

Construction Law

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Maynard Nexsen's Construction attorneys provide guidance to clients on projects from beginning to end, advising on matters related to bidding and procurement, contract negotiations, and dispute resolution cross the industry.

Our attorneys provide a wide range of services for construction clients that include advice concerning structuring, negotiating, and drafting contracts for owners, contractors, subcontractors, suppliers and designers. We are familiar with major industry trends and provide guidance to clients aimed at managing risk, minimizing project claims and disputes, and facilitating project completion on time and within budget.

Should disputes arise, our attorneys have extensive experience in litigating and arbitrating construction claims. The Firm has represented owners, general contractors, subcontractors, suppliers, and designers in numerous construction-related disputes. Our attorneys have experience defending and prosecuting construction related claims in all types of forums including mediation, arbitration and litigation in state and federal courts.

Our goal is to resolve issues for our clients in a manner that best achieves their business goals. Whether that is through alternative dispute resolution or through trial, the attorneys in our practice group are seasoned and knowledgeable, and have handled all types of construction-related claims, including defects, change orders, delays, disruptions, and lien and bond claims.

Drawing on the vast resources at Maynard Nexsen, we also provide advice to our construction clients on issues such as real estate, employment, immigration, corporate law, taxation, project finance, environmental issues, bankruptcy, intellectual property, international trade regulation, interaction with governmental agencies, and incentive plans with governmental bodies.

Broad industry experience

We are proud to have developed one of the largest construction practices in the country. Our experience touches on all areas of the industry, including:

- Federal, state and local procurement
- Pre-construction planning
- Contract drafting and review
- Employment issues
- Environmental permitting
- Project financing
- Claims management and dispute avoidance
- Mechanics' liens and surety bond claims
- Mediation and arbitration proceedings
- Litigation, including multi-party and complex construction-related litigation in state and federal courts
- Insurance coverage disputes

Our Clients

We represent clients across the country, including public and private owners, developers, design professionals, contractors, subcontractors, and suppliers. Our attorneys have been involved in many successful construction projects in both the public and private sectors including educational and medical buildings, infrastructure improvements, multi and single family residential and mixed use development, industrial and manufacturing facilities, and hospitality mixed use projects.

Construction Services for Owners

An average owner participates in construction projects occasionally at most. They are confronted with "standard" contracts that are anything but familiar to them. They must decide on delivery systems and make many other decisions with little practical knowledge of the impact of these decisions.

Our attorneys can provide help to owners from the conceptual stages through completion. We can help draft design and construction contracts, and advise on the delivery system best suited for the project. We can assist owners throughout the duration of the project on change orders, claims, liens, and many other issues. We are also there for you through post project litigation, in the unfortunate event that arises.

Construction Services for Contractors

General contractors and construction managers are central players in almost every construction project. Our construction attorneys assist with legal and contractual issues on two fronts: (1) “Upstream” in their relationships with project owners; and (2) “downstream” in their relationships with subcontractors and suppliers.

Upstream challenges include:

- complex project scheduling
- pricing and delivery systems
- interactions with the Owner’s design team
- contemporaneous responses to constantly changing project conditions

Downstream challenges include:

- effective management of a multi-tiered system of subcontractors and suppliers
- site safety and security
- interactions with government agencies having jurisdiction over the project
- coordination with other contractors

The success or failure of a project begins prior to contracting. Our attorneys have many years of experience in contracting and front-end project management on a wide array of construction projects, from commercial, infrastructure and manufacturing to health care, institutional, and multi-family. This experience is invaluable in helping contractors and construction managers identify, assess and manage the risks of construction projects in their contractual relationships, both upstream and downstream. We also provide critical advice related to project insurance, liens, payment and performance bonds, and other risk mitigation devices to help the businesses of contractors and construction managers remain secure during project performance.

Construction Services for Subcontractors and Suppliers

Subcontractors and Suppliers encounter their own set of legal issues and our construction attorneys are there to assist with decades of experience. Maynard Nexsen’s representation of Subcontractors and Suppliers includes those involved in all sorts of trades, including:

- electrical
- mechanical
- plumbing
- grading
- water and sewer
- concrete

- building materials
- steel fabrication
- equipment rental, and
- process piping

The most critical issue for Subcontractors and Suppliers is getting paid. Maynard Nexsen's construction lawyers know the ins and outs of lien and bond law which allows them to protect the rights of their clients. This detailed understanding of lien and bond law helps us put our clients in the best position to be paid.

