CONTENTS

A complete table of contents for each chapter is included in the beginning of the chapter.

Chapter 1
SOUTHEAST REGION
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia
Bill Shaughnessy, Todd Heffner and Brad Sands

§ 1.01 Introduction
§ 1.02 Statutes of Repose
§ 1.03 Liens
§ 1.04 Arbitration
§ 1.05 Legislation Update
§ 1.06 Insurance
§ 1.07 Economic Loss Doctrine
§ 1.08 Contract Formation
§ 1.09 Damages

Chapter 2
NORTHEAST REGION Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands
Stanley A. Martin

§ 2.01 Introduction
§ 2.02 Public Construction And Statutory Issues
§ 2.03 Ordinances Mandating Apprenticeship Programs Did Not Violate Federal Law
§ 2.04 Potential Sham Bidding Did Not Support Allegations of Antitrust Violation
§ 2.05 What Determines “Substantially Prevailing Party” Under Vermont Prompt Pay Act?
§ 2.06 Homeowner Could Not Recover Money Paid to Unlicensed Contractor
§ 2.07 Contractor Deemed on Notice of OSHA Safety Standards
§ 2.08 Turning Lien Claim into Criminal Claim?
§ 2.09 Building Inspector’s Discriminatory Acts Could Be Actionable
§ 2.10 Contract Interpretation and Enforcement
§ 2.11 Do You Have A Forum Selection Clause, or Something Else?
§ 2.12 Project Owner Is Not Intended Beneficiary of Subcontract
§ 2.13 Duty to Defend Enforceable Even If Duty to Indemnify Is Unresolved
§ 2.14 Pay If Paid Subcontract Clause Enforced
§ 2.15 Determining Ambiguities in a Contract
§ 2.16 Mechanic’s Liens
§ 2.17 No Funds Due to Prime Meant No Lien for Subcontractor
§ 2.18 Complaint to Enforce Mechanic’s Lien Bond Did Not Need to Be Recorded
§ 2.19 Insurance
§ 2.20 Short Limitations Period Enforceable for Insurance Policy Claims
§ 2.21 “Collapse” Means Collapse
§ 2.22 Critical Absence of Express Indemnity or Additional Insured Rights
§ 2.23 Additional Insured Rights in Absence of Allegations of Negligence
§ 2.24 Unintended Damage During Renovation Excluded from Coverage
§ 2.25 Failure to Promptly Disclose Coverage Did Not Include Liability for Untimely Disclaimer
§ 2.26 Breach of Contract Claim Was Not Within Coverage of Errors and Omissions Policy
§ 2.27 Arbitration
§ 2.28 Statute of Limitations Did Not Apply to Arbitration Claim
§ 2.29 “May” Meant that Arbitration Was Optional
§ 2.30 Arbitration Award Was Res Judicata for Non-Participants
§ 2.31 Equitable Estoppel by Conduct and Silence Precluded Liquidated Damages
§ 2.32 Statutes of Limitation and Repose
§ 2.33 What Triggers the Statute of Repose on Multi-Phase Project?
§ 2.34 Statute of Repose Bars Third-Party Claims
§ 2.35 Developer Was Not Shielded by Statute Of Repose

Chapter 3
SOUTHWEST REGION Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, Texas
Stephen T. Miller, Tiffany C. Raush, Krystal P. Scott, Amy K. Anderson, Ewaen Woghiren, Christopher Cazenave and Allison Kingsmill
§ 3.01 Introduction
§ 3.02 Legislative Updates
§ 3.03 Professional Liability
§ 3.04 Prompt Payment Statutes
§ 3.05 Lien Law
§ 3.06 Procedural Matters

Chapter 4
WEST/NORTHWEST REGION
Heather Heindel
§ 4.01 Alaska
§ 4.02 Arizona
§ 4.03 California
§ 4.04 Colorado
§ 4.05 Hawaii
§ 4.06 Idaho
§ 4.07 Montana
§ 4.08 Nebraska
§ 4.09 Nevada
§ 4.10 North Dakota
§ 4.11 Oregon
§ 4.12 South Dakota
§ 4.13 Utah
§ 4.14 Washington
§ 4.15 Wyoming

