

ENVIRONMENTAL CONSULTANTS

Typical Legal Services

- ⌋ **Draft and negotiate contracts** for environmental consultant services.
- ⌋ **Defend errors and omissions claims.**
- ⌋ **Provide pre-claim consultation and advice** relating to potential errors and omissions claims.
- ⌋ **Review and advise on insurance requirements.**
- ⌋ **Negotiate and resolve fees due.**
- ⌋ **Consult and advise on environmental management issues.**
- ⌋ **Analyze and advise on business structure** of environmental firms.
- ⌋ **Prosecute, defend and negotiate disputes** in arbitration, mediation and litigation.
- ⌋ **Prepare overall project planning** in conjunction with architect, environmental consultant 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

u SETTLEMENT PREVENTS DEBARMENT AND COMPREHENSIVE INVESTIGATION OF CONSULTANT

When the New York City Transit Authority notified an environmental consultant that errors by the abatement contractor and consultant had led to public hazards, John E. Osborn P.C. negotiated a settlement on behalf of the environmental consultant with the Transit Authority. The settlement encompassed lifting a debarment order against the environmental consultant, dropping a major investigation that may have had both criminal and civil implications and providing for receipt of payment by the environmental consultant for services rendered.

u AIR MONITORING LAWSUIT SETTLED FOR CONSULTANT'S INSURANCE CARRIER

When an environmental consultant was sued by an electrical contractor relating to underground asbestos abatement gone awry, our firm was able to settle the dispute on behalf of the environmental consultant's insurance carrier without commencing debarment proceedings or further investigation – criminally or civilly – of the environmental consultant's background.

u John E. Osborn P.C. ASSISTED ENVIRONMENTAL CONSULTANT IN OPERATION CLEAN HOUSE FOR NYC SCHOOLS

In the fall of 1993, the AHERA inspections conducted during the 1980's were spot-checked and flaws in the data and reports were revealed. A single environmental consultant was retained to oversee the overall asbestos re-inspection of all 1,100 City schools. We represented the environmental consultant in navigating contractual relationships, government investigation and public relations. We also assisted the consultant in addressing issues relating to appropriately staffing the investigation and in obtaining payment.

u PROGRAMS DEVELOPED FOR ASBESTOS AND LEAD TRAINING AND RISK MANAGEMENT

At the request of an environmental consultant, John E. Osborn P.C. developed an overall asbestos and lead training program and conducted ongoing educational programs while developing standard form contract documents and a risk management program. Our firm also authored a chapter relating to contracts and risk management for environmental consultants: "The Owner-Environmental Consultant Agreement," in the book, *The Construction Renovation Form Book*, published by John Wiley & Sons in 1991.