



SERVING DESIGN AND CONSTRUCTION PROFESSIONALS

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EXECUTIVE SUMMARY, KRISTINE A. KUBES, PRINCIPAL, KUBES LAW OFFICE, PLLC:

Seasoned construction attorney recognized for her skill in leadership, clear communication, and thinking outside the box. Demonstrated strength in managing litigation, trying cases, negotiating settlements, handling appeals. Represents architects, engineers, building and road contractors, and their sureties. Defends professional liability and general liability claims. Secures client's payment claims via mechanic's liens. Mediates construction disputes. Assists clients in managing and minimizing risk by preparing and negotiating contracts, navigating project management and payment issues during contract performance, and evaluating and implementing best practices. AV-rated.

PROFESSIONAL EMPLOYMENT HISTORY

- Founder, Kubes Law Office, PLLC, Serving Design & Construction Professionals (2009 – present)
- Meagher & Geer, PLLP (2002-2009; partner January 2008 through May 2009)
Defend architects, engineers, and contractors; manage complex, multi-party litigations; obtain significant defense settlements and rulings; take cases from inception through trial/arbitration and appeal; advise clients on project management issues; pursue payment claims and mechanic's liens; negotiate and draft contracts; manage client risks through contracts and best practices.
- Thomas R. Olson & Associates (1998 to 2002) (n/k/a Olson & Price, Ltd.)
Represent and defend contractors on project management issues, payment claims; pursue claims for equitable contract adjustment before the Army Corps and the Board of Contract Appeals.
- Minnesota Court of Appeals (1990 to 1998)
Research and write legal memoranda, analyzing wide array of legal issues before the court.
Judicial Clerk to: Honorable Robert H. Schumacher (1998)
Honorable Fred C. Norton (1993 to 1998)
Honorable Doris Ohlsen Huspeni (1990 to 1992)

EDUCATION

- University of Minnesota Law School, J.D., 1990
- College of St. Catherine, B.A. English, political science, 1986
- University of Rennes, France, Institute of Business and Management, post-doctoral student and Professor's Assistant in French MBA program, Fall 1992

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STATE AND FEDERAL BAR ADMISSIONS

- State of Minnesota, 1991
- United States District Court, District of Minnesota, 1991
- United States Court of Appeals, Eighth Circuit, 1999
- United States Supreme Court, March 2018

PROFESSIONAL MEMBERSHIPS AND SERVICE

- Mediator of construction and design disputes
- State Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design; Chair of the Board (2009-11); Immediate Past Chair (2011-12); Public Member (2005-13)
- American Institute of Architects – MN, Allied Member (2009-present); Instructor, Architectural Registration Exam Review Seminar on Contract Documents and Services (2005 to present)
- American Counsel of Engineering Companies – MN, Affiliate Member (2009-present), Board Member (2016-2018); ACEC Legal Counsel Forum (2017-present)
- American Society of Interior Design – MN, Industry Partner (2009-present)
- Association of Women Contractors, Affiliate Member (2016-present)
- National Council of Architect Registration Boards – Chair, Professional Conduct Committee (2012-13, 2013-14, 2014-15) and member (2009-2015)
- American Bar Association Forum on Construction Law (2001-present)
 - National Chair (2019-20)
 - Governing Committee Member (2013-16)
 - Chair, Special Programs & Education Committee (2014 – 2018)
 - Member, Marketing Committee (2013-present)
 - Former Chair, Design Division and Distance Learning Subcommittee
- American Bar Association TIPS/Fidelity & Surety Law Committee (2001-present)
- Fellow of the American Bar Foundation (2016-present)
- Construction Law Section Member:
 - Minnesota State Bar Association
 - Minnesota Defense Lawyers Association

REPORTED OPINIONS / CASES

- *Dakota County v. BWBR Architects, Inc.*, 645 N.W.2d 487 (Minn. Ct. App. 2002)
- *Wong v. Interspace-West, Inc.*, 701 N.W.2d 301 (Minn. Ct. App. 2005), *rev. denied* (Minn. 10/18/2005)

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COMMUNITY SERVICE AND INTERESTS

- Volunteer, fundraiser: Tandem Family Resource Center; Leukemia Lymphoma Society
- Pro bono educator for design societies locally and nationally
- Grandmother of three children, Godmother of another three; conversant in French; gourmet cook and pie baker; classically-trained soprano; two-time marathon finisher; gardener; traveler; devotee of American Arts-and-Crafts philosophy and architecture.

