Webinar: Avoiding Construction Claims and Disputes

On-Demand

A Baker Tilly on-demand webinar provides an overview of strategies to identify potential claims scenarios and potential resolutions available to mitigate claims.

Construction Contracts: Allowance or Contingency?

Insight

Randolph E. Ruff and Jonathan M. Mraunac of Ogletree Deakins explain the differences between contract allowances and contingencies, how they are used, and how they can be drafted.

AIA Releases 2017 Construction and Design Agreements

Insight

The American Institute of Architects has released several revised documents including the primary agreements between the

owner and contractor and the owner and architect, reports Dickinson Wright PLLC.

The Beneficiaries of ‘Pay-if-Paid’ Clauses in Construction Contracts

Insight

In construction law, general contractors have largely negotiated a shift in the distribution of risk away from the general contractor and to the subcontractor with the inclusion of “pay-if-paid” contractual clauses,”according to Shutts & Bowen’s Construction Law Blog.

Mitigation of Construction Defect Litigation – Top 10 Construction Contract Issues

Insight

A construction contract will need to be reviewed thoroughly and revised to better protect the owner, and in the case of residential construction, should in particular, address 10 key issues, advises Rebecca W. Dow in Holland & Hart’s Construction Law Blog.

Clear Arbitration Provision Deemed Enforceable

Insight

In his Petes' Take blog for Porzio, Bromberg & Newman, Peter J. Gallagher describes a New Jersey case in which a court ruled that a clear arbitration provision, negotiated by a sophisticated party while represented by counsel, is enforceable.

Drafting Arbitration Clauses in Construction Contracts

Insight

Patricia H. Thompson discusses the question: Should an arbitration clause be just a boilerplate provision, taken "off the shelf," or should it be specifically negotiated and crafted for the particular construction project and to accommodate the parties' requirements?

How Do Additional Insured

Obligations Work with Subcontract Flow-Down Clauses?

Insight

In his Commonsense Construction Law blog, Stan Martin asks the question “How do additional insured obligations work with subcontract flow-down clauses.” And he answers it with one word: “They don’t.”

Contract Barred Recovery of Lost Productivity Damages Suffered by Contractor

Insight

It is critical that the parties consider and properly allocate the risk of such delays and the potential resulting costs in the contract documents, advises Robinson+Cole.

When Construction Contracts Go Sideways in Bankruptcy

Insight

When a contractor on a project files a bankruptcy case, the

property owner and subcontractors have some serious decisions to make, writes Tracy Green in the California Construction Law Blog.

The Importance of Clear Contract Terms

Insight

Care in contract drafting is a valuable way to avoid disputes, writes Michael Wilson in Greensfelder, Hemker & Gale's Construction Law Blog.

Construction Contract Keystones, Part I: Payment Mechanisms

Insight

Much Shelist, P.C. has published an article reviewing the three most commonly used payment mechanisms in construction contracts and the benefits and drawbacks of each.

Are Non-Compete Agreements Right for Your Construction Company?

Insight

Contractors have several reasons to require that their high-level employees (e.g., C-Level) enter non-compete agreements, explains Peter C. Vilmos of Burr Forman.

Who Pays for Delay? How Enforceable is a No Damage for Delay Clause?

Insight

Delays are an all too common occurrence on construction projects. And they almost always cost money, points out Eugene Polyak on the website of Smith, Currie & Hancock LLP. So who pays for the increased costs caused by delays?

What to Consider When Preparing Construction

Contracts

Insight

It’s important for parties entering into any significant economic transaction to have written contracts, especially for construction projects, writes Jason T. Strickland for Ward and Smith, P.A.

Trial Lawyer Jay Old Joins Texas-based Hicks Thomas LLP

News

Veteran trial lawyer Jay Old has joined commercial litigation firm Hicks Thomas LLP where he will continue to represent construction, insurance, petrochemical and health care companies as part of his client portfolio.

Navigating Construction Disputes, From Mediation to Litigation

Insight

All parties involved with a construction contract need to explore which dispute resolution option is right for them and the project, and also ensure their contract terms are as clear

as possible to avoid potential problems down the road, writes Kim Slowey in *Construction Dive*.

What are Consequential Damages on a Construction Contract?

Insight

when entering into a construction contract, parties should carefully evaluate the proposed contract language to fully comprehend the risks they are about to assume, write Charles B. Jimerson and Kayla A. Haines of Jimerson & Cobb, P.A..

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5 of the Most Commonly Misinterpreted Terms in Construction Contracts

Insight

The latest installment of Construction Dive's "The Dotted Line" series discusses a problem many construction contractors see in their business: misinterpretation of terms in their contracts.

Why You Need to Know If Your Construction Contracts are ‘Under Seal’

Insight

Many people are not aware, however, that parties to contracts, including construction contracts, may have the ability to increase the statute of limitations for a written contract by a factor of more than 300 percent, write Darren Rowles and Scott Cahalan in a post for Smith, Gambrell & Russell.