Construction

Overview

Schiff Hardin is a recognized leader in construction law.

Chambers & Partners' Chambers USA consistently recognizes our Construction Law Group as a premier practice in its annual rankings, and five of our attorneys were named leading lawyers by Chambers & Partners’ Chambers USA (2018). U.S. News – Best Lawyers rated us as the #1 Construction Litigation firm in America in 2011 and 2020. The Law Bulletin Publishing Company named eight of our lawyers to the 2018 Illinois Leading Lawyers Network, while six of our lawyers in New York and Illinois are recognized as Super Lawyers in construction litigation. Our partners are Fellows of the American College of Construction Lawyers, have been named as Best Lawyers in America in construction law, and are recognized throughout the country as trend setters in construction law.

Our success is the product of the cohesiveness of our group; many of our attorneys have worked together in teams for decades, allowing us to work with maximum efficiency, saving time and money for our clients. It is also based on our deep knowledge of the construction industry, our emphasis on client service, and our ability to proactively offer counsel on all aspects of construction projects.

We know the construction business. Many of our lawyers started in the industry, gaining firsthand experience in architecture, engineering, project finance, construction management, and working for and running construction firms. This background allows us to quickly understand our client’s projects, assess problems, and craft solutions that meet their business and legal needs.

We are on site, on time and on budget. With lawyers based in New York, Chicago and San Francisco, we have the geographic coverage to address national and international issues. Our lawyers assist clients across the country, on site and in the trailers, in courtrooms and in boardrooms. Whether negotiating a contract, overseeing project controls, litigating a construction claim, or working with senior management, the hallmark of our legal services is understanding our client's business and economic goals.

And we assist clients in every area relating to the construction business, including:

- **American with Disabilities Act (ADA):** Provide counsel on the proper requirements to include in design and construction contracts and defend claims that a client's space fails to meet necessary standards.
- **Arbitration/Mediation/ADR:** Explore solutions outside the traditional court system to resolve disputes speedily while avoiding the high costs of litigation.
- **Architecture and Engineering Representation:** Counsel architects, engineers and their business and legal advisors on legal issues facing them in every aspect of their practices.
- **Construction Claims and Disputes:** Handle disputes in jurisdictions across the country through litigation, traditional alternative-dispute resolution and other dispute-resolution forums.
- **Contract Drafting and Negotiation:** Draft, review and negotiate virtually every type of construction agreement, always emphasizing the need to mitigate risk through the terms of agreements.
- **Defective Design and Construction:** Mediate, arbitrate and litigate claims throughout the country based on defects encountered during a construction project, whether tied to design defects, construction defects or a combination of the two.
- **Delay and Inefficiency Claims:** Investigate, analyze, prosecute and defend claims brought on construction projects where the primary exposure is due to delays and inefficiency in design, construction or schedule-related events.
- **Insurance and Bonds:** Counsel owners, design professionals, contractors and sureties on insurance issues associated with all types of construction projects, as well as prosecuting or defending claims in which insurance is involved, or where a construction bond is called.
- **Mechanics Liens:** Defended against or prosecuted mechanics lien claims in all types of construction projects, representing owners, architects, engineers, contractors and subcontractors.
- **Power Plants and Energy:** Work nationally and internationally with utilities, coal handling facilities, and other power-generating entities on all types of construction projects, including nuclear generation.
- **Procurement and Bidding:** Work with corporate clients and governmental agencies to streamline their procurement operations from inception to award, helping achieve a high degree of success for the projects involved.
- **Project Controls/Contract Administration:** Provide clients with realistic opinions of scheduling and cost issues, objective appraisals of critical project issues, and options for resolving disputes in real time, before they can impact ongoing work.
- **Project Delivery Methods:** Provide guidance to owners, design professionals and contractors on the different contracting methods available for all types of construction contracts, including advice on which method is the best for the project at hand.
- **Public and Government Contracting:** Work with local, State and Federal governmental agencies on developing and implementing procurement processes that ensure transparency in bidding and contract awards, preparation and negotiation of contracts, and defense of bid protests.
• **Regulatory Consulting:** Provide regulatory strategy services to utilities for large capital construction investments, helping establish a plan, monitor the project, and respond to regulators in order to recover the costs of developing a new facility.

