



Construction Insurance

2026 Regional Program

November 19, 2026

Denver, CO | Minneapolis, MN
New York, NY | Tampa, FL



Forum on Construction Law
Building the Best Construction Lawyers

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Construction Insurance

All construction involves risk, and one of the key tools to manage that risk is insurance. On November 19, 2026, the ABA Forum on Construction Law will present, in four cities across the country, a one-day program on “Construction Insurance.”

With a faculty of leading lawyers and insurance specialists, the program will address many of the key insurance products available to insure construction risk, as well as issues related to the interplay of those insurance products with contract provisions and performance obligations. The program will cover topics including commercial general liability insurance, builders risk insurance, professional liability insurance, OCIPs and CCIPs, additional insureds, indemnity clauses, performance and payment bonds, subcontractor default insurance and other related topics.

The program will touch on current trends in the construction insurance market, so it is suitable for both the new practitioner and the seasoned veteran.

In sum, “Construction Insurance” is a great opportunity for both lawyers and construction professionals to gain deeper knowledge about an aspect of the construction industry that is critical to the success of any construction project and to the project’s participants.

Tuition includes a copy of the recently revised and updated Forum book, *Construction Insurance: A Guide for Attorneys and Other Professionals*, as well as networking, lunch, and a full day of CLE instruction.

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Session Overview

November 19, 2026

7:45 am–8:30 am

Registration and Breakfast

8:30 am–8:40 am

Opening Remarks

8:40 am–9:30 am

Session 1: Construction Projects: Insurance, Risk Transfer & Emerging Technologies

This session will address the basics of construction risk management, risk transfer, and insurance coverages commonly used on construction projects. The session will also identify the key players on a project, common project delivery methods (and the risks associated with each of those), and basic insurance policy concepts. This session will conclude with a discussion on emerging trends in the construction insurance industry.

9:30 am–10:30 am

Session 2: Commercial General Liability Insurance

One of the most widely-used insurance products for any construction project is the commercial general liability (“CGL”) policy. This session will review some of the key provisions of CGL insurance, including the insuring agreement, the definition of an occurrence, how coverage may be triggered, and the definition of property damage. This session will also address commonly encountered exclusions asserted by insurers seeking to avoid coverage for construction defects.

10:30 am–10:45 am

Break

10:45 am–11:35 am

Session 3: Builders Risk Insurance

Builders risk insurance is used to insure against physical damage to the work during a construction project and, depending on the language of the policy, potentially certain soft costs. This session will provide an overview of key construction contract provisions on the responsibility for obtaining the builders risk policy and the type of coverage that is required. The session will also cover the use of the deductibles and self-insured retentions, the property that is covered by the builders risk policy, the covered causes of loss, and commonly found exclusions.

11:35 am–12:25 pm

Session 4: Professional Liability Insurance

Professional liability insurance is the key insurance product for insuring design errors and omissions. While professional liability insurance may apply to other activities on a construction project, design liability will be the focus of this session. Among other things, the session will cover the types of injuries and losses covered under a professional liability policy, the “claims-made” nature of professional liability insurance, the eroding limits concept, the lack of additional insured coverage for non-professionals, some of the standard exclusions in professional liability policies, and other coverages that might be available to insure design risks.

Session Overview

November 19, 2026

12:25 pm–1:25 pm

Break

1:25 pm–2:15 pm

Session 5: Controlled Insurance Programs (OCIPs/CCIPs)

Owner controlled insurance programs (OCIPs) and contractor controlled insurance programs (CCIPs) are widely used on large construction projects to create a dedicated set of insurance policies for a single project. This session will examine the different types of controlled insurance programs, the insurance policies that are most often found in controlled insurance programs, key differences between policies under an OCIP or CCIP and individually procured policies, financial considerations for the use of a CCIP or OCIP, the administration of a controlled insurance program, and challenges for administering and resolving disputes under an OCIP or CCIP.

2:15 pm–3:15 pm

Session 6: Additional Insured and Indemnity Clauses

Additional insured coverage is a valuable tool for many construction industry participants to use another organization's insurance to insure risk. This session will examine the mechanics of additional insured coverage, the evolution of widely used ISO endorsements to provide additional insured coverage, and the impact of anti-indemnity statutes on the availability of additional insured status. This session also will examine the different types of indemnity clauses that are often found in construction and design agreements and how those indemnities may (or may not) be insured through a variety of insurance coverages.

3:15 pm–3:30 pm

Break

3:30 pm–4:30 pm

Session 7: Performance Bonds and Subcontractor Default

Performance bonds are an important risk management tool in all forms of construction, especially public construction. This session will address the basic duties and rights of the surety, the principal, and the obligee under a performance bond. Among those topics will be the performance surety's options upon default of the underlying principal, the surety's responsibility for warranties, delay damages, design defects, and the surety's defenses to performance bond claims. This session also will examine subcontractor default insurance as an alternative to requiring performance bonds from subcontractors.

