

ARCHITECTS

Typical Legal Services

- ◆ **Draft and negotiate contracts** for design professional services.
- ◆ **Defend errors and omissions claims.**
- ◆ **Provide pre-claim consultation and advice** relating to potential errors and omissions claims.
- ◆ **Negotiate and resolve fees due.**
- ◆ **Consult and advise on environmental management issues.**
- ◆ **Analyze and advise on business structure** of architecture firms.
- ◆ **Prosecute, defend and negotiate disputes** in arbitration, mediation and litigation.
- ◆ **Prepare overall project planning** in conjunction with architect and owner.
- ◆ **Provide assistance and legal advice in addressing environmental issues** relating to mold, indoor air quality, hazardous waste and other issues.

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Representative Experiences

- ◆ PRE-LITIGATION SETTLEMENT OF ERRORS AND OMISSIONS CLAIM BY EXTENDED CARE FACILITY

An architect was served with a notice of claim – exceeding \$1 million – on an extended care facility. John E. Osborn P.C. promptly retained an expert to analyze the claim while working with the owner to avert litigation. Once the review was completed, it was clear that the mechanical engineer was culpable. Our firm, on behalf of the architect's errors and omissions insurance carrier, convinced the engineer's insurance carrier to pay most of the settlement. Resolution was reached without litigation.

- ◆ CONTRACT BALANCE CREATIVELY COLLECTED FROM HOTEL

John E. Osborn P.C. filed a Mechanic's Lien and commenced a lawsuit for a \$150,000 contract balance due to an architect from a hotel. When the hotel counterclaimed for baseless errors and omissions claims, we implemented a strategy of bringing the construction management company owned by the hotel into the lawsuit as a party as a means to reaching resolution.

- ◆ CLAIM SETTLEMENT ACHIEVED & CONTRACT BALANCE OBTAINED FROM SCHOOL DISTRICT

When an architect sought a significant contract balance due from a School District, the School District asserted a well-grounded claim for damages due to an error in HVAC design. John E. Osborn P.C. immediately investigated the claim and confirmed its validity. A claim settlement was achieved in exchange for the release to the architect of the contract balance due.

- ◆ CONTRACTS AND RISK MANAGEMENT PROGRAMS DEVELOPED FOR ARCHITECTS

Our firm has worked with architects in obtaining better and more protective errors and omissions insurance policies while drafting more effective Owner-Architect agreements. In addition to developing strategies for individual architects, John E. Osborn P.C. has lectured widely before the Society of American Registered Architects (SARA) and the AIA in suggesting methods for strategic management. We have presented "Architects: Better Business Management" and "Architect Empowerment is a Good Idea for the Owner and Architect," which suggests placing more emphasis on actively addressing client needs and less emphasis on limiting scope to diminish risk.