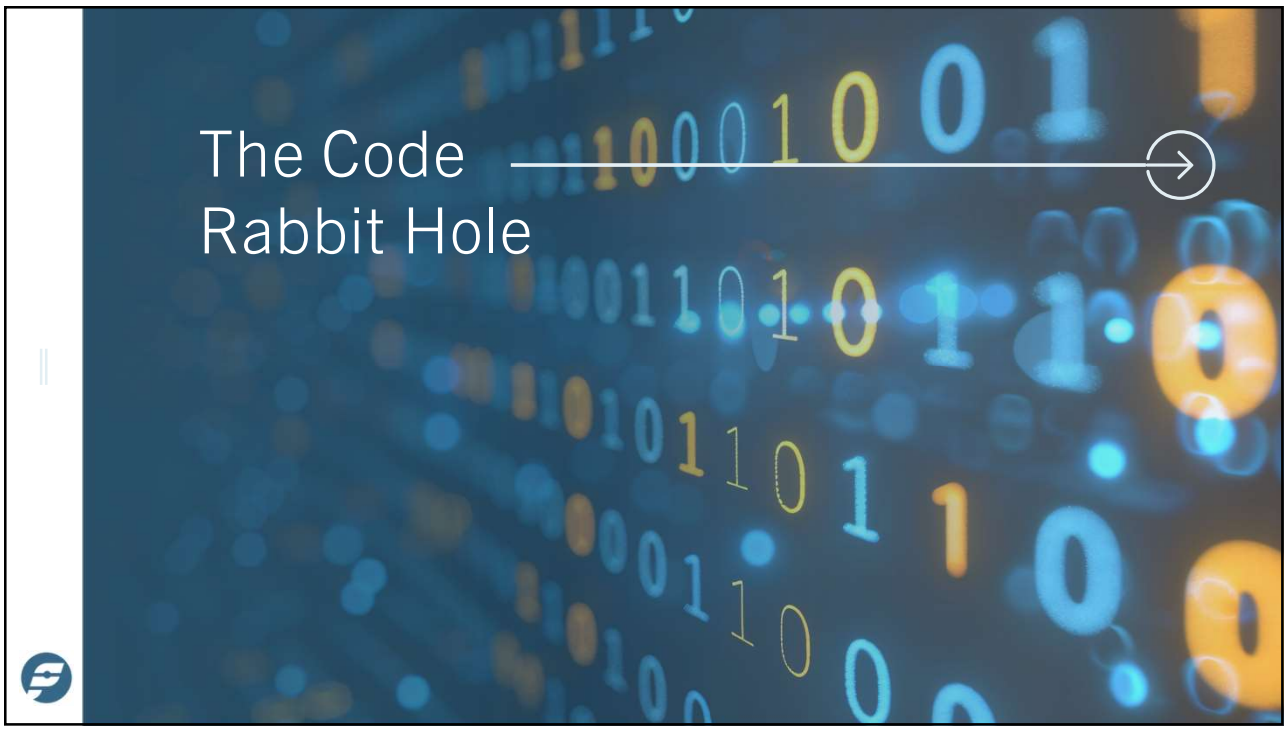


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Foreseeability



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Sources

1. Building Codes, Municipal Codes
2. Americans with Disabilities Act of 1990 including the ADA Accessibility Guidelines (ADAAG)
3. Occupational Safety and Health Administration
4. Historic Codes, Mills Act
5. Local Ordinances - (Specific Plans, Master Plan)
6. ASTM & ANSI Standards
7. The Green Book / Public Works



