

PRACTICE AREA

# Construction



## ATTORNEYS

J. Scott Alexander  
Kristina O. Lambert  
Steven A. Lamon  
Emily Min  
Shawn C. Moore  
Lisa D. Nicolls  
Cynthia N. Oshiro  
D. Michael Schoenfeld  
Kenneth I. Schumaker  
Andrew R. Steiger  
Alexander F. Stuart

## OVERVIEW

Murphy Austin's Construction Law Team provides representation of and advocacy for all participants in the construction process including owners (both public and private), general contractors, subcontractors, sureties, suppliers, insurers, design professionals, construction managers and other project participants.

Our services include those relating to licensing, pre-construction planning, preparation and negotiation of contracts, front end documents and bid solicitations, bid protests, and construction and post-construction challenges, claims and all types of disputes (mediation, arbitration, and trial of construction disputes, as needed). We also provide representation with respect to construction related issues having environmental impacts or consequences.

We have substantial experience in working with clients to address asserted deficiencies in performance (both substantively and procedurally) during projects to minimize impacts and promote protection of our client's interests. Client service is a hallmark of who we are and what we strive to deliver. Being available to respond to clients when needs arise is part of our culture, orientation and commitment.

Our team possesses collective experience of more than 150 years of client-focused representation. Our construction law practitioners are very experienced in using alternative dispute resolution and our focus is on solution-driven representation.

In addition to advocacy for our clients, we also provide neutral services (mediation and arbitration) which are structured to meet the specific needs of the parties and help achieve prompt, cost-effective, and well-reasoned solutions to construction and commercial disputes.

The specific areas of our Construction Law Team expertise include:

### Pre-Bid

- Preparation and Negotiation of Contracts

- Licensing Matters with the CSLB
- Pre-Qualifications
- Bid Protests & Evaluations
- Review of Contract Documents
- DBE/DVBE Requirements and Compliance

**Post-Bid**

- Bid Protests & Evaluations (local, state and Federal, including the US Boards of Contract Appeals and Court of Federal Claims)
- Responsibility Hearings
- Substitution of Subcontractors
- Procurement Disputes
- Partnering Sessions

**During and After Performance**

- Analysis of Issues in Dispute
- Consultation Concerning Performance Issues
- Payment Disputes
- Government Code Claims
- Change Orders
- Delay/Productivity Analysis
- Lien Release/Payment Issues
- Stop Notice/Mechanics' Lien/Payment and Performance Bond Dispute
- Defect Analysis
- Liquidation/Tolling Agreements
- Prioritization of Rights and Remedies of Creditors/Debtors
- Evaluation of Insurance Coverage
- Arbitration/Mediation/Litigation of Claims
- Negotiation of Disputes
- Analysis of Options/Risk – Benefit Evaluations
- False Claims Analysis/Assertion

### **ADR Services**

Complex Construction and Commercial Disputes, including:

- Mediation
- Arbitration
- Appellate Arbitration
- Early Neutral Evaluations
- Dispute Review Boards

### **EXPERIENCE**

Certified by the American Arbitration Association (AAA) as an arbitrator and mediator and as an arbitrator by Public Works Contract Arbitration (PWCA), [Mike Schoenfeld](#) has a vast depth of expertise in ADR processes, both as an advocate and as an active mediator and arbitrator. He has served as a neutral in more than 180 matters.