

Construction Continues: Recently Revised Construction Law Resources

by Marie Summerlin Hamm

The practice of construction law is ever evolving. This is necessarily so as the construction industry perpetually strives to keep pace with the exponential growth in technology, means, and methods impacting major and minor projects. This brief article highlights a number of recently released resources and tools that offer timely, practical analysis on the plethora of legal issues that arise in construction law practice.

Virginia Practice Series

Volume 14 of the *Virginia Practice Series, Construction Law* is a perennial favorite of practitioners and construction professionals. Authored by Peckar & Abramson's partners Mark R. Berry, Michael A. Branca, and Jesse S. Keene, the newly published 2017–18 edition of this trusted reference manual provides a succinct overview of Virginia construction contracting, with a particular focus on the myriad of issues that arise in the context of public contracts. In addition to addressing recent construction and public procurement cases coming out of the commonwealth, the title offers a thorough treatment of modifications made by the General Assembly to the Virginia Public Procurement Act.

Chapter 4, Bidding and Award of Public Contracts, delves into the expanded use of alternative contract delivery methods—including job order contracts—for state agencies and local public bodies. Subsequent chapters explore Performance of Public Contracts (Chapter 5) Public Construction Contract Claims and Dispute Resolution (Chapter 6), Public Private Partnerships in Virginia (Chapter 7), and Fraud in Public Contracting (Chapter 8). The title also covers licensing and liability

of construction professionals, private construction contracts, disputes and dispute resolution, damages, mechanics' liens, the Virginia Uniform Statewide Building Code, and more. Published by Thomson Reuters, the title is available in print as a soft-bound book, as well as electronically in both Westlaw and via the ProView™ eReader. As previously noted, this intuitive electronic platform allows a user to access Thomson Reuters eBooks and periodicals on up to four devices (Android, iOS, Microsoft) at a time, and offers a number of handy features including the ability to bookmark pages and highlight passages, create color-coded notes, and search across owned libraries.

Wolters Kluwer/Aspen Resources

For over 25 years, the *Construction Law Update* has served as a valued resource for legal and business professionals in the construction industry. Part of the Wolters Kluwer/Aspen “Red Book” Construction Law Library, the 2017 edition of this annually released update communicates developments in vital areas of construction law including international arbitration, licensing, technology and cybersecurity, surety law, labor and employment, and government contracts.

The chapters following turn to a discussion of matters impacting six major geographical regions: Southeast, Northeast, Southwest, West, Northwest, and Midwest. The Southeast region chapter, authored by Neal J. Sweeney, Jennifer S. Lowndes, and William J. Shaughnessy, addresses State Lien Laws, Insurance, Statutes of Limitation and Repose, Arbitration, Negligence, Venue Selection Clauses, False Claims Act,

and Design Defect Liability. Particular attention is given to the Supreme Court of Virginia's recent consideration of a construction contractor's potential liability for damages caused by design defects in *William H. Gordon Associates, Inc. v. Heritage Fellowship Church*.¹ Another Virginia-specific discussion is found in Chapter 2, Licensing Laws: Traps for Unwary Contractors and Subcontractors, which considers the unsettling concept that “contractors and subcontractors may be subject to licensing requirements not only in their home state but also in other states where they perform construction services” and explores the range of consequences for noncompliance.² The author briefly discusses the tiered monetary value threshold/contractor class provisions set out in VA. CODE ANN. § 54.1-1100 *et seq.* The soft cover version retails for \$495. The title is also now available, along with many other relevant resources, on Cheeta™ — the relatively recently debuted Wolters Kluwer legal research platform. A number of access plan options designed with construction lawyers in mind are available. The popular Construction Law Integrated Library, for example, includes the *Construction Law Update* along with 15 additional Red Book Series titles on construction. In addition, the package includes three CCH government contract titles along with Smart Charts covering contracts and claims, liens and bonds, and architect, engineer and contractor licensing across US jurisdictions.

Like the road to success, the construction law library is always under construction. With a bit of research,

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practitioners will find an array of resources and tools that provide the legal analysis and practical information needed to advise clients on every facet of the construction project from concept to completion.

Endnotes:

- 1 291 Va. 122 (2016).
- 2 Neal J. Sweeney & Chad V. Theriot, CONSTRUCTION LAW UPDATE § 2.01 (2017).



Marie Summerlin Hamm is director of the law library at Regent University School of Law. She is a past president of the Virginia Association of Law Libraries.

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