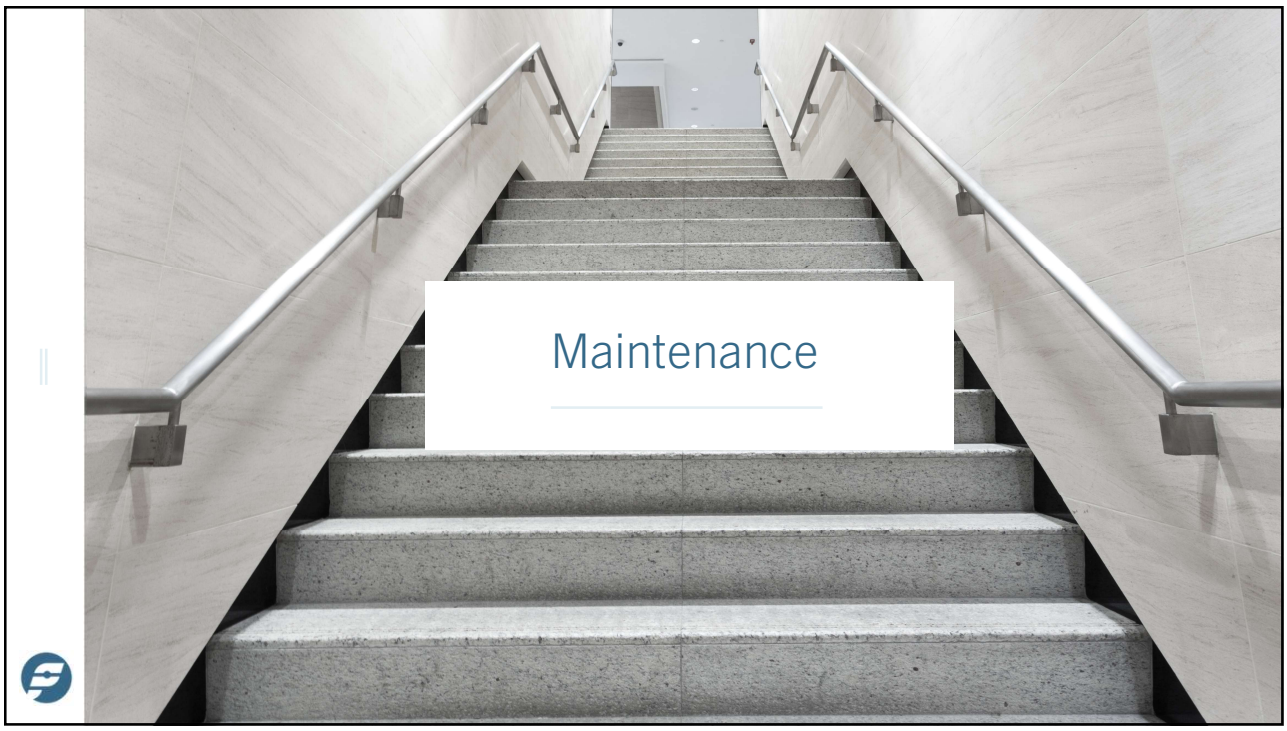
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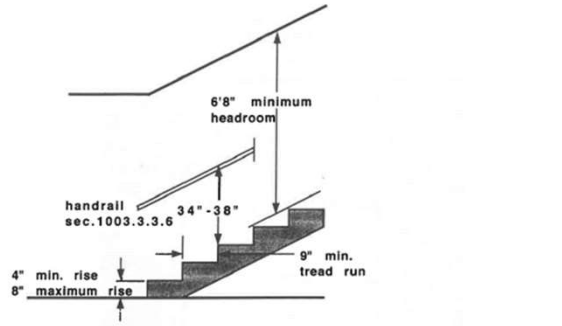


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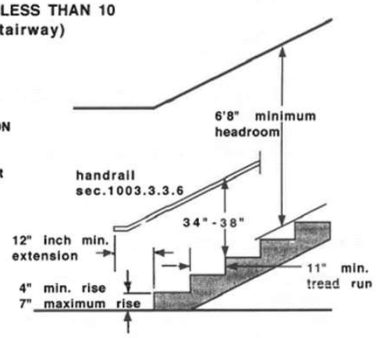
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Stairs



OCCUPANT LOAD LESS THAN 10
(Private stairway)

MAXIMUM CONSTRUCTION
VARIATION PERMITTED
- 3/8" for tread run
- 3/8" for riser height



OCCUPANT LOAD OF 10 OR MORE

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Reptilian Questioning



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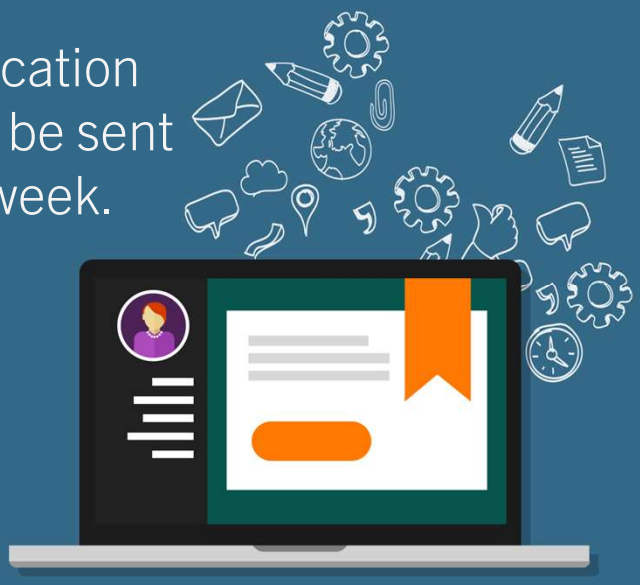
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Continuing Education Certificates will be sent out within one week.



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WEBINAR
THURSDAY, DECEMBER 19TH, 2024 @ 10:00AM PT
Expert Expectations:
Avoiding Regret by Defining What
Good Performance Looks Like
With Don Gifford, Elgin Hakala, and John Toohey

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