

CONSTRUCTION LAW

Transactions and Contract Preparation | Litigation | Labor and Employment

Construction Law Group

Mirick O'Connell's Construction Law Group serves a broad variety of industry professionals. We represent owners, developers, design professionals, lenders, general contractors, construction managers, subcontractors, suppliers, and manufacturers in all phases of construction, from initial planning to project completion. Whether you are building, developing, planning, designing, or managing, we can help you achieve your business goals in a successful and cost effective manner. Our group includes land use attorneys, corporate and finance attorneys, litigators, and labor and employment attorneys. Many of our attorneys have technical backgrounds. We are active in local, regional, and national trade and civic organizations. Our goal is always to provide the best value for our clients by obtaining successful results at a reasonable cost.

Transactions and Contract Preparation

Construction projects, big or small, can be daunting propositions. Our group can guide you through real estate acquisition, permitting, licensing, bidding, surveying, zoning, and other regulatory and compliance matters. We regularly negotiate, draft, and review construction contract documents for projects of all types, including public and private, commercial, industrial, and residential developments. We have a LEED-accredited professional on staff, and we are a licensed subscriber of AIA contract documents. Our group drafts contracts for a wide range of municipal and institutional clients, as well as contractors and suppliers serving the industry. We also have significant experience advising clients on matters surrounding public construction and procurement.

Inquiries about our Transactional Services may be directed to Todd K. Helwig at thelwig@mirickoconnell.com or Stephen F. Madaus at smadaus@mirickoconnell.com.

Representative Matters:

- Represented a municipality in complying with the Designer Selection Law in connection with the construction of a new public safety complex, including selecting an architect, negotiating and drafting AIA architect and general contractor agreements, and favorably resolving multiple disputes that arose during construction and after project completion.
- Represented a private owner and a developer of residential and assisted-living facilities in negotiating and preparing a contract with a design-builder for construction of a new residential development.
- Represented a regional sewage treatment plant in review and approval of construction contract documents for a major renovation and expansion project.

Litigation

While our goal is always to minimize risk and achieve smooth and timely project delivery, there are times when risk turns into dispute. When that occurs, our team of construction litigators is adept at advising our clients through all phases of dispute resolution. We regularly appear in state and federal courts, in all forums of alternative dispute resolution, including mediation and arbitration, as well as before various regulatory and administrative hearing boards. We represent clients in a broad range of contract and extra-contractual claims. Our group has extensive experience in resolving disputes over construction



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Attorneys

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Excellence in value.

terms addressing payment methods and procedures, scope of work, deadline and delay, termination and suspension, as well as insurance and warranty requirements. We regularly prosecute and defend mechanics lien claims, surety bond claims, delay claims, extended conditions claims, defective design or specification claims, wage and employment matters, and bid protests, among others.

Inquiries about our Litigation Services may be directed to David L. Fine at dfine@mirickoconnell.com, Robert B. Gibbons at rgibbons@mirickoconnell.com, or Jessica Murphy at jmurphy@mirickoconnell.com.

Representative Matters:

- Negotiated a favorable resolution for a general contractor in a multi-million dollar delay claim stemming from defective design documents and extended conditions in a multi-phased renovation and new construction of a hospital. The general contractor's claim included a substantial pass-through claim by the mechanical subcontractor. The hospital brought a counterclaim alleging defective installation of concrete subflooring. The litigation involved claims, counterclaims and cross-claims by and between the owner hospital, its architect, the general contractor, and multiple subcontractors and suppliers.
- Successfully prosecuted multi-million dollar claims for breach of contract and unfair business practices on behalf of a designer and builder of pollution control systems for power generation facilities.
- Obtained a mechanics lien and successfully negotiated a settlement on behalf of a site subcontractor who was owed a substantial contract balance and change order amounts on a private project in which the general contractor had filed for bankruptcy protection.
- Represented a general contractor and its surety in defending claims on a payment bond brought by a specialty concrete subcontractor on a public works project involving renovation and build out of a college dormitory. The general contractor had a number of defenses, including defective installation of underlayment and flooring surface and delay caused by the subcontractor's lack of manpower.

Labor and Employment

The construction industry is inescapably tied to the labor industry. We regularly advise our construction industry clients on issues such as union avoidance, NLRB charges, contract formation and collective bargaining, and grievance or arbitration proceedings. We also have extensive experience with employee investigations and workplace audits on matters concerning OSHA and other regulatory and compliance requirements. We offer our clients expertise in labor and employment matters ranging from practical advice, to representation in adverse proceedings, to production of workplace seminars and employee handbooks.

Inquiries about our Labor and Employment Services may be directed to Nicholas A. Anastasopoulos at nanastasopoulos@mirickoconnell.com or Corey F. Higgins at chiggins@mirickoconnell.com.

Representative Matters:

- Regularly assist merit shop clients with union avoidance, organizing drives and elections.
- Represent unionized clients in labor grievances, arbitrations, unfair labor charges and contract negotiations.
- Assist clients with OSHA audits, jobsite inspections and citations.

800.922.8337

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