FLASTER GREENBERG
Attorneys at Law | A Professional Corporation

Construction Law

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Flaster Greenberg's Construction Law Practice Group is a multi-faceted group of knowledgeable attorneys that are not only experienced in construction law, but in real estate and land use, environmental law, labor and employment, and financial restructuring and bankruptcy as well.

Our attorneys counsel and represent clients engaged in public, private, commercial, and institutional projects, and can address all aspects of the construction process, from contract formation and negotiations to on-site issues such as construction delays and disruption to project closeout.

Licensed in New Jersey, New York, and Pennsylvania, our construction litigation attorneys resolve disputes about construction delay claims, contracts, and other issues efficiently and effectively in all jurisdictions' state and federal courts as well as in private and court ordered mediation and arbitration.

Resolving Construction Disputes Through Arbitration and Mediation

The speediest and most cost-effective way to resolve a dispute is outside of the courtroom through alternative dispute resolution (ADR). Our construction law attorneys are skilled at finding different ways individuals and entities can resolve construction disputes without going to trial.

For issues that arise in the planning and execution of a project such as construction delays and disruption due to compliance regulations, communication problems, lack of skilled workers, cash flow, and other problems, Flaster Greenberg has a ready team of counsel experienced in all forms of construction arbitrations and mediations, as well as experience in serving as arbitrators and mediators.

In construction arbitration, both parties agree to present their cases to a neutral third party who serves as the fact finder and conducts hearings, considers evidence, and renders a final award. Both sides agree that the proceedings and the award remain confidential. In arbitration proceedings, the neutral third party can be either an individual arbitrator or a member of a panel.

Attorneys

Jeffrey A. Cohen
Lee M. Epstein
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In construction mediation, a mediator serves as an impartial third party, meeting with each side either separately or together to facilitate a resolution of the matter. Mediators can be court-appointed, agreed upon by both sides, or subject to an existing contractual agreement.

Bid Protests and Withdrawals

We provide counsel for our clients during the awarding of public project contracts. And, if a bid challenge is warranted because of a protest or withdrawal, our construction litigation attorneys swiftly and effectively litigate through administrative proceedings as well as injunction proceedings. In addition, if you make a mistake in your bid, all is not lost, and we will assist you in obtaining relief from your mistake.

Construction Litigation

Our construction litigation attorneys handle disputes involving bid challenges, professional malpractice, construction defects, payment disputes, lien law application and enforcement, delay damage claims, mold claims, work-site injury claims, product defects, negligence, breach of warranty, contract, fraud, and consumer fraud act claims. Our construction litigation attorneys have successfully defended and prosecuted such claims through trial and through the appellate process.

Representative cases include:

- Secured dismissal of claims against builder under both the applicable statutes of limitation and statute of repose.
- Enforced various contract terms for builder including arbitration clause, limited warranties and defense and indemnity provisions.
- Successfully secured discharge and dismissal of liens and liens claims and an award of attorneys' fees and costs based on lien claimant's failure to abide by requirements of the Construction Lien Law.
- Negotiated and prepared both public and private construction contracts for builders, owners, general contractors, subcontractors, and professionals.
- Successfully addressed alleged regulatory violations asserted by government agencies against owners.
- Successfully secured coverage from carriers on behalf of owners in construction defect cases.

Contract Formation and Negotiations

Our construction law attorneys also help our clients by both aiding in the drafting and revision of documents and by providing counsel during the negotiation process. Contracts are drafted and negotiated in a way that maximizes success and minimizes risk.

Business Disruption, Delays, & Insurance Claims

A project can, at times, run into delays and experience a drop in productivity for which the insurance claims process may be a needed recourse. We can provide sound counsel on matters such as business disruption, complex delay, and the acceleration of an insurance claims process, as well as changed conditions, payment issues, and defaults. Our insurance recovery attorneys routinely represent companies in recovering losses due

to business interruptions, construction delays, and other property losses. They have successfully recovered substantial amounts for many large companies and small businesses across the nation. To read more about our Insurance Counseling and Recovery Practice, click here.

Government Contracts

We have experience in government contracts and, if necessary, going before both federal and state administrative boards and agencies in cases involving contract disputes, construction claims, and bid protests.

Suretyship

Our Construction Law Department has the depth and breadth to handle challenges in suretyship. Suretyship law is a very specialized and technical area of law that involves a contractual relationship in which an entity or individual assumes the duty of paying the debt if a debtor fails or is not able to make payments.

Our construction law attorneys are experienced in suretyship and handling challenges with the written instruments associated with a project, and the project itself. The surety often makes critical decisions in terms of a project, and our counsel can be valuable not only during a crisis, but throughout the normal course of a project.