



Construction Section, March, 2018

Our section meeting at the Omni Resort, Amelia Island was a very well received! Approximately 40 people attended. Several attendees told me that the presentation was the **best** CLE course that they had **ever** attended – Wow! Thank you **Stuart Simon** for the written materials and for putting together the slide show and for sharing your knowledge. **Marc Young**, thank you for all of your input and for providing the first 8 attendees a copy of Stuart's book – *Witness Communication Training*.

Quote of The Month

"The measure of who we are is what we do with what we have." -Vince Lombardi

Featured Member – Walter Dukes



Walter is married to the former Carolyn Elaine Wiggs of Butler, Alabama; and they have two children, Jessica and Bill, and three granddaughters. Walter and his family are members of Westminster Presbyterian Church, where Walter serves as an Elder.

Community and civic involvement are very important in Walter's life. He currently serves on the Board of Directors for The Police Athletic League, which is dedicated to help at risk children with after school tutoring and other activities in a safe environment.

Walter is President, founding member and Senior share-holder of Dukes, Dukes,

Keating & Faneca, P.A., which has offices in Gulfport and Hattiesburg, Mississippi. He received a B.A. from the University of Southern Mississippi, and Juris Doctorate from The Jackson School of Law at Mississippi College (*cum laude*).

Walter served as FDCC Program Chair for the 2013 Annual Meeting, and he served as Convention Chair for the 2015 FDCC Winter Meeting, having also served on the Board of Directors of the FDCC from 2010 to 2016. Walter is also a Fellow in the Litigation Counsel of America, a trial lawyer honor society composed of less than one-half of one percent of American lawyers. Walter is honored to be a Fellow of The Mississippi Bar Foundation, and he has also served on the University of Southern Mississippi Foundation Board of Directors.

Upcoming Events

At our Annual Meeting in Hawaii this summer, our section meeting's title is ***Here Today, Gone To Maui: The New York Burlington Insurance Case Has Upended the Insurance and Construction World.***

The recent New York State Court of Appeals case *Burlington Insurance v. The New York City Transit Authority* held that for there to be additional insurance coverage for the additional insured endorsement there must be more than a simple causal link between the acts of the named insured and the plaintiff's accident. "Proximate cause" must be established before an additional insured is entitled to coverage under this endorsement. (ISO CG20 10 07 04).

The decision will affect how construction contracts are drafted, especially indemnification provisions; what additional insured endorsements are appropriate; how Insurance Companies will treat tenders under this endorsement. **Joanne Blackburn** of Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP, Seattle, WA and **Kevin Faley** of Morris, Duffy, Alonso, & Faley, New York, NY will look at the endorsement from both the Owner/GC/CM and the Subcontractor's perspective.

News and Noteworthy

Please send to Marc Harwell at marc.harwell@leitnerfirm.com notice of new noteworthy verdicts, settlements, decisions; awards, honors, or achievements; and articles for publication to the Construction Section.

Blog Post

Please see Jay Old's Blog through the following link, and thank you Jay!
<http://community.dri.org/blogs/james-old/2018/01/15/coping-with-natural-diasters-the-blame-game-in-ful>

Each quarter the Construction Section will continue to post an informative blog that provides practical advice and information that can only help you in your practice. If you have addressed through brief or otherwise a topic that is particularly relevant and insightful for the Construction Industry, please send to Marc Harwell for consideration.

Membership

If you know of an attorney who you think is worthy of the FDCC, please mention him or her to Marc, and he will assist with the admissions proposal process.