

NEWSLETTERS

Barnes & Thornburg LLP Construction Law Update - July 2013

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Editor's Note

This edition of the *Construction Law Update* e-newsletter focuses on the complex issue of spoliation in the context of construction projects. Spoliation is a legal concept developed by courts to address the failure of a party to preserve potentially relevant evidence. The articles contained in this edition discuss both specific examples of spoliation addressed in the case law as well as an analysis of the factors courts consider when determining whether spoliation has occurred and whether sanctions are warranted.

Spoliation of Evidence: An Overview of Factors to Consider on a Construction Project

By Scott R. Murphy

Companies engaged in the construction industry will inevitably face a spoliation issue related to the retention of potentially relevant evidence. Read more about the factors courts take into consideration when determining whether to sanction a party for spoliation of evidence and the importance of implementing safeguards to ensure that potentially relevant evidence is preserved.

Job Site Accidents Can Lead to Negligent Spoliation of Evidence

By Bradley B. Falkof

The Illinois Supreme Court has weighed in on two cases that reflect a significant issue for any owner or contractor who is made aware of job site accident and their duty to preserve evidence. Read more about the two cases and what the Supreme Court ruled by clicking on the headline above.

Spoliation in Minnesota Construction Defect Cases: Duty to Preserve Evidence is Not Absolute

The Minnesota Supreme Court has outlined a simple caveat to the traditional rules of spoliation of evidence. Learn more about what the court said in *Miller v. Lankow*, 801 N.W.2d 120 (Minn. 2011) by clicking on the headline above.

Spoliation: Notice & Opportunity to Inspect

By Austin J. Burke

In recent years, numerous courts have addressed the issue of spoliation

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in the context of commercial construction disputes. Despite jurisdictional differences, the relevant cases seemingly offer similar guidance for avoiding spoliation claims. Read more about these recent cases and what they mean for custodial parties by clicking on the headline above.

About Us

The Barnes & Thornburg Construction Law Practice Group provides broad-based legal support for private and public owners, contractors, subcontractors and design professionals. We handle virtually any kind of claim arising out of a construction project, including disputes involving construction defect, design professional negligence, delay and acceleration. Recent matters include mediation, arbitration and litigation arising out of a large airport runway expansion, an oil refinery improvement project, and a high-rise apartment building. We have handled other matters involving retail structures, university housing, parking structures, warehouses, residential conversion projects and multi-building condominium developments. Our team also negotiates and drafts construction contract and other construction project documents, and we provide in-depth advice and claim resolution services related to insurance coverage on behalf of our construction industry and other policyholder clients.

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