PUBLISHED BOOKS

- ***Infrastructure from the Ground Up: Civil Engineering Works for Lawyers***; Literary Editor (ABA Nov. 2012)

PROGRAM LEADERSHIP, SPEAKING ENGAGEMENTS, AND PUBLISHED ARTICLES

- **“Provisions for the Journey”**; Message from the Chair, *The Construction Lawyer*, ABA Forum on Construction Law, Summer edition, August 2020
- **Ethics for Design Professionals**; CE seminars, June 2020
- **“Making a Difference with Civility”**; Message from the Chair, *The Construction Lawyer*, ABA Forum on Construction Law, Spring edition, May 2020
- **“Discovering Construction Law Changes”**; *Engineering News Record*, April 2020
- **“Finding New Meaning in ‘We the People’”**; Message from the Chair, *The Construction Lawyer*, ABA Forum on Construction Law, Winter edition, March 2020
- **Rule Renovation: What Recent Updates to the Ethical Rules Mean for Your Practice**; numerous CE seminars for design professionals, Feb. – June 2020
- **“At the Intersection of Technology and Risk Management”**; *Engineering News Record*, February 2020
- **Engineering Ethics: Updated Rules and Roundtables**; numerous CE seminars for engineers, Feb. – June 2020
- **2020: A Focused Look at Risk Management in the New Decade**, ABA Forum on Construction Law Midwinter Meeting; Tucson, AZ, January 2020
- **“Grateful for our History, Preparing for Our Future”**; Message from the Chair, *The Construction Lawyer*, ABA Forum on Construction Law, November 2019
- **“Inclusion: A critical Element for Workforce in Construction and Design”**; *Modern Contractor*, November 2019
- **“Inclusion: A Critical Element in the Evolutionary Process of the Legal and Construction Professions”**; *For the Defense* (MN Defense Lawyer’s Association) October 2019
- **Building a Better Construction Industry through Inclusion, Diversity, & Professionalism**; ABA Forum on Construction Law Fall Meeting; Philadelphia, PA, October 2019
- **“Voices of Construction”**; *Engineering News Record*, September 2019
- **“Three Tools for Proactive Risk Management: Contracts, Fluent Dialogue and Change Management”**; *Construction Executive*, September 2019

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- **"Designers' Best Practices for Managing & Documenting Project Changes"**; ASID-MN *Design Directions*, August 22, 2019
- **"Managing Regulatory Risks"**; *Modern Contractor Solutions*, August 2019
- **"Code of Ethics: A Critical Risk Management Tool"**; *Construction Executive Magazine*, June 2019
- **"Managing Risk in Construction Management"**; *CMAA Advisor Magazine* - Summer 2019
- **"Licensing Concerns for Expanding Construction/Design Firms"**; *Modern Contractor Solutions*, June 2019
- **Intersection of Ethics, Professionalism & Inclusion: The New Model Rule 8.4(g)**; seminar for MN State Bar Association Annual Conference, June 2019
- **"Three Invitations for the New Year"**; Message from the Chair-Elect; *Under Construction* (ABA Forum on Construction Law) March 2019
- **"Evolution of Model Rule 8.4(g)"**; *Under Construction* (ABA Forum on Construction Law); March 2019
- **Intersection of Ethics, Professionalism & Inclusion: The New Model Rule 8.4(g)**; seminar for MN State Bar Association Construction Law Section, December 2018
- **"Observing, Listening, Learning, Leading"** Message from the Chair-Elect; *Under Construction* (ABA Forum on Construction Law) December 2018
- **Tools for Success: Construction Contracts & Risk Management**; seminar for MN Department of Transportation, November 2018
- **Ethics in Professional Practice: Let's Talk About It**; Keynote Speaker, MN Power Systems Conference (MIPSYCON), November 2018
- **Ethics for Design Professionals**; two-hour training for The Architectural Alliance, October 2018
- **Ethics for Certified Interior Designers**; one-hour training for University of Minnesota Interior Design program students, September 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for MN Society of Professional Land Surveyors, June 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for Metropolitan Council Environmental Services Division, June 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for American Society of Mechanical Engineers-MN, June 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for Idom Engineering, June 2018
- **Ethics for Design Professionals**; two-hour training for Design Arts Seminars, Inc., May 2018
- **Supporting 'Citizen Architect': Ethics & Leadership in Professional Practice**; two-hour training for AIA-MN, May 2018

