



## Construction

### Industry Contact

Rick W. Grady

### Attorneys

Elizabeth S. Alexander

James T. Barnish

Phillip W. Bechter

Phillip J. Binotto

Charles C. Bissinger, Jr.

Kent A. Britt

Corrine S. Carman

Tiffany Strelow Cobb

Anthony L. Ehler

David E. Finck

Andrew P. Guran

D. Jeremy Harrison

Kimberly Weber Herlihy

Carey C. Jordan

Lauren A. Kickel

Maxwell H. King

Allen S. Kinzer

Christopher A. LaRocco

J.B. Lind

Jacob D. Mahle

Joseph R. Miller

Jason Mueller

Mark A. Norman

Anthony L. Osterlund

Eric A. Parker

Dawne McKenna Parrish

Steven R. Rech

Eric W. Richardson

With offices across the country, Vorys is actively involved in construction disputes throughout the U.S. and often internationally. Our attorneys have acted as national coordinating counsel for clients' construction claims and played crucial roles in high-visibility construction projects across the United States, Europe, Asia, the Middle East and South America. We have also represented clients in disputes involving:

- Public works projects
- Industrial and manufacturing facilities
- Highways and bridges
- Commercial facilities
- Nuclear and fossil fuel facilities
- Hospital and retirement facilities
- Libraries
- Schools
- Shopping centers
- Hotels
- Residential projects

## Who We Represent

Recognized by *U.S. News & World Report* – Best Lawyers as a “**Best Law Firm**” for construction law and construction litigation, we represent clients across the spectrum of the construction industry. Our clients range from Fortune 500 companies, highly ranked Engineering News Record design professionals and construction firms, owners and developers, public and semi-public contracting authorities, financial institutions, contractors and materials suppliers.

## Industry Experience

We work as a team across practices and offices to keep abreast of changes in the law and developing trends impacting the industry. Our construction attorneys have significant experience in the industry including working in it. Vorys attorneys have previously served as

Jacob P. Schroeder  
Elizabeth "Beth" A. Seedorf  
Khaled Shami  
Andrew C. Smith  
J. Theodore Smith  
Mitchell A. Tobias  
Victor A. Walton, Jr.  
Thomas J. Whaling

professional engineers, contractors and construction project management. This first-hand experience gives us unique insight into the legal aspects of the construction and dispute resolution process, including:

- Planning
- Land acquisition and zoning
- Design and engineering
- Financing and insurance
- Taxes
- Bidding and negotiation
- Project delivery methods
- Scheduling
- Coordination

## What We Do

### Contract Drafting, Bidding and Negotiation

Vorys is often involved in preparing contracts for public and private construction projects. We have developed design and construction agreements, tailored to the special needs of each project and take into account the appropriate risk allocation for the multi-faceted and complex projects.

Drawing on vast experience and collaboration across practice areas, Vorys attorneys carefully consider the type and number of project participants, financing methods, schedule constraints, scope and other complexities. Using both industry templates and manuscript forms, we have drafted, negotiated and advised professionals on thousands of contracts and projects. We have also provided advice on numerous projects regarding the structuring and submittal of bids and proposal requests to avoid possible protests and unnecessary performance disputes.

Our goal in developing and drafting construction contracts on behalf of our clients is to ensure that potential problem areas are anticipated and addressed at the outset of the project in order to avoid cost overruns, disputes and delays.

### Contact Administration and Management

Our experience also benefits clients during the construction phase when participants and the project are at risk. During construction, we have helped clients resolve numerous disputes involving changed site conditions, environmental liabilities, safety compliance, scope changes, lost productivity, delay/acceleration claims, construction defects, liens and claims analysis and preparation. Our primary objective is to minimize the impact of claims and disputes on the project schedule and budget while reducing our clients' risk.

We have assisted in utilizing innovative methods of claims resolution, including:

- Dispute review boards
- Step negotiations
- Partnering
- Project neutrals
- Arbitration

Our extensive experience with alternative claim resolution methods has proven to greatly minimize the impact of a claim on the project schedule and budget.

### Construction Litigation

#### OUR APPROACH

Our construction attorneys help resolve construction claims effectively and efficiently. Whether through litigation, arbitration or other dispute resolution means, we work closely with our clients and experts, where appropriate, to identify issues and strategies quickly, and to manage claims and dispute resolution costs.