Chapter 5
MIDWEST REGION Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Wisconsin
Stephen P. Withee, Daniel F. Edwards, Ericson P. Kimbel, Tara D. Workman and Joshua N. Kutch
§ 5.01 Iowa
§ 5.02 Minnesota
§ 5.03 Illinois
§ 5.04 Indiana
§ 5.05 Ohio
Chapter 6
FEDERAL PROCUREMENT AND CONSTRUCTION
Stan Millan

§ 6.01 Introduction
§ 6.02 Acquisition Issues
§ 6.03 Contract Administration
§ 6.04 Contract Close Out
§ 6.05 Conclusion

Chapter 7
CONSTRUCTION IN AND FOR SPACE
Ellis Brazel

§ 7.01 Introduction
§ 7.02 The Development of the International Space Station
§ 7.03 The Legal Framework for the International Space Station
§ 7.04 International Space Law
§ 7.05 U.S. Space Law
§ 7.06 On-Orbit Servicing, Assembly and Manufacturing (“OSAM”)
§ 7.07 Space Debris
§ 7.08 Litigation in Space

Chapter 8
ARBITRATION
William Underwood, James Artzer and Chris Henry

§ 8.01 New York Courts Continue to Permit an Arbitrators’ Award of Attorneys’ Fees.
§ 8.02 Does Rico Apply to Arbitration? The “Jury” Is Still Out
§ 8.03 Separating State and Private Entities
§ 8.04 Backdoor Efforts to Vacate an Arbitration Award
§ 8.05 The Possible Arrival of Mass Arbitration
§ 8.06 DOJ to Arbitrate?
§ 8.07 Although Generally Supportive, English Courts Have Limits When It Comes to International Arbitration Enforcement
§ 8.08 A Party That Did Not Sign the Arbitration Agreement Won’t Be Forced to Arbitrate
§ 8.09 Winning in Arbitration Might Just Be the Beginning of the Fight
§ 8.10 The Potentially High Costs and Rigorous Standards Associated with Challenging the Enforcement of an Arbitration Award
§ 8.11 Arbitrator’s Failure to Disclose Conflict Invalidates Final Award
§ 8.12 Ninth Circuit Affirms Decision to Vacate Arbitrator’s Award Because Arbitrator Overstepped His Authority
§ 8.13 Federal Policy Takes Precedence Over State Law When It Comes to International Arbitration Enforcement
§ 8.14 District Court Highlights Strength of The Convention on Recognition and Enforcement of Foreign Arbitral Awards Despite School District Accusing Insurance Provider of Failing to Perform Duties After a Natural Disaster
§ 8.15 Failure to Adequately Participate in Arbitration Confirmation Proceedings Results in the Enforcement of a $61 Million Arbitration Award
§ 8.16 Conclusion

Chapter 9
EMPLOYMENT LAW
Mary Margaret Spell
§ 9.01 Authorization to Work
§ 9.02 Employment Relationships
§ 9.03 Paying Construction Industry Employees
§ 9.04 Discrimination, Harassment, and Retaliation

Chapter 10
ENVIRONMENTAL LAW IN THE CONSTRUCTION INDUSTRY
Stan Millan, Alex Prochaska and Meghan Smith
§ 10.01 Introduction
§ 10.02 Pollution
§ 10.03 Natural Resources
§ 10.04 Remediation
§ 10.05 Brownfields
§ 10.06 Green Buildings

Chapter 11
“SUSPEND OF WORK”: THREE SMALL WORDS WITH BIG IMPLICATIONS
James G. Zack, Jr.
§ 11.01 Introduction
§ 11.02 Standard Suspension of Work Clauses
§ 11.03 Types of Suspensions of Work
§ 11.04 Some Typical Causes of Suspensions
§ 11.05 Suspension of Work Clause—Why Do Owners Need One?
§ 11.06 Operation of Suspension Clauses
§ 11.07 Recoverable Damages
§ 11.08 Limitations on Recoverable Damages
§ 11.09 Court Decisions Impacting Recovery of Damages Due to Suspensions of Work
§ 11.10 Current Tests for Recovery of Suspension of Work Damages
§ 11.11 How Can Contractors Protect Their Right to Collect Damages?
§ 11.12 Conclusion

Table of Cases

Index