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- **Ethics: A Design Professional's Tool for Risk Management**; regional webinar sponsored by Cobb Strecker Dunphy & Zimmermann, May 2018
- **Engineering Law & Ethics: Complying with the Rules of Professional Conduct**; one-hour training for Half-Moon Education, Inc., May 2018
- **Ethics: A Design Professional's Tool for Risk Management**; one-hour training for Excel Engineering, May 2018
- **Ethics, Responsibility & Leadership in Professional Practice**; two-hour training for ACEC-MN, April 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for MN Society of Fire Protection Engineers, March 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for Wenck Associates, March 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for American Society of Agricultural & Biological Engineers-MN, March 2018
- **Ethics in Professional Practice: Learning from Others' Mistakes**; two-hour training for The Trane Company, February 2018
- **Ethics in Professional Practice: Let's Talk About It**; two-hour training for Michaud Cooley Erickson, February 2018
- **Women Making a Difference: Claiming your Power in Ethical Leadership**; one-hour training for ACEC-MN, January 2018
- **Ethical Implications of Working with Engineering Experts: The Intersection of Two Codes of Ethics**; panel member, Crane Engineering, January 2018
- **"Whose Design is it, Anyway? The Benefits and Challenges of Delegated Design,"** co-authored paper for ABA Forum on Construction Law 2018 Midwinter Meeting.
- **Ethics in Professional Practice: Learning from Others' Mistakes**; one-hour training for Engineering Society of St. Paul, January 2018
- **The Intersection of Ethics and Diversity – How Model Rule 8.4(g) Impacts What You "Should Know,"** panel member, distance learning seminar, ABA CLE, December 2017
- **Ethics for Certified Interior Designers**; one-hour training for University of Minnesota Interior Design program students, November 2017
- **Whose Idea is it anyway? The Ethics of Intellectual Property Issues for Design Professionals**; two-hour training for ASID-MN, November 2017
- **Ethics in Professional Practice: Let's talk about it**; two-hour training for Henn. County Public Works, October 2017
- **"Whose design is it, anyway? Ethics and intellectual property for design professionals"** ASID-Minnesota *Design Directions* Magazine, Fall 2017

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- **Whose Idea is it anyway? The Ethics of Intellectual Property Issues for Design Professionals;** International Market Square Design Center, August 2017
- **Understanding the Design Professional's Ethical Obligations;** Minnesota State Bar Association Construction Law Symposium, July 2017
- **Ethics in Professional Practice: Learning from Others' Mistakes;** 90th Annual Meeting, Central States Water Environment Association, May 2017
- **Whose Idea is it Anyway? Ethics for Firm Marketing and Job Transitions;** two-hour intellectual property/ethics training for AIA-MN, May 2017
- **Ethics for Design Professionals;** two-hour training for NDID, April 2017
- **Ethics in Professional Practice: Let's Talk About It;** two-hour training for ACEC-MN, April 2017
- **Ethics of Interior Design Practice and Evidence-Based Design in Healthcare: What's next?** Panel member, Interior Design Educators Council Annual Conference, March 2017
- **Ethics in Professional Practice: Learning from Others' Mistakes;** 12th Annual Excel Engineering Technical Conference, February 2017
- **Evaluating Ethical Risk in Professional Practice;** two-hour training, Society of American Military Engineers, Mpls. - St. Paul Post, July 2016
- **Emerging Leaders Course – Ethics and Leadership;** day-long training, ACEC-South Dakota, May 2016
- **Ethical Duties of Design Professionals;** regional webinar sponsored by Cobb Strecker Dunphy & Zimmermann, May 2016
- **Ethics: Learning from Others' Mistakes;** two-hour training for MnSPE, May 2016
- **Evaluating Ethical Risk in Professional Practice;** two-hour training for ACEC-MN, April 2016
- **Ethics for Design Professionals;** two-hour training for Design Arts Seminars, April 2016
- **"Contracting Best Practices for Interior Designers;"** ASID-Minnesota *Design Directions* Magazine, Spring 2016
- **Ethics for Interior Designers;** two-hour trainings for IIDA-Northland (March, April 2016) and ASID-MN (April 2016)
- **Professional Ethics in the Public Arena;** two-hour training for North Central Institute of Transportation Engineers and Women's Transportation Seminar (NCITE/WTS), March 2016
- **"Practice Tips: The Role of Counsel in the Mediation of a Mechanic's Lien Case;"** article co-author, MN CLE Mechanic's Lien Conference, March 2016
- **Ethical Professional Practice: Learning from Others' Mistakes;** ASME-MN, MN Society of Fire Protection Engineers, and in-house at private firms, two-hour trainings (Jan – Mar 2016)
- **Engineering Ethics in the Public Arena;** City Engineers' Association of MN, one-hour training, January 2016