We are best known for our leadership in developing reasoned legal strategies for construction disputes, and for professionalism in dealing with tribunals and opposing counsel. Our breadth of experience allows us to identify weaknesses in our opponents' cases, to identify and retain knowledgeable experts on specific topics, and to achieve effective claims resolution.

#### OUR WORK

We have represented clients in disputes involving water reservoirs, water treatment facilities, pipelines, power plants, industrial and manufacturing facilities, highways and bridges, commercial buildings, hospital and retirement facilities, libraries, schools, shopping centers, hotels and residential projects.

Our attorneys have successfully defended and resolved claims involving the full range of construction and design claims that can arise, including:

- Personal injury

- Property damage
- Breach of contract
- Construction defects
- Change orders
- Insurance coverage issues
- Liens
- Delays
- Differing site conditions
- Professional errors and omissions
- Licensing issues
- Environmental liabilities
- Construction warranties
- Delay and acceleration
- Liability limitations
- Termination
- Public records/open meeting Acts
- Economic loss
- Worksite accidents and safety compliance

We have also been involved in numerous multi-party construction cases, including selection as lead counsel in nationally significant litigation, including catastrophic structural failures.

### Architects and Engineers / Construction Liability

On public and private projects, our attorneys have successfully defended and resolved claims of personal injury, property damage and economic losses due to alleged design defects, errors and omissions, permitting failures and excessive control. [Read more.](#)

### News

[News, 1.2.2024](#)

Vorys Elevates Ten to Partner

[News, 11.2.2023](#)

Vorys Receives 72 Tier One Rankings on 2024 Best Lawyers "Best Law Firms" List

[News, 10.9.2023](#)

74 Vorys Attorneys Included in 2023 *Columbus* CEO's Best Lawyers

News, 8.17.2023

More Than 155 Vorys Attorneys Named to the 30th Edition of The Best Lawyers in America® Lists

News, 8.17.2023

15 Vorys Attorneys Included in the 30th Edition of Best Lawyers "Lawyer of the Year"

News, 6.8.2023

Miller Quoted in *Law360* Story Titled "Ohio Justices Rule Land Takings Settlement Is Enforceable"

News, 6.1.2023

Thirty-Three Vorys Attorneys Ranked in 2023 *Chambers USA* Guide

News, 4.28.2023

Ziance Receives NAIOP of Ohio President's Award for Excellence

News, 4.14.2023

Miller Quoted in *Columbus Business First* Story Titled "Bexley Affordable Housing Project Goes Before Appeals Court"

News, 4.7.2023

Miller Quoted in *Akron Beacon Journal* Story Titled "Developer asks Federal Court to Reverse Tallmadge Decision Blocking 236 New Homes"

News, 2.22.2023

Smith Quoted in *BisNow* Story on Commercial Condos

News, 2.14.2023

Vorys Expands Economic Development Incentives Team with Economic Development Manager

News, 11.3.2022

Vorys Receives 69 Tier One Rankings on 2023 *U.S. News – Best Lawyers* "Best Law Firms" List

News, 8.18.2022

115 Vorys Attorneys Named to the 29th Edition of The Best Lawyers in America® List; 33 Vorys Attorneys Named to Best Lawyers: Ones to Watch in America List

News, 7.11.2022

Osterlund Selected to Serve as President of the Cincinnati Bar Foundation

6.29.2022

59 Vorys Attorneys Included in 2022 *Columbus CEO's Best Lawyers*

3.30.2022

Miller Quoted in *Columbus Business First* Story Titled "Lifestyle Communities Sues Worthington Over Stalled United Methodist Children's Home Project"

3.25.2022

Miller Quoted in *Columbus Dispatch* Story Titled "Developer Sues Worthington over Methodist Children's Property"

2.17.2022

Miller Quoted in *This Week: Worthington* Story Titled "Lifestyle Communities Attorney Raises Legal Question About Recent Actions by Worthington City Council"

News, 1.24.2022

Vorys Advises Intel on Its Historic Chip Fabrication Facility Site Selection Project

News, 1.12.2022

Special Episode of the Vorys IP Podcast Focuses on Key IP Cases from 2021 & What to Look Out for in 2022

News, 1.4.2022

More Than 40 Vorys Attorneys Included on Ohio Super Lawyers and Rising Stars Lists

News, 1.4.2022

Miller Quoted in *Columbus Business First* Article Titled "Jerome Township Settles Lawsuit with Developers Over 'Broken' Zoning Process"

News, 11.4.2021

Vorys Receives 81 Tier One Rankings on 2022 U.S. News – Best Lawyers "Best Law Firms" List

