

Hancock Estabrook's Construction Practice is comprised of attorneys from our Corporate, Environmental, Labor, Litigation, Real Property, and Tax practice groups. These attorneys provide the full range of services required by Owners, Contractors, and Design Professionals, who are engaged in construction throughout the Northeastern United States.

Our services include assistance to public and private owners, general contractors, design-builders, developers, subcontractors, suppliers, architects, engineers and sureties with:

- Selection and retention of the project management team
- Construction procurement
- Selection of the design and construction management professionals, including the process for inviting and reviewing RFPs and/or RFQs
- Purchase and/or leasing of real property
- Environmental quality review compliance process
- Zoning and land use issues
- Public and private construction financing
- Labor, employment and OSHA compliance process
- Negotiation and preparation of design and construction agreements
- Negotiation and preparation of energy performance contracts
- Administration of public bidding
- Construction phase problem solving
- Preparation, filing, discharge and administration of mechanic's liens
- Audits of project closeout documentation
- Contract termination, whether for cause and/or convenience
- Administration and enforcement of surety bonds
- Dispute resolution through mediation, binding arbitration or litigation relating to all types of construction claims including:
  - Defective-work
  - Extra-work
  - Delay and disruption
  - Differing site condition
  - Cardinal change
  - Wrongful termination
  - Liquidated damages

Our Construction Practice attorneys are frequently retained by other law firms to act as mediators and arbitrators concerning their clients' disputes.

## For Owners

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Construction is often a process involving significant risks in which large expenditures are incurred in a relatively short time. The early involvement our Construction Practice attorneys provides owners with a partner possessing a unique perspective and experience that reduces the likelihood of encountering costly problems later in the process and can significantly reduce project costs by helping to efficiently negotiate and procure the construction site, services and materials required for completion.

Our attorneys have many years of experience working with owners on complex public and private projects of all types. Our participation over the life of a project can be remarkably cost-effective.

## For Design Professionals

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Our experience in the construction field lends itself well to the defense of design professionals in construction disputes. Our attorneys also have extensive experience serving insurance carriers who provide errors and omissions coverage for design professionals on such claims.

## For Contractors

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We regularly serve national and local construction and design/build firms as counsel, not only on construction projects, but also corporate, finance, and labor and employment matters, as well as litigation, when necessary. We review construction agreements and forms to identify the possible pitfalls which may result in unnecessary or excessive risk for the contractor; assessment, defend or prosecute construction claims; prepare, file, and resolve mechanic's liens; and assist with the administration of sub-contract agreements.

## Dispute Resolution

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Hancock Estabrook has a long history of successfully and efficiently resolving construction disputes through negotiation, mediation, arbitration and/or litigation. We strive to solve problems through the early identification and resolution of disputes. Our litigation team includes some of the most accomplished, skilled and experienced commercial litigators in the Central New York region. Visit our [Litigation Practice](#) to learn more about our services in this area.

Resolving construction-related disputes often requires a complex and technical assessment of the fault among parties, as well as an accurate and informed evaluation of damages documentation. We rely on our construction experience as well as the involvement of appropriately-selected technical experts to quickly identify the cause and cost of failures, and the possible solutions.

We have litigators experienced in construction cases with proven success in taking matters to trial when necessary. However, as an initial matter, we tend to employ the dispute resolution tactic to try and avoid unnecessary litigation. We have found that taking a principled approach on the issues of fault and valuation pre-suit often leads to the most efficient resolution of emerging disputes. We seek to employ the appropriate dispute resolution strategy that will preserve the resources of our clients and will cause the least disruption to the given project and our client's overall business.

## For Financial Institutions

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Members of our Construction Practice regularly advise banks and other financial institutions on construction matters ranging from complex mortgage loan transactions, including acquisition and permanent loans, construction loans, structured and mezzanine financings, workouts and restructurings, to litigation, when required. Clients benefit from the fact that our lawyers bring strong backgrounds in banking and finance, as well other disciplines such as real estate and litigation, to the table when assisting with these types of transactions.

## Our Cross-Practice Team

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### **Project Management & Contract Drafting and Negotiations:**

[James E. Hughes](#)

### **Environmental, Zoning & Land Use:**

[Holly K. Austin](#)

### **Real Property:**

[Kenneth P. Holden](#)

### **Labor & Employment:**

[Robert C. Whitaker, Jr.](#)

### **Litigation:**

[Daniel B. Berman](#)

[Thomas C. Cambier](#)

[James E. Hughes](#)

[John G. Powers](#)

[James P. Youngs](#)