

June 2010

Welcome to the second edition of Foundations - Procopio's new quarterly newsletter focusing on the construction industry. In this edition, we explore the recent changes to California's mechanics' liens laws scheduled to go into effect next year, as well as new permit requirements for stormwater drainage on construction sites on an acre or more of property. Also, while litigation is generally not anticipated on a construction project, hindsight is always 20/20 when it comes to embarrassing and potentially damaging emails that could inevitably be used as evidence at trial. To that end, we also have an article on the do's and don'ts of composing and sending emails on company accounts.

Additionally, we offer a number of seminars specifically tailored to the construction industry, as well as your company's particular needs. To schedule any of these seminars please contact Kristen Di Zinno at kristen.dizinno@procopio.com, or 619-238-1900. We hope to continue to provide you with the benefit of the experience and expertise we have developed to meet your needs as your construction lawyers.

Finally, we are proud to announce that three members of our construction practice have once again been named *San Diego Super Lawyers*®. After a rigorous multi-phase selection process that includes peer nominations and evaluations combined with third party research, Senior Counsel [Katherine Knudsen](#), Partner [David Kuhlman](#), and Partner [Craig Ramseyer](#) have been named top attorneys in the area of construction litigation by *San Diego Super Lawyers*® Magazine. Additionally, Craig Ramseyer was included among the Top 50 Super Lawyers in the San Diego region for the second time. Only five percent of the total lawyers in the state of California are selected as Super Lawyers. *Super Lawyers* can be found online at www.superlawyers.com, where attorneys can be searched by practice area and location.

New in the news.

Procopio's legal updates help to keep you apprised of the latest developments in the law impacting the construction industry. If you have any questions about these or other issues, feel free to contact one of our experienced [construction law attorneys](#).



Changes in California's Construction Lien Laws

By Andrew J. Kessler, Esq.

Starting January 1, 2011, new laws will go into effect concerning the requirements for enforcing mechanics' liens in California. Is your company prepared for these new changes to ensure you maintain your lien rights after the New Year? [Learn more here.](#)

New General Permit for Stormwater Discharges from Construction Sites

By Walter E. Rusinek, Esq.

As of next month, certain construction and other land-disturbing activities impacting one or more acres will require a new permit issued by the California State Water Resources Control Board regulating stormwater discharges. Further, even those currently covered by existing permits will need to re-register. [Learn more here.](#)

Before Clicking the "Send" Button...

By Jeff S. Hood, Esq.

Today, most employee communication, either within a company or between companies, is done by email. While email is fast and efficient, its informal nature often leads to problems down the road if a lawsuit arises from a construction project. To ensure you or your company avoid these problems, the safest course of action is to take extra precautions when composing and sending emails. [Learn more here.](#)

Let us come to you.

Procopio regularly offers free seminars to clients on a variety of topical issues. Unlike other programs available, our attorneys know your business and tailor their presentation to your particular needs.



When Cal/OSHA Comes Calling

All employers must comply with the mandates of the Division of Occupational Safety and Health, better known as Cal/OSHA. Failure to do so, even innocent failure, may subject your company to inspections, citations, monetary penalties, and criminal prosecution.

Steve Borer is a senior counsel with Procopio who assists clients in the defense of Cal/OSHA inspections and citations resulting from workplace accidents and injuries. His presentations will assist your company in preparing for post-accident inspections, dealing with Cal/OSHA inspectors, documenting compliance with safety regulations, and all aspects of the citation and penalty appeal process. Contact Steve at steve.borer@procopio.com to learn more about Cal/OSHA inspection and compliance, or to schedule this presentation for your company.

Mechanics' Lien Law Workshop - Know & Understand the "Critical Time Line"

In California, mechanics' liens are constitutionally protected security interests available to those who provide labor and materials to improve property on private works. While the security afforded by mechanics' liens is great, the requirements to create and enforce them are strict and uncompromising.

Greg Barnes is a senior counsel with Procopio and an active member of the Construction Law Section of the San Diego County Bar. His presentation will assist your company in securing its lien rights and will also cover alternative forms of security, payment bonds, prompt payment statutes, and other key construction timeline issues. These other forms of security cover both private works and public works projects. Contact Greg at greg.barnes@procopio.com to learn more or to schedule this presentation for your company.

For more information on Procopio's construction practice, visit www.procopio.com



Our downtown office has moved! Please note our new address below.

Procopio, Cory, Hargreaves & Savitch LLP

525 B Street, Suite 2200 San Diego, CA 92101 T. 619.238.1900 F. 619.235.0398
1917 Palomar Oaks Way, Suite 300 Carlsbad, CA 92008 T. 760.931.9700 F. 760.931.1155

www.procopio.com