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Construction Law - How Truly Understanding Your Client's Business Provides Critical Litigation Advantage

When construction of a new campus of a prominent community college encountered major delays and cost overruns, the numerous contractors and subcontractors on the project began to point fingers and dispute responsibility and liability, and litigation soon followed.

We represented a Houston-based geotechnical engineering company that was being sued for alleged faulty testing of the ground composition and failing to accurately report groundwater conditions, resulting in faulty design problems which necessitated additional work, and caused major delays and increases in cost. The architecture firm suing our client alleged engineering malpractice – that the engineering firm's analysis of the ground composition and supervision of the work was negligent, that his client misrepresented the scope or quality of its work, and was in breach of contract.

We immediately immersed ourselves in the business of the engineering firm, focusing specifically on its work on the project in question in order to assess the propriety of the Plaintiff's allegations and design an effective strategy. Through intensive client meetings at the earliest stage of the proceeding, he developed the understanding necessary to present the Defendant's position in a straightforward, clear and concise manner to the judge.

The "crash course" our trial counsel obtained in geotechnical engineering issues as they related to the work on this project paid benefits that gave us a critical advantage over opposing counsel, and facilitated a prompt pretrial dismissal of all claims through summary judgment in our client's favor. Our client was able to continue its growing business with minimal disruption from the lawsuit, while other parties eventually went to trial, which resulted in a substantial verdict against another party.

This case illustrates that true representation of a client means knowing more than the law – it means knowing their business and having an intimate knowledge of their specific work at issue in the case. Taking a proactive approach at the outset provided an advantage over less-informed opposing counsel, enabled a well-coordinated presentation of defenses, and permitted an explanation of a complex scientific process in simple, digestible form – factors that ultimately convinced the judge that summary dismissal of our client from the lawsuit was proper.