

NEWSLETTERS

Barnes & Thornburg LLP Construction Law Update - October 2013

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High Standard for Ohio Workplace Torts Reaffirmed in Construction Death

Companies engaged in the construction industry in Ohio are likely aware that employees injured in the workplace have the potential for a greater recovery than in most jurisdictions. Of course, injured workers are able to claim benefits under Ohio's workers' compensation system. However, unlike many states, Ohio has a "workplace intentional tort" claim that creates the possibility of damages in a tort action. This article delves into the specifics of a recent court of appeals decision from Ohio that has narrowed the scope of such a claim.

Seventh Circuit Court of Appeals Enforces a Negotiated Limitation of Liability Provision Consistent With Indiana Law

By Timothy J. Abeska

Indiana courts recognize and uphold the freedom of parties to negotiate contracts and allocate risks between them. This article follows the recent decision from Seventh Circuit that rejected a project owner's attempt to expand a limitation of liability provision beyond its stated terms, underscoring the need to evaluate potential risks when negotiating construction contracts.

Georgia's Tort Apportionment Statute Does Not Abolish Contribution Claims by Contractor against Architect

By Scott R. Murphy

In *Zurich American Insurance Company, et al. v. Heard et al.*, the Georgia Court of Appeals considered whether claims for contribution between a contractor and architect who have settled with the owner still exist following the enactment of Georgia's apportionment statute. Read more about what the Court relied upon in making its decision.

Shift in Minnesota's Law on Indemnification in

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A significant overhaul of the Minnesota statute governing indemnification and risk-shifting in construction contracts went into effect recently.

Generally, the amendment eliminates a long-standing exception to a prohibition against risk-shifting in the construction context. However, some language in the statute leaves lingering doubt regarding the ultimate impact of the amendment. Read more about the changes.

About Us

Even simple construction projects can involve complex legal issues or claims. Property owners, real estate developers, contractors and others involved with construction projects often need sophisticated legal counsel who know construction. Comprised of attorneys from our offices in Atlanta, Chicago, Indiana, Los Angeles, Michigan, Minneapolis, Ohio, and Washington, D.C, the Construction Law Practice Group at Barnes & Thornburg LLP provides legal support for clients that are embarking on, or have issues related to virtually any kind of real estate development or construction project.

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