

Understanding & Negotiating Commercial Construction Contracts

Deftly blending drafting, risk mitigation and dispute resolution skills

Construction law is a hybrid practice area, utilizing the contract drafting and negotiation skills of a corporate lawyer with the risk mitigation and dispute resolution expertise of a litigator. This program focuses on both areas: drafting key construction contract provisions and then using those provisions in the context of litigation.

First, the panel identifies the more widely used forms and structures of construction contracts, with a focus on some of the more commonly negotiated provisions. Next, the panel discusses the contract provisions that most often arise in claims and impact litigation strategy in the event of a project dispute. Then, the panel explains several key Massachusetts statutes which have a direct impact on the extent and enforceability of construction contract provisions. Finally, the panel addresses various strategies to use when negotiating construction contracts. Develop and sharpen your practice toolkit at MCLE.

Agenda

- **Fundamental Concepts of Construction Contracts**
 - Typical project delivery methods
 - Model contract forms (AIA, Consensus docs, Public/government project forms)
 - Common industry terminology
 - Basic contracting elements
- **Construction Contracting Strategies: Primary Goals and Selected Tools**
 - Time / schedule
 - Cost
 - Quality
- **Key Construction Terms**
 - Suspension / termination
 - Damages and delay provisions
 - Third party claims
 - Claims / dispute resolution
- **Massachusetts Statutory Provisions in Construction Contracts**
 - Prompt Payment, Retainage Act
- **Tips for Productive Contract Negotiations**

Faculty

Bradley L. Croft, Esq., *Ruberto, Israel & Weiner, PC, Boston*, Chair

Sara P. Bryant, Esq., *Murtha Cullina LLP, Boston*

Bruce I. Tribush, Esq., *Goodwin Procter LLP, Boston*



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Dates & Location

Register at www.mcle.org

LIVE WEBCAST

Tuesday, November 14, 2023

2:00 pm–5:00 pm

Program # 2240034WBC

REBROADCAST

Wednesday, November 29, 2023

9:00 am–12:00 pm

Program # 2240034RB1

REBROADCAST

Thursday, December 7, 2023

1:00 pm–4:00 pm

Program # 2240034RB2

ON DEMAND WEBCAST

View after Thursday, December 7, 2023

Program # 2240034WBA

Tuition *(includes written materials)*

- \$245
- \$220.50 MCLE Sponsor Members
- \$122.50 New Lawyers admitted to law practice within 5 years, Pending Admittees, Law Students, and Paralegals
- **FREE** for MCLE OnlinePass Subscribers

To apply for a need-based scholarship, email scholarships@mcle.org.

Materials

Massachusetts Construction Law and Litigation ebook, plus speaker materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

CLE Credits

Earn up to 3 CLE credits

