



CONSTRUCTION

WHEN IT COUNTS

We understand the risks that owners, contractors, and professionals face when planning or undertaking a construction project. Our construction and insurance attorneys work seamlessly together to help you mitigate the impact of those risks on your bottom line. Because we do not take work from insurance companies who issue builders risk or liability insurance for construction projects, we are uniquely positioned to advise owners and construction professionals on both the insurance and contractual aspects of a construction project.

Barnes & Thornburg offers full-service support throughout the entire construction project life cycle. Challenges can arise during any phase of a construction project and after project completion. Geotechnical and environmental issues, design errors and omissions, poor contracting, defective construction, unexpected site conditions, inclement weather, and other external impacts can all wreak havoc on the construction budget and schedule.

We help you mitigate risk, transfer, and obtain the right insurance for those risks and, when they do occur, we pursue insurance and defend and prosecute claims, helping make sure you aren't left absorbing the cost.

Pre-Construction

Our experienced lawyers review and negotiate contract documents and insurance policies covering the project and construction professionals to ensure they provide adequate protection in the event of unexpected events or construction defects. We also advise on risk management strategies and recommend changes to construction documents or the insurance program to ensure the proper parties are responsible when risks materialize.

Construction Law Blog

The attorneys of Barnes & Thornburg's Construction Law Practice Group bring you analysis of laws and legal topics that impact the business of constructing, redeveloping, or servicing buildings and industrial facilities.

[Visit the blog](#)

RELATED PRACTICES

Litigation

Real Estate

We work with developers and owners to review and negotiate customized engineering, procurement and construction (EPC) agreements and form contract documents, including AIA and ConsensusDocs contracts. Part of that process is to focus on key contract provisions like liquidated damages, indemnity, and change order provisions, to ensure they are drafted in a way to benefit and protect the client.

During Construction

When unexpected events occur during construction, we provide legal counsel on compliance with insurance and contract document claim presentation requirements, particularly notice provisions and claims reporting procedures. Our team also:

- Assists with investigations and preserving rights to coverage or indemnification as incidents arise during the project;
- Reviews requests for changes in contract price and time to ensure the cost of work and project schedule remain on time and within budget; and
- Analyzes potential claims for delay and disruption and advising on potential exposure to downstream subcontractors and material providers, as well as upstream exposure to owner/developer claims.

Post-Construction

Frequently, our team is brought in after a project's completion to help clients pursue insurance recovery for unexpected costs and delays that occurred during the project, or to prosecute and defend claims for damages that manifested after completion. We also evaluate insurance coverage and indemnification, which can be particularly complex in the construction setting due to waivers of subrogation and additional insured endorsements.

Construction Practice Leaders



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