

The Trend Towards Liability Waivers in Design and Construction

Savvy owners – especially those with experience in litigation – know the importance of avoiding the growing variety of clauses that limit liability for construction industry vendors, writes **Eric A. Grasberger** of **Stoel Rives LLP**. Likewise, general contractors and architects need to be on guard against sub-tier liability waivers often lurking in the fine print or at the end of lengthy proposals.

“Owners are optimists and contractors are negotiators,” he writes. “Maybe this explains the increasing (and for owners, disturbing) presence of liability waivers in construction and design contracts.”

He discusses some of the clauses that should be considered carefully, including the consequential damages (CD) waiver, the limitation of liability (LOL), the warranty illusion, and options.

Read the article.