

**TUETH KEENEY COOPER  
MOHAN & JACKSTADT, P.C.  
PRACTICE AREA PROFILE**

**CONSTRUCTION & REAL ESTATE  
PRACTICE**

**Our Law Firm is Different by Design**

Construction and real estate clients are excited about their project or transaction. Our Commercial and Real Estate practice area lawyers are equally excited about the project and transaction and strive to provide our clients with a broad range of **QUALITY SERVICES** with **EFFICIENT RESULTS**.

**QUALITY SERVICES.** The majority of our construction and real estate practice is devoted to representing the interests of owners of public and private entities. Tueth Keeney's construction practice includes all aspects of contract drafting and negotiation, claim preparation, and dispute resolution (through mediation, arbitration or litigation).

Tueth Keeney also assists a variety of public and private clients with their real estate law related issues. Our clients include school districts, private parties, subdivision homeowner associations, contractors, developers and corporations. Our real estate attorneys have experience with real estate sales and purchases, title issues, leases, financing, construction and property management. Our goal is to bring specialists together at the beginning of a project to advise the client on how to avoid problems, while maintaining the ability to deal aggressively with possible violations and the related regulatory enforcement actions that arise in the course of any development project or day-to-day business operation.

**EFFICIENT RESULTS.** Our construction lawyers work together with our real estate and labor lawyers to provide the most efficient results possible. This also enables us to provide a wide range of services in transactional, legislative, regulatory, and litigation matters supporting the construction industry. Our goal is to help our clients build successful projects that meet their expectations. To do so, we can assist our clients with all phases of the project. We regularly help clients evaluate various project delivery methods and assist them in choosing their project teams, including preparing solicitation packages, assisting in interviewing design professionals and construction managers, and preparing and negotiating contracts that accurately reflect the agreed-to relationships and the scope of work or services to be performed. As the projects progress, we advise clients on their rights and obligations under the contract and assist them in resolving problems that arise. When tough issues require more formal dispute resolution, our attorneys have experience in mediation, arbitration and litigation of these issues.

Our real estate attorneys have represented clients in a variety of real estate development projects, including commercial, office and industrial development. Representation has included site acquisition and due diligence issues, governmental permitting, and construction contracting issues. We can assist a client from acquisition through project completion.

### **Construction Services**

- **Contract Preparation, Negotiation, and Administration:** We prepare and negotiate design, construction management and construction agreements, including fixed price, cost plus, and design-build projects in both the public and private venues. We assist our clients in establishing administration procedures and help educate our clients on documentation during the design and construction process.
- **Construction Counseling and Claims Avoidance:** We assist clients in avoiding disputes and litigation through risk shifting, efficient claim analysis and creative dispute resolution techniques. We advise our clients on project administration, contract interpretation, project scheduling, minority and women's business enterprise issues, claims analysis and preparation, contract termination, mechanic's liens, insurance issues, and surety bond issues.
- **Construction Claims:** We have extensive experience in preparing, analyzing, defending, and prosecuting construction claims, including changes, defective plans and specifications, delay, and termination. Our experience includes prosecuting and defending construction defect claims. In our claims and disputes work, we have retained and worked with technical consultants in architecture, project scheduling, engineering, and other disciplines.
- **Labor and Employment:** We assist clients in complying with wage and hour and employment laws including age, race, disability, and gender employment discrimination and equal employment opportunity issues. We also counsel clients regarding OSHA inspections and citations.
- **Alternative Dispute Resolution:** Many construction disputes are resolved through alternative dispute resolution methods, which are informal but require extensive experience to execute successfully. Our construction lawyers are experienced in arbitration, mediation, mini-trials, and dispute review boards. We are familiar with the American Arbitration Association rules of dispute resolution.
- **Litigation:** Our construction litigation practice includes state and federal trial and appellate courts. We have successfully handled claims in all of these forums.
- **Collections:** Our practice includes prosecuting and defending all types of mechanic's lien claims, payment bond claims and collection claims. Not only can we collect on judgments, but we can advise clients on risk management and avoiding collection disputes. Our lawyers assist clients in developing and implementing programs to

enhance the effectiveness of their collection process. This includes advice regarding contracts, work orders, change orders, releases, lien waivers and other documents.

- **Employee Safety and Health Matters:** The firm's construction lawyers assist clients with compliance with applicable Occupational Safety or Mine Safety and Health Act Regulations. We represent clients in contesting citations issued by the regulatory agencies and in defending citation-enforcement litigation.

### **Real Estate Services**

- **Sales and Purchases:** Drafting and negotiation of sales and purchase agreements for public and private owners and buyers, including assisting public owners in complying with public bidding requirements.
- **Development and Leasing:** Acquisitions and dispositions on behalf of both buyers and sellers of office buildings and residential properties; and leasing representation of private owners and tenants in commercial and residential transactions.
- **Real Estate Remedies and Litigation:** Foreclosures, unlawful detainers, condemnation proceedings, and partition actions.