• **Sustainable Design and Green Building:** Support clients’ ability to reach green goals in a variety of ways, including incorporating criteria on sustainability into project RFPs, and preparing and negotiating contracts that promote and encourage green thinking in design and construction.

**Experience**

**Restructuring Services**

In addition to assisting clients in major building projects, Schiff Hardin also represents construction companies, architects, lenders, landlords, brokers and other creditors in construction insolvency proceedings. Combining the services of our Construction, Restructuring and Real Estate groups, we are able to develop creative strategies to achieve our client’s objectives and maximize recoveries.

As in all industries, interested parties may have competing interests, requiring a unique perspective. Our extensive work with parties across the real estate industry has given us an appreciation for all such perspectives. Notable representations include:

• **Pasquinelli Homebuilding LLC** – Representing the chapter 7 trustee in the liquidation of a national homebuilder, including fraudulent transfer and breach of fiduciary duty litigation against insiders of the debtor

• **NVS Liquidating Company, Inc. et al.** – Represented the Official Unsecured Creditors Committee in the chapter 11 filing of an insolvent contractor, establishing an innovative arrangement to resolve mechanics’ lien claims and property owners’ defenses to the payment of accounts receivable.

• **Shelbourne North Water Street, L.P.** – Represented architectural firm in connection with the chapter 11 case of involving the Chicago Spire.

**Real Estate Development and Finance**

Schiff Hardin offers the full range of legal services to developers, investors, publicly held companies, privately owned businesses, public and private REITs, educational institutions, nonprofits and lenders. But we also go beyond the traditional areas of real estate services, offering cutting-edge counsel in real estate-backed securities, syndications, 1031 exchanges and other investment vehicles. We also have significant experience assisting both borrowers and lenders with a wide range of financing tools, such as sale and leaseback transactions, synthetic leases, and joint venture interests.

• **Real estate development:** We have particular depth in assisting clients with real estate development projects, both commercial and residential, including transfers of development rights, bulk sales of cooperative share and condo units and pre-construction work such as site acquisition, financing, and sales disclosures and continuing through planning, design, construction and post-construction matters.

• **Real estate finance:** Our attorneys assist clients with complex types of financing including mortgage and mezzanine transactions as well as the restructuring of real estate financing in default, condominium conversions, and leasing and subleasing. We advise on deal structure, drafting and negotiating documentation, and we counsel clients in the formation and implementation of joint ventures and strategic alliances. We also work with governments to obtain necessary approvals and, where appropriate, various types of public funding.

**Environmental**

We help solve environmental problems that owners, developers and lenders face in construction projects, ranging from small mixed use development projects to coal-fired power plants. Our experience includes:

• Environmental permitting for modification of existing and construction of new power facilities and co-generation projects.

• Environmental permitting for gas pipeline construction and expansion projects.

• Counseling a public-private partnership in evaluating competing sites for a first-of-a-kind coal-fueled, near-zero emissions power plant utilizing carbon sequestration.

• Assisting developers in rehabilitating environmentally-challenged real estate.

• Assisting owners with other significant remediation redevelopment projects involving Brownfields sites throughout the United States.

• Advising financial institutions on the environmental issues impacting properties in default or foreclosure.

• Assessing the environmental condition of collateral and developing strategies to minimize potential environmental liabilities.

• Advising on evolving building codes and policies such as “green building,” energy efficiency, or sustainable design/construction programs and protocols.
AWARDS & HONORS

- **Chambers USA (2020)**
  Chambers & Partners

- **Practice Group of the Year (2018)**
  Our Construction Practice Group was selected as a 2018 Law360 “Practice Group of the Year” for its notable and significant work in U.S. infrastructure.

- **National Tier 1 Ranking (2019)**
  *U.S. News – Best Lawyers® “Best Law Firms”*

- **Schiff Hardin Recognized for Excellence in Construction Law**
  Schiff Hardin LLP is pleased to announce that the firm has been recognized by the Construction Lawyers Society of America (CLSA) with a 2018 CLSA Law Firm Award in recognition of its excellence in construction law.

- **BTI “Innovation Builder”**
  We were singled out by corporate counsel as one of only 28 percent of law firms clients view as a BTI “Innovation Builder,” which recognizes firms that bring change to the legal market through new technology, services, strategies, or structures.

- **Practice Group Recognized (2018)**
  *The Legal 500 U.S.*