4:30 pm–5:20 pm

Session 8: Payment Bonds

Payment bonds are used to protect subcontractors and other downstream entities from the risk of non-payment from upstream counter-parties. This session will cover the mechanics of a payment bond including the obligations of a surety under the payment bond, the surety's defenses to payment bond claims and other features of a payment bond.

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	Julia J. Douglass	Fabyanske, Westra, Hart & Thomson, P.A.
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<i>Payment Bonds</i>	Jason Greves	M. A. Mortenson Company
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<i>Additional Insured and Indemnity Clauses</i>	James J. Terry	Zetlin & De Chiara LLP
<i>Performance Bonds and Subcontractor Default Insurance</i>	Dennis C. Cavanaugh	Robinson & Cole, LLP
	John L. Hunt	Robinson & Cole, LLP
<i>Payment Bonds</i>	Gaetano P. Piccirilli	Klehr Harrison Harvey Branzburg LLP

Tampa, FL - Speakers

Stetson Law, Tampa Law Center, 1700 North Tampa Street, Tampa, FL 33602
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<i>Construction Projects: Insurance, Risk Transfer & Emerging Technologies</i>	David Ehrlich	Coastal Construction
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PROGRAM REGISTRATION: Online at <https://ambar.org> or complete and return the attached registration form with your payment before **October 23, 2026**. Conference registration will only be accepted when accompanied by a check or credit card. Credit card registration may be FAXED directly to the ABA at 312-988-5850. If you do not receive a written confirmation by within 72 hours of registering, please call the ABA at 800-285-2221 to verify that your registration form and payment were received.

FORUM DIVERSITY & INCLUSION

SCHOLARSHIP OPPORTUNITY: The Forum will award four Diversity Scholarships for the 2026 Regional Programs per city. Each scholarship covers the cost of registration. These scholarships are awarded to women and minority construction lawyers, construction lawyers with disabilities, and construction lawyers from the LGBTQ+ community. Applicants should submit a copy of their resume together with a short letter describing their construction law practice, along with reasons why they want to attend this particular conference. If selected, candidates must commit to attend the program (the scholarships are not transferable). Questions and/or applications for the scholarships should be sent directly to the Chair of the Forum's Diversity and Inclusion Committee, **Sam Laurin at slaurin@boselaw.com**. The deadline for applications is **September 23, 2026**.

SCHOLARSHIP: Scholarships may be available for a limited time. Attorneys who qualify will receive up to a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the conference. For more information, email Tamara.Harrington@americanbar.org or call 312-988-5674. The deadline for applications is **October 7, 2026**.

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MEMBERSHIP: To join the Forum for \$75 go to ambar.org/constructionlaw.

CLE CREDIT: The ABA will seek **7.16 hours** of CLE credit in 60-minute states, and **8.60 hours** of CLE credit for this program in 50-minute states. Credit hours are estimated and are subject to each state's approval and credit rounding rules.

ADVANCE REGISTRATION: Advance registration is highly recommended to avoid delay in admittance to the program. Space is limited.

ON-SITE REGISTRATION: On-site registration is available for those persons who missed the online registration deadline. If you plan to register at the door, you must contact Patricia Harris, Patricia.Harris@americanbar.org or 312.988.6086 by 5pm CT October 28, 2026 to confirm space is still available. Failure to call in advance may result in not being admitted to a sold-out site.

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Program Information

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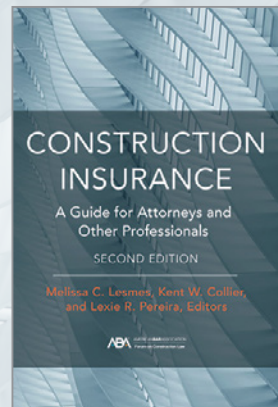
AMERICANS WITH DISABILITIES ACT: If special arrangements are required for disabled individuals to attend this program, please contact the Forum in writing by **October 23, 2026** at the American Bar Association, 321 N. Clark Street, Chicago, Illinois 60654. Fax: 312-988-5677. Email Patricia.Harris@americanbar.org.

QUESTIONS: If you have questions or require additional conference information, please email Patricia.Harris@americanbar.org.

Construction Insurance, Second Edition is a comprehensive reference that demystifies insurance coverage issues in the construction industry.

Designed for attorneys, insurance professionals, risk managers, and construction stakeholders, the guide delivers actionable insights and deep legal analysis across the full spectrum of construction insurance.

This revised edition introduces significant updates to each chapter, ensuring that readers have the most up-to-date case law and industry trends at the ready.



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