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- **Engineering Ethics: The Challenges of Reporting Ethical Violations;** MN Structural Engineers Association, one-hour training, January 2016
- **Ethics Jeopardy;** AIA-MN State Conference, one-hour ethics training, November 2015
- **Ethics: An Engineer's Tool for Risk Management;** Metropolitan Council, two-hour Ethics Training on two separate dates, September and November 2015
- **Ethics in Professional Practice – Learning from Others' Mistakes;** two-hour in-house training for Dunham Associates, November 2015
- **Ethics from the Ground Up;** ACEC-MN Vertical Construction Conference, October 2015
- **Ethical Engineers & Mentors: Reflections on Best Practices;** MSPE, October 2015
- **Ethical Professional Practice: Learning from Others' Mistakes;** ASHRAE-MN, September 2015
- **Ethics: A Design Professional's Tool for Risk Management;** regional webinar sponsored by Cobb Strecker Dunphy & Zimmermann, September 2015
- **Ethics and Business Issues for Women in Engineering: Let's Talk About It;** ACEC-MN, July 2015
- **Continuing Education – Ethics for Licensed And Certified Professionals;** Hennepin County engineers, two-hour Ethics Training and two separate dates, June 2015
- **Ethical Professional Practice: Learning from Others' Mistakes;** in-house seminar for DLR Group, May/June 2015
- **"Liability Insurance and Risk Management for the Design Professional;"** ASID-Minnesota *Design Directions* Magazine, Spring 2015
- **Ethics: An Engineer's Tool for Risk Management;** ACEC-MN April 2015
- **Professional Ethics in Professional Practice: The Goal is a Merger;** two-hour in-house training for Barr Engineering, February 2015
- **Ethics: An Engineer's Tool for Risk Management;** Engineering Society of St. Paul; Engineering Club of Minneapolis; two-hour session, February and May 2015
- **Ethics: An Engineer's Tool for Risk Management;** Society of American Military Engineers, Mpls. - St. Paul Post, December 2014
- **Ethics in Professional Practice: The Goal is a Merger;** AIA-MN Convention, November 2014
- **Governing Committee Liaison, ABA Forum on the Construction Industry Fall Meeting;** Chicago, IL, October 2014
- **Ethical Professional Practice: Learning from Others' Mistakes;** in-house seminar for HGA, July 2014
- **Complying with MN Rules and Regulations on the Practice of Professional Engineering;** presenter, Half Moon Education - MN Engineering Law, June 2014
- **Complying with Rules and Guidelines on Professional Conduct;** presenter, Half Moon Education - MN Engineering Law, June 2014

