

# CONSTRUCTION LAW & LITIGATION OVERVIEW

BOCA RATON / DESTIN / FT. LAUDERDALE / MIAMI / ORLANDO / TALLAHASSEE / TAMPA / WEST PALM BEACH

## INTRODUCTION

Florida's explosive growth has led Broad and Cassel to develop one of the premier Construction Practice Groups in the state. Our attorneys are on the forefront of developing cost-effective alternatives to traditional construction, design and environmental litigation. Nationally recognized, certified and with actual experience in the construction industry, our attorneys have a unique ability to provide clients with definitive and practical answers to the many technical and legal questions that arise during the course of construction projects.

## PRACTICE GROUP PHILOSOPHY

As with all our practice groups, the Construction Law and Litigation Practice Group believes that the team approach is often the best way to handle our clients' matters. To that end, we work closely with attorneys in other practice areas to bring a seamless and appropriate level of legal talent to bear on any particular matter. In addition, we employ state-of-the-art technology to serve our clients in the most effective and cost-efficient manner possible. Our objective is always to provide resources, responsiveness, results and superior client service.

## MAJOR QUALIFICATIONS

Recognized as one of the state's leading construction law firms in the 2005 and 2006 editions of *Chambers USA*, the Construction Law and Litigation team at Broad and Cassel has extensive experience in the resolution of complex claims, helping clients to manage and control litigation and arbitration costs, and avoid unnecessary court action whenever possible. Based on our experience, representing both owners and contractors, we understand key contractual, technical, scheduling/critical path analysis, and cost issues involved in construction disputes. With the client's business and financial interests in mind, Broad and Cassel is prepared to provide a full range of legal advice in construction disputes.

Serving construction and architectural design firms, sub-trades and material suppliers, governmental agencies, real estate development companies and owners of real estate portfolios, Broad and Cassel's Construction team provides advice from the conception to completion of any construction project. During the preconstruction stages of a project, we attempt to anticipate the types of risks that will arise and determine appropriate means of allocating or resolving these risks through the contracting process. This proactive approach enables all parties to deal with financial and technical contingencies prior to construction which will frequently result in major cost savings on the project.

Our attorneys have more than 33 years of collective experience in representing clients in matters such as:

- Major Projects – Broad and Cassel represents contractors, developers, banks and other financial institutions, governments and governmental agencies in a variety of areas relevant to major projects and project financing transactions, including privatization, foreign investment, joint ventures, taxation, construction, government relations, property, industrial relations, environmental liability, litigation and arbitration.
- Contract Documentation – Broad and Cassel provides clients with advice on the structuring of projects and risk allocation, the drafting and negotiation of construction and engineering contracts, including bid and contract conditions, warranties, bonds and associated commercial agreements such as joint venture documents.

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- Claims Preparation and Submission – Broad and Cassel can assist in the preparation of a formal request for an equitable adjustment to the contract price or in the response to such a request, either during the project or at project completion. Claims may include an analysis of all pending and rejected change order requests and all delay related damages.
- Project Monitoring – Broad and Cassel can help project managers to properly document and respond to claims, making sure that field records documenting the causes of delay are kept and that costs are tracked.

## THE TEAM

Our construction legal team includes a Board Certified Construction attorney who has practiced exclusively in construction litigation and construction law for more than 19 years; and an attorney who serves as a Construction Arbitrator for the American Arbitration Association and has designed and constructed buildings for three years prior to becoming an attorney. The attorneys in this practice group are actively involved in various construction organizations both at the state and national levels; and some also serve as guest lecturers, speakers, and authors on various construction issues.

## AREAS OF LAW

Our attorneys have extensive experience representing clients in:

- Arbitration, Administrative Hearings and Federal Boards of Contract Appeals Actions
- Bid Protests
- Breach of Contract
- Building envelope failures, water intrusion, and mold issues
- Claims alleging design and construction errors and omissions
- Claims for extras, delay, acceleration, disruption, loss of productivity, and out-of-sequence work
- Compensation Claims
- Construction lien and bond disputes
- Construction and Design Defect Claims
- Contract drafting and negotiations
- Delay, Disruption, and Acceleration Claims
- Differing Site Condition Claims
- Payment and Performance Bond Actions
- Project Management, Scheduling and Critical Path Analysis
- Scope of Work Disputes
- Subcontractor Listing/Substitution Hearings
- Termination Actions
- Water Intrusion and Mold Claims



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## REPRESENTATIVE CLIENTS

- Hardin Construction Company, LLC
- The Whiting-Turner Contracting Company
- Skanska USA
- Greater Orlando Aviation Authority
- Orlando-Orange County Expressway Authority
- Miami-Dade Expressway Authority
- CED Construction, Inc.
- Whiteco Residential.
- Miami Children's Hospital
- Florida Hospital (Adventist Health System)

The experience gained in these cases and in others has been put to good use again and again for our private- and public-sector clients who have spanned the construction industry: owners and developers, architectural and engineering firms, contractors and subcontractors, bonding and insurance firms and suppliers and distributors.

## CONCLUSION

When it comes to the representation of construction-related clients, Broad and Cassel offers the experience, talent, and sophistication that few law firms in Florida can match. We invite you to learn more about our credentials.