

## **Construction & Design**

Our Construction & Design practice group represents owners, general contractors, subcontractors, suppliers, design professionals, insurers, sureties and lenders involving both public and private projects. Our lawyers advise clients in the creation and negotiation of contracts, claims management and litigation avoidance, insurance coverage, labor relations, mediation, and the arbitration and litigation of every type of construction-related claim.

### **Expertise**

The lawyers who comprise our Construction & Design practice group devote their practice to clients involved in the construction industry. Several of our lawyers have extensive construction or engineering experience prior to practicing law, and one of our partners was an attorney for the National Labor Relations Board. As a group, we are active in the preeminent construction organizations in the United States, including the American Bar Association Forum on the Construction Industry, the Design-Build Institute of America and the Associated General Contractors of America. This background, dedication and focus allows us to better understand our clients' businesses and provide them the best possible service.

### **Philosophy**

Regardless of the size or complexity of a construction matter, we are committed to achieving our clients' objectives by finding practical and economical solutions. Our approach is to complete an early assessment and analyze not only the problem presented, but more importantly our clients' goals and what we can do to effectively and efficiently achieve them. We regularly prepare and update fee estimates to help our clients manage their costs and avoid surprises.

When appropriate we will partner with our clients to identify and implement alternative fee arrangements such as contingency fees, blended hourly rates and fixed fees. We also offer unique fee arrangements that allow us to economically handle matters anywhere in the United States. Our attorneys constantly look for creative solutions that best achieve our clients' objectives.

Our construction-related legal services are comprehensive in scope, and include:

#### **Contracting**

While many firms emphasize the litigation aspects of their construction practice, we believe that many litigation problems can be avoided or significantly lessened by proper preparation and contractual positioning from the outset. We have prepared and negotiated hundreds of construction, design or design-build contracts for a wide range of projects on behalf of every type of service provider involved in the construction process.

#### **Labor Relations**

In order to successfully accomplish the project objective, it is imperative to maintain some degree of harmony on the construction site. Often that harmony can be disrupted by pickets or union strikes beyond the control of the general contractor, owner or lender. Our lawyers have substantial experience working with clients in preparing the job site to accommodate potential picketers in a way that avoids work stoppages and other job delays. When these issues cannot be otherwise avoided, we represent our clients in various state and federal courts and before government agencies, such as the National Labor Relations Board.

**Lien & Bond Claims**

Whether you are an unpaid contractor or supplier trying to collect monies owed you, an owner desiring to avoid paying again for work already performed, or a lender seeking to protect your collateral, mechanic's liens and payment bonds are devices with which you need to be familiar.

A properly prepared and timely filed mechanic's lien or bond claim can be an invaluable tool, and sometimes the only way to collect monies owed. At a minimum, they typically generate significant concern on behalf of those with interests or obligations relating to the subject property. Conversely, lien waivers and bonds can provide a virtual bar to claims by subcontractors and suppliers against the project owners and lenders.

We have successfully prepared, prosecuted, and defended against hundreds of mechanic's lien and bond claims in dozens of states, ranging from thousands to millions of dollars.

**Alternative Dispute Resolution**

With the costs of litigation often outweighing the value of the claims at issue, parties more frequently look to alternative methods of dispute resolution. These methods include informal negotiations, nonbinding mediations and arbitrations.

Our attorneys have significant experience in the area of ADR. Each dispute is unique in its own right, and we believe it is as important to understand when and which of the alternatives is best suited to further a client's objectives. The answer to that question is often much more complex than it might appear, and an attorney who can provide effective guidance in that regard can be invaluable.

**Litigation**

On occasion, despite the best intentions and best efforts of all involved, the need to litigate a dispute is simply unavoidable. In such an event, it is critical to have attorneys who are experienced not only in litigation, but in all aspects of the construction process.

Our attorneys have extensive experience litigating construction disputes, and have successfully represented construction clients in more than one hundred different state and federal, trial and appellate courts throughout the country.