



*Except in the middle of a battlefield, nowhere must men coordinate the movement of other men and all materials in the midst of such chaos and with such limited certainty of present facts and future occurrences as in a huge construction project . . . Even the most painstaking planning frequently turns out to be mere conjecture and accommodation to changes must necessarily be of the rough, quick and ad hoc sort, analogous to ever-changing commands on the battlefield.*

Judge Kern in the case of [Blake v. Coakley](#)

If construction is like the battlefield, then construction clients need a strong ally in their attorneys to successfully navigate the legal issues that are becoming an ever more important aspect of the construction process. Coordination, planning, and accommodation to change are essential elements for victory on a modern construction project. Ward and Smith, P.A.'s Construction Practice Group employs these same elements in addressing its clients' construction law issues.

The Construction Practice Group represents clients in all stages of the construction process. These clients include general contractors, subcontractors, suppliers, developers, owners, architects, and engineers. Although we primarily serve clients in North Carolina, our reach extends throughout the United States. As a full-service law firm, Ward and Smith possesses the resources and the capabilities to serve all of our construction clients' legal needs. Attorneys in the Construction Practice Group work with attorneys in other Practice Groups to ensure that clients avail themselves of the breadth of experience and capabilities throughout our Firm, including assistance with business, tax, employment, and environmental issues.

Attorneys in the Construction Practice Group are routinely involved in:

- Construction contract negotiation (including AIA contracts, EJCDC documents, ConsensusDocs, and other standard documents)
- Lien claims
- Miller Act and Little Miller Act claims
- Prompt Pay Act claims
- Scheduling, delay, payment, and project administration claims
- Defective design and defective construction claims
- Public bidding issues
- Federal Fair Housing Law issues
- Contractor licensing issues
- OSHA matters
- Employee discrimination, harassment, wage and hour, and other employment-related claims
- Insurance coverage disputes
- Corporate structure, governance, and taxation issues
- Copyright, trademark, and patent matters
- Governmental takings and condemnation matters
- Environmental issues
- Building code issues

- Governmental regulatory board matters

Our attorneys litigate disputes in state and federal courts, with mediators, and before arbitration panels, including the American Arbitration Association. Our attorneys are zealous advocates and have the knowledge and experience to resolve disputes favorably. Attorneys in the Construction Practice Group have specialized knowledge regarding the myriad aspects of construction law.

Our top priority in dispute resolution is to determine the most expedient and least expensive approach for resolving claims and to avoid costly litigation when at all possible. Where complex litigation is required, we have the capacity, resources, and technology to fully evaluate a problem and its potential solutions, to develop sound but flexible strategies, and to collect, analyze, and manage large amounts of information stored or maintained in various formats.

Attorneys in the Construction Practice Group offer seminars for established clients, often meeting at clients' offices with executives, managers, and supervisors to discuss construction issues and to address current concerns. We conduct large seminars on topics of major interest on a quarterly or annual basis. Our attorneys regularly author articles on timely and relevant topics and prepare bulletins on industry-specific issues.

Our attorneys belong to many organizations relating to the construction industry and are members of numerous professional organizations such as the American Bar Association, the Construction Section of the North Carolina Bar Association, the American Association for Justice, the Christian Legal Society, the Defense Research Institute, the Eastern North Carolina Inn of Court, the North Carolina Advocates for Justice, the North Carolina Association of Certified Public Accountants, and the North Carolina Association of Defense Attorneys.