bodman

Construction

build the future

The modern building and design process is complex and rapidly changing. Owners demand faster construction at lower cost in an uncertain economy, which requires effective legal representation.

Bodman's construction attorneys are well-versed in virtually all aspects of construction and handle contractual risk management and disputes using the most effective techniques. Our skills and client-centered approach minimizes our clients' risk and maximizes their success.

We represent owners, developers, architects, engineers, general contractors, construction managers, and specialty and other subcontractors in public and private projects of any size and type. Our team can advise on construction litigation matters and during the construction planning stages relating to agreements between owners, developers, architects, contractors, design builders, consultants, insurance companies, lenders, and other parties involved in a construction project.

SERVICES

We have extensive experience in all phases of the construction process, including:

- **Acquisition and development of real estate**
- **Project financing and bonding**
- **Assisting clients regarding planning, contracts, enforcement, risk management, and sustainable construction including assistance in negotiating, drafting and interpreting contracts**
- **Analysis and advice regarding construction, billing, and contracting practices**
- **Selection and implementation of project delivery methods, such as design-award-build, fast-track projects, design/build, and construction management relationships**
- **Drafting special needs documents**
- **Bond and insurance review and claims**
- **Developing documents and procedures that minimize risk and reduce claims**

- **Assessing, negotiating, and handling claims involving bid preparation and protests, construction defects, defective design, delays, payment, liens, change orders, differing site conditions, acceleration, labor inefficiency, suspension and termination, the Sperin doctrine, and pay-when-paid provisions**
- **Analysis, prosecution, and defense of mold, "sick" building, and indoor air quality claims**
- **Matters involving employees and independent contractors, including wage and hour, fringe benefits, collective bargaining agreements, compliance with employment laws such as age, race, gender and disability discrimination, and workplace safety**
- **Zoning, municipal, and governmental matters**
- **Debtor-creditor issues and matters involving bankrupt or insolvent parties**
- **Claim avoidance, including risk-shifting and claim analysis**
- **Evaluating and handling claims arising from incorporation of sustainable and "green" design and performance standards into projects**
- **Dispute resolution, including litigation, arbitration, and alternative dispute resolution including mediation, arbitration, and hybrid methods**
- **Handling matters involving ownership rights in plans, specifications and other forms of intellectual property**

REPRESENTATIVE MATTERS

- As counsel to a national homebuilder, we advised our client in connection with 15 active projects totaling more than 1250 residential units in communities across Michigan during a one-year period.
- We are general counsel to a construction management and real estate development firm specializing in religious and health care facilities. In a typical year, we represent the client in connection with development projects with an aggregate value of more than $50 million.
- We represented a developer in the conversion of a historic commercial building and adjacent parking lot in downtown Ann Arbor into 20 high end residential condominiums.
- As construction counsel to one of the nation's largest Roman Catholic archdiocese, with more than 250 parishes, 99 schools, and 5 universities, we are often asked to advise on construction contracts and related matters involving unique properties of religious, historic, or cultural significance.
- We represented a Michigan school district in disputes against an architect, general contractor, subcontractors and suppliers involving the construction of a middle school. We successfully settled issues related to defective flooring and litigated issues regarding the school's roof.
- Our group represented an owner in a construction dispute involving a $35 million delay claim arising out of allegedly defective plans and specifications and an $83 million claim for alleged lost profits and lost business value.
- We successfully represented a municipal housing commission in litigation brought by a general contractor for additional compensation under a construction contract.

- Our attorneys represented several subcontractors related to nonpayment of goods and services in which the owner was withholding payment to the general contractor for reasons unrelated to the subcontractors' work.
- We successfully represented the owner of a $25 million construction project involving a $12 million claim by the design/builder for wrongful termination.
- We advised an architectural firm after a school district canceled a design contract midway through a multi-million dollar project and successfully negotiated compensation and project transition issues without litigation.
- Our group has successfully represented numerous residential builders in attempts by owners to terminate their construction contracts.
- We prepared and negotiated documents regarding the purchase of land and the design, development and construction of a warehouse distribution facility for a national high-tech company.
- We successfully represented a hospital, relating to amicable resolution of defective construction involving the infestation of mold in a roof-top structure.
- We represented a municipal school district in complex court litigation and an arbitration involving defects in the construction of the district's flagship high school. The district recovered nearly $7 million between the arbitration award and settlements and completely prevailed on all counter-claims (totaling $1.2 million) except for an undisputed claim for the contract balance owed to the construction manager.
- We represented a municipal school district in an arbitration involving claims relating to the design and construction of two elementary schools. The district obtained over $3.8 million in settlements in this matter.