‘Express Written Consent’ Means Express Written Consent—No More, No Less

Insight

When drafting contracts, you should say what you mean and mean what you say, and reliance on oral representations directly contrary to the terms of a written agreement between sophisticated parties is not justifiable.

Five Must-Haves for Avoiding Risky Disasters – Insurance Procurement Clauses

Insight

A Brouse McDowell Insurance Blog post discusses the drafting of insurance requirements in a contract to ensure that, in the event of a loss arising out of the work performed, parties will have assets available for that loss.

N.J. Appellate Court Confirms

that AIA Construction Contract Bars Insurer’s Subrogation Claim

News

A New Jersey has confirmed that the waiver of subrogation provision in a commonly used form construction contract precluded an insurer’s claims against a subcontractor.

Limiting Liability: Three Clauses to Consider in Construction Contracts

Insight

Gordon & Rees LLP’s Construction Law discusses three clauses to consider when writing construction contracts, with an eye to limiting liability and maximizing profits.

Think Twice About Depreciating Repair Costs in

Our State, says the Tennessee Supreme Court

News

Tennessee’s Supreme Court recently held that an insurer may not withhold repair labor costs as depreciation when the policy definition of actual cash value is found to be ambiguous. Tennessee joins other states like California and Vermont that prohibit the depreciation of repair labor costs in property policies.

Are Contracting Parties Treated the Same When it Comes to Notice Obligations?

Insight

Prudent construction professionals, particularly those doing business with the government, should understand and comply with all notice provisions in their contract, advises Smith, Currie & Hancock.

West Mermis Earns Defense

Victory in South Texas Fatality Trial

News

Plaintiffs' counsel asked the jury to award $40 million to the decedent's family, but following a two-week trial, the jury rendered a complete defense verdict.

Groundwater Law Can Bring Some Unwelcome Surprises to Property Owners

Insight

Gray Reed provides some analysis of the state of groundwater law in Texas and discusses some of the effects of a Texas Supreme Court case that should now be a concern to land purchasers in every transaction.

Crumbling Concrete Not Covered Under 'Collapse' Provision in Homeowner's

Policy

Insight

In recent years, the foundations of approximately 35,000 homes in northeastern Connecticut have begun to deteriorate as a result of faulty concrete used to build homes during the 1980s and 1990s. Dozens of homeowners have been suing their insurers for denying coverage for claims based on the deteriorating foundations.

Indemnification Agreements and Insured Contracts

Insight

When a general contractor engages a sub to perform work on projects, the parties should always reduce their expectations and agreements to a written document in which both sides agree and acknowledge the terms.

Construction Defect Dispute Governed by Contract Disputes Act Not Yet Suited to Being a

‘Suit’

Insight

The Southern District of California recently held that a series of demands for a general contractor to investigate and repair several construction defects at a U.S. Army facility did not constitute a “suit” within the meaning of the general contractor’s commercial general liability policy.

Call-Back Periods in Call-Back Warranties: Confusion on Other Warranties in Construction Contracts

Insight

A call-back warranty establishes a period of time after the substantial completion of a project within which an owner can call upon a contractor to correct nonconforming work.

Three Global Drafting Considerations for

International Construction Contracts

Insight

U.S. contractors should proceed with caution when seeking to expand their footprint to an international stage, especially in developing countries.

The Importance of a Mediation Provision in Construction Contracts

Insight

A construction contract’s dispute resolution clause is a topic that frequently comes up during the drafting of an agreement, writes Mark A. Cobb of Cobb Law Group.

What Should be in Every Construction Agreement

Insight

Parties to a construction project can have a better agreement by addressing six topics described in a post in The Lien Zone blog.

Arbitration Award ‘Irrational’ Because It Disregards Contract’s Plain-Text to Reach a Just Result

Insight

The Ninth Circuit has ruled in a contract arbitration case that incorporated multiple Federal Acquisition Regulation clauses that govern the recovery of expenses in the event a contractor is terminated for convenience.

What Not to Do: Construction Contractor Charged With Lying to OSHA

Insight

A case discussed in a Seyfarth Shaw blog provides an important lesson: Don’t lie under oath, especially when there exists discoverable evidence to the contrary.

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12 Things to Consider When Negotiating a Construction Demolition Contract

Insight

A client alert from Neal, Gerber & Eisenberg offers some advice on negotiating a demolition contract.

Appeals Court Allows Quick-Take of Land for Mountain Valley Pipeline

News

Landowners objected to a lower-court ruling granting immediate possession of the disputed land before deciding how much each property owner should be compensated.

Parties Must Proceed to Arbitration Despite Unavailability of Arbitration

Forum Specifically Named in the Contract

News

An Ohio appellate court has addressed an issue that arose when an arbitrator specified in a contract is no longer available.