



We serve a diverse group of clients representing all participants in the construction field, including owners, developers, contractors, subcontractors, material suppliers, architects, engineers, construction managers and surety/fidelity companies.

Contract Negotiation and Preparation

We provide consultation and assistance in the negotiation, preparation and review of construction contracts, contracts for architectural or engineering services, and contracts for material supplied on credit. Many common problems can be avoided at the contract negotiation stage with careful attention to the details of the agreement, clarification of the parties' responsibilities and identification of potential or recurring trouble spots.

We also coordinate the legal aspects of commercial and industrial development projects throughout the Southeast and internationally. Our services include preparing plant supply contracts and related documentation, such as project finance agreements, labor and supply contracts, construction and design contracts, and finished product, barter and countertrade arrangements.

Counseling and Claim Avoidance

We place major emphasis on providing preventative counseling and advice, with the goal of avoiding counterproductive, costly disputes and litigation on issues such as:

- Payment and contractor claims
- Scheduling and delays
- Defective construction and warranty obligations
- Alleged design defects
- Liens
- Building codes and other regulations

Dispute Resolution

Our overriding goal is to resolve all construction disputes as quickly and inexpensively as possible, with the best results for our clients. We fully explore the resolution of a dispute with the use of a neutral mediator, a panel of arbitrators or civil litigation.

We represent clients in mediation, arbitration and litigation in both federal and state courts. Our attorneys also appear before government regulatory bodies regarding licensing and building code issues. We have handled disputes on both private and public construction projects throughout the United States, as well as other parts of the world. Some of the more frequent disputes involve defective work, defective design, delays, unanticipated conditions, lien rights, surety claims, change orders and payment.

General Business Representation



We are prepared to assist with every aspect of daily business, including tax matters, corporate and partnership questions, employment issues, insurance and pension, and profit-sharing plans. We regularly represent clients in land acquisition for projects, zoning and land use matters, environmental compliance and conventional industrial revenue bond approaches to construction financing.

We are also experienced in corporate and partnership transactions involving the sale and purchase of design and construction-related enterprises, as well as the preparation of general and project-specific business plans for such entities.

REPRESENTATIVE EXPERIENCE

Dispute Resolution

- Represented Southeast-based design firm in connection with multimillion-dollar dispute regarding the renovation and expansion of airport facilities
- Represented owner/developer in separate arbitration, state court and federal court proceedings regarding the development of a luxury home community with more than \$150 million in infrastructure
- Represented national homebuilder in connection with series of construction defect/environmental contamination lawsuits and attempted class certification of the lawsuits
- Represented international design firm in connection with multimillion-dollar claims for delay and improper design of mechanical and building envelope systems for new wing of regional hospital

Contract Negotiation

- Drafted and negotiated separate development and construction contracts on behalf of a university for its campus housing expansion project
- Drafted and negotiated a design/build contract for the construction of a new pharmaceuticals facility on behalf of an international multidisciplinary construction firm
- Drafted contracts and negotiated the owner-controlled insurance program for the construction of a new \$150 million manufacturing facility on behalf of international manufacturing client
- Counseled regional health care client to develop and implement form contracts for the construction projects on their campuses, including design contracts, guaranteed maximum price contracts and master services agreements for entities performing ongoing work
- Represented the owner in connection with the construction of an industrial plant, including zoning issues and contract negotiation
- Represented a contractor on a \$100 million dispute with a subcontractor on the construction of an international power plant, including disputes over delays and defective construction
- Represented a contractor on a multimillion-dollar dispute with a public owner over change orders and delays resulting in a judgment in favor of the contractor



- Represented a surety after contractor went out of business, including resolution of lien claims and completion of work
- Represented an engineering firm on a dispute over environmental cleanup, which led to a favorable resolution for the engineer
- Represented an architect on allegations of defective design in the construction of a state facility, which led to a favorable resolution for the architect