

## Claims & Risk Management

Lathrop GPM frequently counsels clients on how to avoid or preserve claims in the construction process. We understand when an adversarial approach may be appropriate but are also capable of solving problems on a project with a conciliatory strategy. In short, we learn and respond to the needs and desires of our clients. Our diverse practice, which includes representation of owners, contractors, subcontractors, architects/engineers, suppliers and sureties, provides a broad and unique perspective to the management of risk and claims, beginning with assistance during the project and continuing through mediation, arbitration and/or litigation.

### **Preserving and Resolving Claims**

Preserving and prosecuting/defending claims for time extensions and/or compensation requires a complete understanding of the contract documents and the applicable law. We frequently deal with claims involving:

- Extra work
- Delay/impact
- Increased scope of work
- Weather
- Prompt payment statutes
- Bid protests
- Mechanic's liens
- Bond claims

### **Training/Seminars**

As a service to our clients, we provide periodic training and seminars to help them stay informed regarding current issues. Recent topics include:

- Preservation of claims
- Design-build
- Project documentation
- Document and electronic file retention
- Prompt payment statutes
- Mechanic's lien laws
- Liability for mold contamination
- Green building

### **Construction Defects**

We have handled countless claims involving significant defects in commercial and residential construction.

### **Professional Liability**

We have extensive experience representing design professionals (architects, landscape architects, interior designers, engineers and surveyors).

When a dispute involves the ownership/copyright of drawings or patents, we often utilize the depth of our Intellectual Property practice, which includes more than 75 practitioners.

### **Design-Build and Alternative Project Delivery**

In the prevention and resolution of claims, we know that it is important to understand the nuances of alternative project delivery methods such as design-build, construction management and building information modeling (BIM).

### **Document and Electronic File Retention**

Due to the frequency of claims and lawsuits in the construction industry, appropriate document and electronic file retention are necessary tools, particularly to avoid the accusation of illegal destruction of evidence. We help clients develop proactive document retention and information management policies to serve their needs and comply with the applicable state and federal requirements.

## Insurance Coverage and Bonds

Understanding the nuances of insurance coverage and surety issues is necessary from the inception of the project to claims resolution long after final completion. We frequently litigate and arbitrate issues, such as:

- Performance, payment and other surety bonds
- Comprehensive General Liability (CGL) policies, including business risk exclusions (i.e., "your work," "your product" and "impaired property")
- Additional insured endorsements
- Property insurance, including waiver of subrogation
- Builder's risk policies
- Owner-Controlled Insurance Plans and Contractor-Controlled Insurance Plans
- Professional liability coverage (insurability of contract provisions, depleting limits, et cetera)