

# CONSTRUCTION



## Construction

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Every construction project presents potential risk exposure from compliance with rules and regulations to issues related to insurance coverage, liability for failures, damage and injury. Our attorneys have demonstrated experience with these issues from project design to acceptance. We represent builders, transportation providers, insurance carriers and government entities involved in construction disputes.

### About Our Practice

HBS provides solutions for construction problems at every stage. Our Construction Practice Group attorneys are experienced with construction issues and have successfully litigated or arbitrated claims and are skilled at resolving the issue before involving litigation. From project design through completion, litigation, regulations, insurance, compliance, performance, and employment disputes are a common in the construction field. HBS represents insurers, governmental entities, owners, construction managers, contractors, subcontractors, engineers and architects, at all stages of a project. Whether it is litigation in state and federal courts or panel arbitrations, contract compliance, claims for delay or extra work, our broad experience in the field allows us to anticipate, advise and assist with issues encountered during and after

completion of the construction project.

The presence of HBS in the construction legal field is also demonstrated by the individual experience of our attorneys in construction industry focused endeavors:

- Special Assistant Attorney's General representing the State of Georgia in construction litigation
- Members of Construction Law Committees of the USLaw Network, ABA
- Fellow, Construction Lawyers Society of America
- American Institute of Building Designers
- A former chairman, Board of Directors for the Atlanta Business League
- *Super Lawyers Magazine* "Rising Stars" and "SuperLawyers" in Construction
- Habitats for Humanity.

Our attorneys have handled most claims that can be brought in the construction arena. Our effectiveness in the area of construction law is demonstrated in our handling of cases representing individuals, corporations and government entities. We represent clients in every facet of construction litigation including:

- Liability
  - Property damage
  - Personal injury
- Architectural and engineering malpractice
- Corporate
- Environmental
  - Moisture intrusion
  - Chemical exposure
  - Sedimentation
- Employment
- Injuries
- Government projects
- Alternative dispute resolution
- Construction design and defect
  - Permits
  - Code enforcement
  - Delay
  - Extra work
  - Change orders
- Contract compliance
- Insurance coverage
- Regulatory control
  - Grading
  - Hydrology and water flow

- Erosion
- Synthetic stucco
- System design and installation

HBS lawyers are effective. With integrity and skill HBS lawyers successfully resolve issues and conclude cases for our clients through mediation, arbitration, hearings and trials before administrative bodies and in courtrooms.

- Successfully defended owners, architects, engineers, and contractors in construction litigation matters involving claims of personal injury on the job site and property damage due to alleged design and construction defects
- Successfully represented contractors and subcontractors and their insurers in cases involving structure defects, moisture intrusion, and sedimentation and erosion.
- Successfully represented both contractors and subcontractors in a variety of cases involving building structure defect, EIFS-related matters, moisture intrusion, chemical exposure, and sedimentation and erosion.

## **Georgia Construction Compendium, 2016**

Author - James H. Fisher, II and Denise Weiner

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## **Georgia Construction Compendium, 2010**

Author - James H. Fisher, II and Denise Weiner

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# Teams

## Leadership



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# Related Industries

## Construction

HBS assists the construction industry in a wide variety of private and public construction projects, including commercial, residential, industrial, and mixed-use properties. In addition to managing risk and defending and asserting liability claims on behalf of clients, we regularly advise on the myriad of issues that arise in the course of planning, managing and completing construction projects. As a full-service law firm, we offer services in construction related fields, such as real estate, litigation, ADR/arbitration, finance, environmental, land use, energy, regulatory, and utilities.

HBS construction attorneys have handled the entire gamut of claims that can be brought in the construction industry, including successfully representing property owners, developers, contractors, subcontractors, architects and engineers, construction managers, suppliers, transportation

## Education

Hall Booth Smith provides transactional and operational counsel as well as investigative and litigation services to a wide variety of public and private school entities, their administrators and boards, and others involved with the education sector. We have represented K-12 educational institutions, colleges and universities, school district board members, administrators and staff, handling the full range of school-related issues they encounter, including civil rights, First Amendment rights, student discipline, school violence, special education, testing/promotion, access to student records, and fraternity and sorority matters. Our Education lawyers also advise on and resolve employment and labor issues including teacher evaluations, remediation and discipline, teacher dismissals, at-will employment, sexual harassment, and Title VII, as well as represent professional

providers and haulers, individuals, corporations, electric companies, engineering companies, government entities, insurance carriers and sureties regarding construction industry issues.

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## **Energy, Utilities and Power Systems**

Hall Booth Smith provides comprehensive service, representing energy industry clients in a broad array of matters, including transactions, business operations, regulatory compliance, finance, tax, and litigation challenges.

