

# Construction Law: What Businesses Need to Know to Ensure Construction Projects Succeed

01/11/2024

As former in-house counsel for a national General Contractor and Construction Manager, Attorney Devon Kalkbrenner has extensive experience in the day-to-day operations of construction firms, the delivery of construction projects and the complexities and nuances of the construction industry. Here, Devon discusses our newly formed Construction Law practice and why it's never too early to work with a trusted legal advisor.

**What is Construction Law?** Construction Law is a broad umbrella term that encompasses a wide range of legal matters. These legal matters span the life cycle of the construction project, from conceptual development through project completion, and include pre-construction due diligence, project development and deal structure, project design, project financing, risk management and analysis, construction agreements, day-to-day operational issues, insurance and bonding, union and labor issues and much more. A construction law team can serve as an in-house legal team, dedicated to minimizing a business's exposure to risk and assisting a business in addressing issues, both big and small. Whether it's negotiating a new contract or working with onsite operations to mitigate work stoppage due to union picketing, a good construction lawyer can help a construction business do what they do best: Build.

**How is construction law different from other types of law practice?** Construction law is a unique area of law that has its own characteristics. One of the notable differences from other areas of law is that it's more useful when practiced proactively rather than reactively. In other words, it's better to seek legal assistance before agreements are signed, work begins or claims are made. This approach can help avoid potential issues and ensure that everything runs smoothly.

**When should a business engage a construction lawyer?** There is never a wrong time to engage a construction lawyer! From concept development, through the commencement of construction work activities and project turnover, the process can span many years. We know there are decisions made every day that could benefit from the input of a trusted legal partner.

**What does it mean to provide turnkey service to a construction client?** The term "turnkey" is borrowed from the construction industry, where it usually refers to a contractor being responsible for all aspects of a project from design to punchlist, beginning to end. When this term is used in the context of legal services, it means that I can help throughout the entire project-development process until the last statute of limitations has expired. At every step of the process, I can help evaluate risk and advise on the best course of action to reduce a client's exposure to risk.

**What are some of the most common questions you are asked by your clients?** Clients often have questions about managing risk, whether it's how to structure contracts to reduce or avoid risk before

starting work or how to mitigate risk resulting from an unexpected issue. In most cases, the underlying issue boils down to determining who bears the risk. As they say, the best defense is a good offense, and that is especially true in structuring and negotiating construction agreements.

**What experience do you bring to the Mitchell Williams Construction Practice?** With decades of combined experience working in the construction industry on construction-related matters, I can handle a company's construction law needs from start to finish with a business perspective that only comes from experience. My exposure to a broad range of construction project types and project delivery methods, working with stakeholders industry-wide -- from ownership groups to designers, construction managers and general contractors to subcontractors and vendors, financiers to facility end users -- has provided invaluable experience and has afforded me a deep understanding of the legal intricacies that are found in the construction industry, and I take pride in the fact that I can evaluate complicated issues and communicate legal strategies in an easily digestible manner, making sure my clients are heard and understood.

[Learn more](#) about Attorney Devon Kalkbrenner's construction law experience.