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- **“Understanding Mechanic’s Liens as a Designer’s Security for Payment;”** ASID-Minnesota *Design Directions Magazine*, Summer 2014
- **Ethics, Responsibility & Leadership in Professional Practice;** in-house seminar for Barr Engineering, June 2014
- **Managing Risk through Contracts, Communication, and Ethics;** regional webinar sponsored by Cobb Strecker Dunphy & Zimmermann, April 2014
- **Ethics, Responsibility & Leadership in Professional Practice;** ACEC-MN April 2014
- **Ethical Professional Practice: Learning from Others’ Mistakes;** MN Society of Professional Engineers, February 2014
- **Professional Ethics in Professional Practice: The Goal is a Merger;** MN County Engineers Association 69th Annual Conference, January 2014
- **Ethics for Design Professionals: The Key to Risk Management;** regional webinar sponsored by Cobb Strecker Dunphy & Zimmermann, September 2013
- **Managing Engineering Risk & Empowering Practice with Contracts & Communication;** presenter, National Society of Professional Engineers Annual Meeting, July 2013
- **Ethics: An Engineer’s Tool for Risk Management;** presenter, Society of American Military Engineers, Mpls. - St. Paul Post, June 2013
- **Empowering your Practice & Managing Risk through Contracts & Communication;** presenter, IFDA, May 2013
- **“Road Mapping the Relationship: Contracts for Interior Designers;”** ASID-Minnesota *Design Directions Magazine*, Winter 2012
- **Empowering your Practice & Managing Risk through Contracts & Communication,** presenter, International Market Square Education Series, November 2012
- **Construction Law Program for State and Local Government Attorneys and University Counsel, Forum Fall Meeting, October 2012,** presenting faculty member, “Owner-Design Professional Considerations for Contracts and Project Delivery Methods”
- **Understanding Mechanic’s Liens,** presenter, ASID-MN, October 2012
- **Empowering your Practice & Managing Risk through Contracts & Communication,** presenter, Client in-house Board of Directors Meeting, October 2012
- **Empowering your Practice with Ethics,** presenter, MN Structural Engineers Association, February 2012
- **Professional Ethics in Professional Practice: The Goal is a Merger,** presenter, Annual Conference of the City Engineers Association of Minnesota, January 2012
- **Professional Ethics and Legal Liability,** presenter, MSPE Leadership Institute, January 2012
- **Construction Law 101: Issues for the Government Lawyer,** presenting faculty member on design issues, ABA Government and Public Sector Lawyers Division, October 2011

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- **Empowering your Practice with Ethics**, presenter, MN Society of American Military Engineers, June 2011
- **"Get that in Ink and Keep It,"** ASID-Minnesota *Design Directions* Magazine, Spring 2011
- **Empowering your Practice with Ethics**, presenter, MSPE, January 2011
- **"Lessons Learned: Four Steps to Manage Risk and Strengthen your Business,"** ASID-Minnesota *Design Directions* Magazine, Winter 2010
- **Empowering your Practice with Ethics**, presenter, INCOSE/MFESTS, October 2010
- **Program Co-Chair, ABA Forum on the Construction Industry Annual Meeting**, Austin, Texas, April 2010
- **Empowering Your Practice: Contracts and Communication**, presenter, ASID-MN, April 2010
- **Empowering your Practice with Ethics**, presenter, ACEC MN February 2010
- **Putting BIM in Perspective – A Proactive Approach to Liability Issues**, presenter, ASHRAE 2010 Winter Conference, January 2010
- **Empowering your Practice with Ethics**, presenter, University of MN-Duluth, School of Engineering, November 2009
- **The Expanding Market for Green Certification: Green Products and Traps for Liability**, presenting faculty member, MSBA Construction Law Annual Meeting, June 2009
- **The Forum Experience**, presenting faculty member, ABA Forum on the Construction Industry Annual Meeting, April 2009
- **Insurance and Integrated Project Delivery**, Session Coordinator, ABA Forum on the Construction Industry Mid-Winter Meeting, January 2009
- **AIA-MN ARE Review Course: Construction Documents and Services**, presenting faculty member 2005 to the present
- **Construction Experts: Practice Tips to Help You Help Your Clients**, presenting faculty member, Meagher & Geer seminar series, March 2008
- **Sticks & Bricks**, National Course Co-Chair, ABA Forum on the Construction Industry CLE, November 2007
- **"The Design Professional's Project Self-Certification: A Key to Efficiency or Liability?"** Author; 26 *The Construction Lawyer* Fall 2006, at 5
- **Selecting the Best Approach to Project Design**, presenting faculty member, ABA Forum on the Construction Industry CLE, September 2005
- **Fundamentals of Construction CLE Program**, presenting faculty member, ABA Forum on the Construction Industry CLE, November 2004
- **When the Bell Tolls: Statutes of Limitation and Repose**, presenting faculty member, Minnesota CLE, May 2004

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- **The Owner's Interest as an Additional Insured**, presenting faculty/panel member, ABA Insurance Coverage Litigation CLE Seminar, March 2004
- **Let's Keep It Civil: Ethics and Professionalism in Civil Practice**, Ethics and Elimination of Bias CLE, presenting faculty member, Minnesota Institute of Legal Education, May and July 2003
- **Construction Issues in Minnesota**, presenting faculty member, Lorman Education Services, November 2002 and November 2003
 - "Defective Bids and Bid Withdrawal: Understanding the Issues; Understanding your Options"
 - "Delays in Contract Performance"
 - "Contract Termination: Options and Considerations"