

## CONSTRUCTION

Our expertise in construction litigation, real estate transactions, litigation, land use, and environmental/toxic law provide a broad base of legal assistance to those involved in the construction arena. We are located in one of the fastest growing areas of the country. Growth generates construction. This brings together diverse subcontractors, materialmen, design professionals, public representatives, laborers and their unions in dynamic and oftentimes complex business and legal relationships. This, of course, creates opportunities for misunderstanding and conflict.

### Design Problems

Whether through negotiation, trial or arbitration, we provide effective representation to both designers and those who find themselves having difficulty with design issues. We understand the unique position of design professionals in the construction process, and the legal standards that apply to their area of expertise. We have successfully litigated matters involving design issues associated with educational facilities, apartments and condominium complexes, commercial high-rise office buildings, shopping centers, airport expansion projects and single-family residences. As a result, we are able to assess the facts of a case and quickly identify the appropriate consultants to call upon for expert assistance, which, in turn, translates into less expense for our clients with a greater chance of a favorable outcome.

### Workmanship Concerns

The post-construction defect claim is one of the most frequently occurring incidences of construction litigation, where alleged shortcomings in the workmanship during construction contribute to problems in the use or enjoyment of the improvement by the owner/occupant. Running the gamut from minor punch list deficiencies to major structural inadequacies, the overlapping responsibilities of the owner/developer, designers, general contractors, subcontractors and tradesmen make this an area of ever expanding conflict. We represent

parties in every facet of the construction process, from the lending institution to the developer, general contractor, subcontractor, or supplier of materials. Structures range from the most complex high-rise or airport expansion project to the simplest single-family residential construction project. We successfully apply our litigation experience and skills to benefit our clients, whether through negotiated resolutions, arbitrations or trial, in any issue involving workmanship claims.

## **Delay Concerns**

One of the most complex of construction disputes involves claims for cost overruns and delay damages. We represent owners, developers and public entities in connection with such claims. Our understanding of the complex interrelationships between the players in a construction process, our knowledge of the differing kinds of construction scheduling systems in use, and our experience in choosing the appropriate experts to call upon for assistance and trial testimony enable us, without delay, to focus on the details of the case and provide cost-effective, quality representation to our clients.

## **Contract Concerns**

Very few construction projects are carried out in the absence of written construction agreements, which address a variety of issues from scope of work disputes to bidding disputes to liquidated damage concerns to termination for default problems to the ever present lien claims. In most cases, there exists innumerable agreements spelling out the relationships between the lender and the owner/developer, the owner/developer and the general contractor, the owner/developer and construction manager, and between the general contractor and the subcontractors. Sometimes intertwined with all these are the agreements with the design professionals. Whether the agreements are simple typewritten outlines of obligations, or the complex form agreements promulgated by such organizations as the American Institute of Architects or the Association of General Contractors, we assist clients with all aspects of construction contract problems. Our experience in this regard includes major bridge construction projects and public water delivery systems.

Hoge Fenton attorneys have been trusted advisors to business owners throughout Northern California. Our clients trust us because they value our unique combination of breadth, depth, and client service:

- Excellence and experience
- Direct access to your attorneys

- Holistic approach that integrates multiple legal areas
- Global reach via our trusted law firm network

Key Practice Areas for the construction industry include:

- **Business Litigation**
- **Corporate**
- **Employment Law**
- **Real Estate & Land Use**

## Primary Contact

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## Related Attorneys

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