News, 10.19.2021

Tangeman Quoted in *Columbus Dispatch* Story Titled "Should Columbus Zoning Code Be Overhauled? Consultant Says Controversial Developments Show Need for Change"

News, 11.5.2020

Vorys Receives 68 Tier One Rankings on 2021 U.S. News – Best Lawyers "Best Law Firms" List

News, 9.15.2020

Sherwin-Williams Names Vorys as a Key Partner for its New Global Headquarters and R&D Center Project

News, 1.23.2020

Vorys Advises M/I Homes in Rule 144A/Regulation S Offering

News, 12.19.2019

Miller Quoted in *Delaware Gazette* Story Titled "Settlement Reached in Genoa Township"

News, 7.22.2019

Mann Quoted in *Columbus Business First* Story Titled "Opportunity Zones Primed for Business"

News, 11.15.2018

Ziance Quoted in *Springfield News-Sun* Story Titled "Springfield Housing: Experts Say Funding Tool Becoming More Common for Development"

News, 1.22.2018

Miller Quoted in *Delaware Gazette* Story Titled "BOE Nixes Berlin Twp. Referendum"

News, 9.20.2017

Property Development Litigation in Powell Ends with \$1.8M Settlement

News, 8.3.2017

Vorys Advises M/I Homes in Rule 144A/Regulation S Offering

News, 3.19.2015

Bechtold Quoted in Hamilton *Journal-News* Story Titled "Liberty Twp. Approves 2 Entertainment Districts"

News, 11.1.2012

Vorys Receives 63 Tier One Rankings on 2013 *U.S. News - Best Lawyers* "Best Law Firms" List

News, 8.23.2012

126 Vorys Attorneys included in the 2013 *The Best Lawyers in America*® List

News, 3.5.2012

Vorys Expands Cincinnati Office with Addition of Four Attorneys

News, 12.16.2011

75 Vorys Attorneys Recognized as 2012 Ohio Super Lawyers and Rising Stars

News, 12.13.2011

Norman Selected as *Law360* Environmental MVP

News, 9.6.2011

More than 100 Vorys Attorneys named on 2012 *The Best Lawyers in America*® List

News, 6.10.2011

26 Vorys Attorneys Featured in 2011 Edition of *Chambers USA*

News, 7.2.2010

Ingram Quoted in *The Daily Reporter* Article "Reversal of Annexation Case Must Return to Common Pleas Court, 10th District Rules"

News, 6.24.2010

27 Attorneys Recognized in 2010 *Chambers USA*

News, 4.6.2010

27 Vorys Attorneys Recognized in 2010 *Chambers USA*

News, 11.2008

Smith and Bridgman quoted in *The Daily Reporter* article "Economy may be first concern for Obama, but labor-related issues follow close behind"

## News

Tangeman Featured in NBC4 Story on Columbus' Zoning Code

## Publications

### Authored article, Fall 2023

Q&A with VanTrust's Andy Weeks

### Authored article, Spring 2023

Public-Private Partnership – JobsOhio's Vibrant Community Program

### Authored article, Spring 2023

*Development Incentives Quarterly*: Spring 2023

### Client alert, 1.13.2023

FTC Proposes Rule to Ban Non-Compete Agreements

### Client alert, 4.8.2022

Ohio General Assembly Passes Significant Real Property Tax Reforms

### Client alert, 3.9.2022

USEPA Releases Guidance on Infrastructure Funds for Local Sewer and Water Projects

### Client alert, 12.23.2021

Federal Vaccine Mandates End-of-Year Roundup

### Client alert, 3.30.2020

Ohio Governor Mike DeWine Signs COVID-19 Related Legislation

### Client alert, 3.23.2020

Overview of Ohio Department of Health "Director's Stay at Home Order"

### Client alert, 3.22.2020

Ohio Department of Health Director Issues "Stay at Home Order"

### Client alert, 3.18.2020

Government Action as a Force Majeure Defense in Construction Contracts

### Authored article, Winter 2020

Top 10 Things Every Tax Professional Should Understand About Opportunity Zones (Part 2)

### Authored article, Winter 2020

Vorys Hosts 2020 Economic Development Incentives Conference

### Authored article, 3.3.2020

*Development Incentives Quarterly*: Winter 2020



Authored article, Winter 2020

Q&A: Steve Glickman, Founder and CEO of Develop LLC

Authored article, Fall 2019

Top 10 Things Every Tax Professional Should Understand About Opportunity Zones (Part 1)

Authored article, Fall 2019

Kansas and Missouri End Incentives Border War

Authored article, 12.13.2019

*Development Incentives Quarterly*: Fall 2019

Authored article, Fall 2019

Q&A: Thomas Bisacquino, President and CEO, NAIOP

Client alert, 10.29.2019

*State and Local Tax Alert*: Sales Tax on Data and Communication Cabling Just Changed. Does It Impact You?