Our Attorneys

Maynard Nexsen's Construction lawyers are recognized throughout the industry by clients and colleagues for their experience, advocacy and thought leadership. We count two construction law professors among the group as well as former Chairs of the American Bar Association's Forum on Construction Law, the American Subcontractors Association's Attorney Council, and the Construction Law sections of several state bar associations. The national distinctions earned by our group further illustrate its capabilities, from recognition in US News & World Report Best Lawyers in America to Super Lawyers and Legal Elite. Our construction practice group has been consistently ranked in the top tiers for both Chambers USA and U.S. News & World Report-Best Lawyers National Law Firms for both Construction Law and Construction Litigation.

News

01.17.2023 | Media Mention

Construction Attorneys Eric Biesecker & Jacob Farrell Published in *2022 Catalyst Construction Journal*

06.26.2020 | News from Maynard Nexsen

Construction Executive Magazine Ranks Nexsen Pruet's Construction Group in Top 50

08.15.2019 | News from Maynard Nexsen

76 Nexsen Pruet Attorneys Named to 2020 Best Lawyers in America® List

04.12.2019 | News from Maynard Nexsen

23 Nexsen Pruet Attorneys Recognized by 2019 South Carolina Super Lawyers®

Insights

05.18.2023 | Article

Cybersecurity in the Construction Industry. Know Your Risks and Take Steps to Protect your Company

01.23.2023 | Article

"Substantial Completion": Different Strokes for Different Folks??

10.24.2022 | Article

Growing Prohibition on Pay-if-Paid Clauses: Virginia Joins North Carolina and South Carolina in Prohibiting Pay-if-Paid Clauses

08.19.2022 | Article

CONSTRUCTION CONTRACT REVIEW: Form Standards and Considerations

02.01.2022 | Article

Statutory Update – New Protections Against Broad Waivers of Lien Rights as a Condition Precedent to Receiving Progress Payments

12.07.2021 | Article

Federal Contractor Vaccination Mandate and Change Orders – Watch Out!

12.06.2021 | Article

Understanding Indemnification Clauses

10.12.2021 | Article

Document Policies 101

09.02.2021 | Article

BATTLE OF THE FORMS (a/k/a maybe not the deal you thought you had)

07.07.2021 | Article

Maintenance Best Practices and Investigations

04.28.2021 | Article

DBE Compliance When the DBE is not Compliant

03.24.2021 | Article

Mitigating the Effect of Construction Price Escalations

01.13.2021 | Article

Update – OSHA’s COVID-19 Guidance for the Construction Workforce

08.10.2020

Consequential Damages in Construction – The Silent Killer

06.25.2020

Is a Contractor’s License and Building Permit Required to Install Industrial Manufacturing Equipment?

06.12.2020

Eric Biesecker Discusses COVID-19 Impact on the Construction Industry

03.17.2020

COVID-19's Impacts on Construction Projects

02.28.2020

Developer Beware: Liability for Negligent Development Sequencing

09.18.2019

Caution: Ban Ahead - The Rise in Bans on Salary History Inquiries Requires Employer Diligence

08.29.2019

Outrageous Requirements for Foreign Workers Pushing Business Away

07.19.2019

New General Contractor Continuing Education Requirements in North Carolina

07.11.2019

Performance Bonds – Will the Liability Ever End?

07.10.2019

Workplace Safety and Summer Heat

11.20.2018

Nexsen Pruet's Torts, Insurance and Products Blog: Most Popular Highlights 2018

10.22.2018

General Contractors: Your License Number is Now Required on All Advertising in North Carolina

08.02.2018

Are Public Payment Bond Rights Assignable Under North Carolina Law? Maybe.

08.02.2018

AIA Changes – It's Time to Convert Before It's Too Late

06.27.2018

2018 South Carolina Legislation on Homeowners Associations