Representing a wide variety of clients, including owners and developers of energy projects, energy producers, suppliers and consumers, municipal and investor-owned utilities, joint-action agencies, electric cooperatives, industrial end-users, independent power producers, and natural gas companies we help our clients identify and leverage business opportunities, establish and implement long-term strategic business plans, manage risk, assure regulatory compliance, and devise effective solutions to the many challenges arising in their constantly evolving industry.

We offer strategic guidance throughout the life cycle of our clients' businesses, assist with lobby efforts and government relations, and assure that our

educators in internal investigations and disciplinary proceedings and other matters related to their employment.

Recognizing that the most effective solution is prevention, we review our clients' existing policies and help them devise risk avoidance strategies and comprehensive rules, policies, and procedures to minimize their exposure. As an added value, HBS lawyers offer training programs to assure that our clients' administrators, school board members, school system officials, educators, and staff fully understand the rules and the importance of compliance. Through these workshops, attendees learn to readily identify and address issues and concerns before they become problems.

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## **Government & Municipalities**

With a team of former and current government leaders, and those actively involved in various areas of government, HBS offers comprehensive representation and advice to those in government, including states, counties, cities, non-profits and other related industries.

Our team members are regarded as among the most influential leaders in the state of Georgia and are repeatedly recognized for their work on behalf of clients in the government arena. Regularly

clients' interests are protected. As national coordinating counsel for a major insurance company on all of its catastrophic electric line contact cases, we are particularly knowledgeable about and adept at handling insurance issues affecting the industry.

HBS Energy attorneys are members of industry organizations, frequently speak on energy-related issues and regularly monitor legislative, judicial and regulatory developments and industry trends in order to help our clients effectively integrate these changes into their business practices, policies, regulatory compliance efforts and approach to litigation.

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## **Retail and Hospitality**

HBS helps hospitality industry clients both maximize their financial return and meet consumer service expectations.

Subject to a host of federal, state, county and municipal laws, regulations and code requirements and facing economic, real estate, employment and customer challenges, restaurants, hotels, leisure resorts, recreational facilities and other hospitality businesses turn to HBS for guidance. Our Hospitality lawyers are experienced advising on all aspects of hospitality businesses, from project conception and regulatory guidance through financing, development,

interacting with legislative leaders concerning client needs, we maintain close working relationships with elected officials, appointed officials, and agency staff, enhancing our ability to provide expertise and counsel. Leveraging our connections, regulatory know-how and legal experience, we work with local, county and state government officials to craft good policy and address our clients' legislative, regulatory and legal concerns.

HBS attorneys assist clients with the full range of local, county and state government affairs, regulatory matters, lobbying efforts, and political and campaign finance issues. Understanding the regulatory framework which affects our clients' business operations, we are particularly adept at helping related regulated industries such as utilities, energy and trade associations, telecommunication companies, health care, insurance, local governments, and nonprofit organizations with compliance matters.

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## **Insurance**

From appraisals, coverage, claims and adjusting issues to drafting and review of insurance policy, regulatory compliance advice and dispute resolution, HBS assists insurance industry clients with resolving the many challenges they face.

operations and dispute resolution.

Whether addressing a labor and employment, transactional, privacy law, food and beverage, real estate or construction matter or attempting to resolve an issue involving employee benefits and compensation, intellectual property, data protection or potential liability, we advise our clients each step of the way, helping them leverage opportunities and avoid attendant risks. We vigilantly monitor the evolving regulatory and legal framework impacting our clients, to make sure that they are prepared for the future.

Our team of experienced litigators regularly handle claims for our hospitality industry clients in courts of all levels and has successfully defended class actions, multi-district litigation, personal injury claims, construction disputes and a wide variety of other matters. With a former State Senator and active government affairs attorneys, we are also adept at representing hospitality industry clients regarding their legal, regulatory and government affair challenges.

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In addition to managing risk and defending liability claims, we regularly advise clients on the full range of insurance products, services, and coverages, including general liability, automotive, life, property and casualty, director and officers' liability, professional malpractice, errors & omissions coverage, business interruption and environmental, cyber-risk and other specialty coverages and exclusions.

Our lawyers represent clients in courts of all levels throughout the United States, litigating class actions, multiparty and multi-district cases as well as individual lawsuits involving virtually every type of claim, coverage, fraud and bad faith action. We handle regulatory investigations and enforcement actions and are experienced with all forms of alternative dispute resolution. Active insurance coverage attorneys in the international insurance markets, we also help domestic clients gain access to the overseas market and assist foreign insurers in managing their domestic litigation.

As industry leaders, HBS Insurance Coverage lawyers have been recognized as Super Lawyers and Rising Stars in the field of insurance. Team members regularly write and lecture on insurance and property ISU issues, and are active members in insurance industry groups. As a value-added, we offer clients employee training to help their staff understand the laws and regulatory requirements impacting their industry and strategies to minimize risk exposure.

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