



# CONSTRUCTION LITIGATION & ADR

## Zealous advocates. Tenacious litigators. Seasoned negotiators.

Since our founding in 1978, when problems became too tough to solve on their own, general contractors, construction managers and owners/developers have turned to Peckar & Abramson to advocate for them and guide them to resolution, and have done so thousands of times.

Most importantly, We Deliver Results – We Win!

As the largest Construction and Infrastructure Practice in the country, it's hard to imagine a law firm with more experience and success in resolving disputes and winning at trial or arbitration.

We mediate, arbitrate, and litigate every kind of construction-related commercial dispute:

- Cost overrun
- Schedule
- Inefficiency
- Concealed conditions
- Subsurface
- Environmental issues
- Delay
- Acceleration
- Impact
- Scope disputes
- Liens
- Design and construction defects
- Surety bond claims
- General liability
- Professional liability
- Builder's risk
- Default insurance claims
- Default
- Termination
- The list is exhaustive...

We are at the forefront of creative dispute resolution strategies and do not default to a one-size-fits-all approach. Where our clients can benefit, we design and implement the right Alternative Dispute Resolution (ADR) for the situation, or specifically tailor the approach to dispute resolution for the situation. Our experience regularly includes:

- Arbitration
- Mediation
- Dispute Review Boards (DRBs)
- Partnering techniques
- Technical mediations
- Technical arbitrations
- Mini-arbitrations
- Early neutral evaluations
- AAA (American Arbitration Association)
- JAMS proceedings
- international forums, such as ICC, ICDR and UNCITRAL

Where nothing else will do, we litigate or arbitrate with dogged determination.

We marshal the evidence; thoroughly prepare the witnesses; manage the experts; and create compelling presentations (including graphics and animations) to ensure that judges, juries or arbitrators easily grasp the issues and our arguments.

We leave no stone unturned as we prepare and advocate on your behalf.

Many of our attorneys are regularly sought to serve as mediators and arbitrators for construction disputes. Our clients benefit from early and rare insight into how their case will be perceived by those deciding it, from the perspective of both advocates and those that serve as ultimate decision makers.

## Dispute Avoidance – A Dispute Avoided can be the Ultimate Result

As business advisors, we know that great value comes from the risk averted. We bring the same dogged determination and creativity to avoiding disputes as we do to winning them.

Our clients have come to recognize the results and enormous value we can bring through early involvement.

Peckar & Abramson offers a Construction Project Support Program<sup>SM</sup> that provides a value-focused, proactive collaboration with clients to identify, avoid and resolve project issues before they become crises that strain relationships and devolve into disputes.

Preventive risk management saves time and money, keeps people focused on building, and avoids the stress invariably resulting from reactive problem management. We recognize that in today's business environment, our clients' focus is on building revenue and project completion — not on dispute resolution and litigation.

By meeting with project teams periodically over the course of a project, we:

- Identify early opportunities to make the small corrections that are most valuable
- Ferret out festering problems, lingering issues too often ignored, and brewing disputes—and take action to strategize and implement timely solutions
- Maintain compliance with contractual notice requirements to preserve rights of recovery
- Reduce unnecessarily confrontational relationships
- Recommend methods of resolving problems and breaking deadlocks
- Help build invaluable, real-time, favorable project records which often avoid disputes and, if a dispute is inevitable, serve as compelling evidence by making your position clear, understandable, related in context, and well documented