Editor-in-Chief’s Year-End Message

Just like that, another year has come and gone. What a year 2018 was. We navigated the biggest issues in the new AIA A201, dealt with tariffs and price escalations, looked at how drones and other technology are shaping the future of construction, and much more. In this end-of-the-year issue, you will find an easy to use index of all articles sorted by date.

Thank you for continuing to trust us as your go-to resource for the latest in construction law. Here at AGC of America, we wish you and yours a happy and healthy holiday season. And for you and your family, may 2019 mark your best year yet!

Onward and Upward,
Brian

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First Issue — January 2018

- The Government Can Require a Contractor to Make Snowmen in August, But Cannot Get Credit for Unperformed Work
  Neal J. Sweeney, Esq., Partner, Jones Walker LLP

- Protecting Contractors Subject to Chief Engineer Decision Clauses
  Jonathan Preziosi, Partner, and Stephanie L. Jonaitis, Senior Attorney, Pepper Hamilton LLP

- Key Considerations for Developing Compliance Programs that Work
  Karla Pascarella, Partner, Peckar & Abramson, P.C.

- Arbitrate or Litigate? The Four C’s May Help You Choose
  Parker A. Lewton, Associate, Smith, Currie & Hancock, LLP
Second Issue — March 2018

- **Drones in Construction**
  JD Holzheauser, Associate, Peckar & Abramson, P.C.
- **Is Defective Work an Accident? And Why Does It Matter?**
  Charles W. Surasky, Senior Counsel, Smith, Currie & Hancock LLP
- **The Fight Continues in Florida: Must the Insurer Defend its Contractor during the Construction Defect Pre-suit Process?**
  Jennifer S. Lowndes, Esq., Partner, Jones Walker LLP
- **Do You Know Who Will Decide Whether Your Next Dispute is Subject to Arbitration?**
  Robert A. Gallagher, Partner, Stephen W. Kiefer, Associate, and Jane Fox Lehman, Associate, Pepper Hamilton LLP
- **What the Aluminum and Steel Tariffs Mean for You**
- **Bob Majerus Named Chair of the Year by Associated General Contractors of America**

Third Issue — May 2018

- **The Key to More Efficient Construction Projects is Collaborative Contracts**
  Brian Perlberg, Executive Director, ConsensusDocs
- **Construction Injuries/Fatalities: Best Practices in Handling OSHA Inspections**
  Charles E. Fombrun, Associate, and Neal I. Sklar, Partner, Peckar & Abramson, P.C.
- **OSHA Fatality Investigation — You are at Risk for Criminal Prosecution – Not Just Fines!**
  Patrick J. Veters, Partner, Jones Walker LLP
- **Gain a Competitive Advantage by Promoting “Soft Skills”**
  Donald A. Velez, Of Counsel, Smith, Currie & Hancock LLP
- **The Completed and Accepted Doctrine: When the Majority Rule Becomes the Minority**
  Raina L. Richter, Of Counsel, and Michelle Beth Rosenberg, Associate, Pepper Hamilton LLP

Fourth Issue — July 2018

- **Last Call… On October 31 the AIA Retires the A201-2007 General Conditions – What Does This Mean to You?**
  Levi W. Barrett, Senior Associate, Peckar & Abramson, P.C.
- **Shedding Light on the AAA’s Streamlined Three Arbitrator Panel Option**
  Michael P. Subak, Partner, and R. Zachary Torres-Fowler, Associate, Pepper Hamilton LLP
- **Managing Subcontractors: How to Avoid a Two-Front War**
  Chad V. Theriot, Esq., Partner, Jones Walker LLP

The views expressed in this newsletter are not necessarily those of AGC of America. Readers should not take or refrain from taking any action based on any information contained in this newsletter without first seeking legal advice.
Fifth Issue — September 2018

- **Does the Miller Act Trump Subcontract Dispute Provisions?**
  Christopher M. Horton, Associate, Smith, Currie & Hancock LLP

- **AGC’s Non-Endorsement of the AIA A201**

- **2nd Circ. Issues Problematic Opinion on Role of Party Appointed Arbitrators**
  Albert Bates Jr., Partner, and R. Zachary Torres-Fowler, Associate, Pepper Hamilton LLP

- **The 3 Most Important Steps to Avoid Claims in the Aftermath of Hurricane Florence**
  Brandon L. Rutledge, Associate, Peckar & Abramson, P.C.

- **Watch Out! Issues Every Contractor Needs to Know Before Working Out of State**
  Mary Caroline Bubnovich, Associate, Jones Walker LLP

- **A Guide to Obtaining Payment for Changed Work Not Expressly Authorized**
  Eugene Polyak, Associate, Smith, Currie & Hancock LLP

- **New Tariffs Take Effect – What You Need to Know**
  Brian Perlberg, Executive Director, ConsensusDocs
  Derek Garcia, 3rd Year Law Student at University of New Mexico, School of Law

- **Webinar: Lean Contracting Practices without an IPD Contract and the New ConsensusDocs Lean Addendum**
  (Recording)

Sixth Issue — November/December 2018

- **Buying an Existing Construction Operation? Do Your Due Diligence**
  Marion T. Hack, Partner, and Michelle Beth Rosenberg, Associate, Pepper Hamilton LLP

- **Can’t Get a Written Change Order? Document, Document, Document**
  Todd M. Heffner, Associate, Smith, Currie & Hancock LLP

- **Let There Be Light: Contractors’ Practical Use of Open Records Rights**
  Michael C. Drew, Partner, Jones Walker LLP

- **Webinar: Successful Construction Contracts: Essential Clauses and the Advantage of Using ConsensusDocs**
  (Recording)

- **Design-Build Contract Tools**
  Kevin F. Peartree, Partner, Ernstrom & Dreste LLP

- **Contractors Beware: Completing Work Directed Only by a Contracting Officer’s Rep is at Your Own Risk**
  Alexandra E. Busch, Associate, Peckar & Abramson, P.C.