

# Construction Law and Public Contracts

by Todd R. Metz and Gregory T. St. Ours

The practice of construction law and public contracts includes representation of clients big and small, from large public entities, international contractors, and engineering companies to small subcontractors and suppliers, to families trying to build their first home. Cases are heard across the spectrum of forums, from general district courts and public administrative boards to the highest federal and state courts. The practice also includes counseling, transactions, risk management, regulation, and licensing. Further, the types of projects and legal issues are ever-changing with our culture (for example, green building) and our volatile economy (such as liens and public-private partnerships). This array of interests is the province of the Virginia State Bar Construction Law and Public Contracts Section, which attracts seasoned leadership and new members who are energetically dedicated to the mission of researching and disseminating up-to-date know-how in the field.

The following articles in this issue of the *Virginia Lawyer* are among the many ways that section members deliver the section's mission and serve its members and their clients:

- “Has Chinese Drywall Affected the Economic Loss Rule?,” by Kristan B. Burch, delves into application of the economic loss rule in defending Chinese drywall negligence claims;
- “An Assault on the Spearin Doctrine: How AIA A201-2007 Shifts the Risks for Design Defects to the Contractor,” by Nancy W. Greenwald, examines the impact of requiring contractors to measure, check, and report design defects and the consequences, at odds with owner duties under *Spearin*, if the contractor does not report design errors;
- “Key Points to Consider in Filing and Challenging a Mechanic’s Lien,” by K. Brett Marston and Spencer M. Wiegard, provides a practical and easy-to-use guide to mechanic’s liens;

- “The Economic-Loss and Source-of-Duty Rules and the Wall between Tort and Contract in Virginia,” by Edward E. “Ned” Nicholas III and Sean M. Golden, explores the economic-loss rule in response to tort claims against a defendant not in privity with plaintiff and the source-of-duty rule in response to tort claims against a defendant in privity with plaintiff.

The section publishes semiannual newsletters and an annual *Construction Handbook* for members on the section’s website <http://www.vsb.org/site/sections/construction/>. The section produces a continuing legal education program at the VSB Annual Meeting in Virginia Beach and a flagship one and one-half day fall CLE conference. This year’s conference will be held on Friday and Saturday, November 5 and 6, at the Boar’s Head in Charlottesville. The conference fulfills the Virginia’s annual requirement (twelve hours, including two hours in ethics) for CLE credit.

The section enjoys participation from attorneys with all levels of experience. Many active board members and officers are recognized in Virginia and nationally as leaders in the field. To a person, they serve on section committees that produce relevant, valuable materials such as articles in the *Virginia Lawyer* and section newsletter, courses at the Fall Conference and annual summer program, and case summaries updated annually in the *Construction Handbook*. Board members and officers also mentor younger section members, who are just as active. The section is well-positioned for many years to come.

Opportunities for involvement and contribution in the section are abundant, and your participation will open doors and support professionalism among the tight-knit construction bar. We invite interested lawyers to contact Dolly C. Shaffner, the VSB section liaison, at (804) 775-0518 or [shaffner@vsb.org](mailto:shaffner@vsb.org) for more information.