Client alert, 9.26.2019

*Client Alert*: Ohio Supreme Court Upholds State Prohibition on Local Residency Requirements in Ohio Public Construction Projects

Authored article, 7.31.2019

*Development Incentives Quarterly*: Summer 2019

Authored article, Summer 2019

Q&A: Toby Rittner, President & CEO, Council of Development Finance Agencies

Authored article, Summer 2019

Ohio's Budget Bill Includes Economic Development Incentives Provisions

Authored article, Summer 2019

Major Changes Coming to Ohio's Job Retention Tax Credit

Authored article, 7.3.2018

*Development Incentives Quarterly*: Summer 2018

Authored article, Summer 2018

The Top 10 Most Interesting Facts about the Foxconn Deal

Authored article, 3.23.2018

Q&A: Chris Chung, CEO, North Carolina Economic Development Partnership

Authored article, 3.23.2018

*Development Incentives Quarterly*: Spring 2018

Authored article, 11.15.2017

*Development Incentives Quarterly*: Fall 2017

Authored article, 8.9.2017

*Development Incentives Quarterly*: Summer 2017

Authored article, 4.10.2017

*Development Incentives Quarterly*: Spring 2017

Authored article, 11.15.2016

*Development Incentives Quarterly*: Fall 2016

Authored article, 8.1.2016

*Development Incentives Quarterly*: Summer 2016

Client alert, 4.5.2011

*Client Alert*: Supreme Court of Ohio to Decide Whether Homebuilders Can Provide Express Written Warranty in Lieu of Implied Warranty of Good Workmanship

Authored article, *Properties Magazine*, 12.2007

"Urban Infill and the Environment: There's More to Location, Location, Location than Meets the Eye."

## Speaking Engagements

Event, 4.25.2024

2024 Cincinnati Labor and Employment Seminar

Event, 11.16.2023

2023 Vorys Legal Education (VLE) Seminar

Event, 8.9.2023

Grow in Ohio: Construction in Ohio – Strings Attached

Event, 6.28.2023

Grow in Ohio: Environmental Due Diligence and Permitting for a New Facility in Ohio

Event, 6.24.2023

Grow in Ohio: Securing and Maintaining Economic Development Incentives

Event, 3.16.2023

IPOwners Spring Summit Panel

1.30.2020

Advanced Insurance Coverage Seminar

11.30.2018

CLE Conference

12.11.2013

Representing Architects and Engineers in Construction Liability Cases

Hosted by the Ohio State Bar Association

12.15.2011

2011 Construction SuperConference

Presented by Vendome Group

9.6.2011

Construction Law Forum

Presented by the Ohio State Bar Association

7.20.2011

2011 Mid America Association of State Transportation Officials Conference

Presented by the Mid America Association of State Transportation Officials

7.13.2011

CityScope Columbus: A View Towards Development & Growth Opportunities

A complimentary seminar sponsored by Vorys, Sater, Seymour and Pease LLP and the Central Ohio Chapter of NAIOP

7.12.2011

CityScope Cleveland: A View Towards Development & Growth Opportunities

A complimentary seminar sponsored by Vorys, Sater, Seymour and Pease LLP and the Northern Ohio Chapter of NAIOP

6.28.2011

CityScope Cincinnati: A View Towards Development & Growth Opportunities

A complimentary seminar sponsored by Vorys, Sater, Seymour and Pease LLP, CREW Greater Cincinnati and the NAIOP Cincinnati-Northern Kentucky Chapter

9.2.2010

Construction Law Seminar

Presented by the Ohio State Bar Association

5.6.2010

2010 Commercial Developers Power Breakfast

Presenting Sponsor: Vorys, Sater, Seymour and Pease LLP

2.5.2010

Preparing for the 2010 Proxy and Annual Report Season

Presented by Vorys, Sater, Seymour and Pease LLP

9.2.2009

2009 Ohio Construction Law Forum

Presented by the Ohio State Bar Association

8.14.2009

Commercial Real Estate Law Seminar

Presented by the Ohio State Bar Association