



# Building a Career in Construction from a Legal Perspective

Mason C. Rollins and David W. Owen

– Bradley

Building any career or business can be difficult, but even more so in construction. A company or individual can ruin its reputation that it took years to develop by taking a political stance or posting the wrong thing online. It can be difficult to recover from blowing a bid, miscalculating an estimate, or being locked into a fixed-price contract and the cost of materials escalate more than your profit. One might have to close up shop or be demoted or terminated. However, there are good practices that one can use to try to avoid these issues and build a successful career in construction. Here are a few practical tips:

- **Politics:** Discussing politics can invoke reactions that can be unhelpful to your career or business. As we have seen recently with many brands in the news, stances on really any political issue can cause unforeseen impacts to your bottom line. You can eliminate half of your business or colleagues by seemingly siding with one side or

the other. In general, the best practice related to politics may be to not take a stance as a business or a professional, just focus on your work.

- **Documents:** One way to improve success on projects is to properly document your changes and claims. Be mindful that if you get into a dispute, you not only have to prove who caused the damages, but you also have to prove your damages. Proving damages comes down to witness testimony, but more importantly, documentation that supports your claims. For more on properly documenting your claims, you can review our article in the summer 2023 issue of *Build South* magazine: “Documents Can Be a Claim Maker or Claim Breaker” ([buildsouthmagazine-digital.com](http://buildsouthmagazine-digital.com)). In addition, one can help develop their career by documenting their accomplishments. Market your strengths, successful projects, and activities.

**Just like building a project, building a career or business can be difficult. With the right planning, scheduling and execution it can be done successfully.**

- **Contracts:** Review all contracts before signing. Your rights and defenses are dictated by what the contract says. Make sure your contracts comply with the law in the area where you are working. Negotiate contracts to protect your interests while weighing the cost and benefit of obtaining the business. Try to include contract provisions that provide potential relief for changes or price increases that may be unforeseen. Send the contract to your risk manager or legal team to review to ensure you are starting off with an appreciation of the risks and contract terms that govern those risks.
- **Insurance:** Make sure you are properly insured per the contract and for the work you are performing. For example, if the owner is required to obtain a builder's risk insurance policy that protects property and construction materials during construction or renovation, make sure it actually obtains that coverage. Find a good insurance broker who can review your business and your contracts to make sure you are in compliance with your obligations, that you have the needed coverages for your business, and who can quickly procure the coverage you need. Insurance may pay to defend you in lawsuits and pay for judgments if there is proper coverage.
- **Scheduling:** Scheduling a project can be difficult given unforeseen issues that may arise. The goal is always to complete a project within a certain time frame that meets the requirements of the contract, or

earlier. Do your best to plan for problems that may arise. Leave time, or float, in your schedule for material delays and make sure your contract has adequate change order provisions that allow an avenue to seek a time extension and increased costs for unexpected problems or changes. If you do not have the in-house capabilities, consider hiring an outside consultant to help develop and manage an achievable schedule. These concepts similarly apply to mapping out or "scheduling" a career in construction. If you have adversity in your career where you did not get that promotion, develop a schedule that gets you reasonably back on track to complete your career goals. Individuals may also find mentors to help them develop their careers.

- **Relationships:** Whether you are building a project or developing a career, relationships are key. Joining groups like AGC that have folks in similar circumstances as you can be crucial when you really need a piece of equipment yesterday or need advice at a pivotal stage in your career. From a practical standpoint, good relationships can reduce your exposure and allow you to work through issues that might otherwise be litigated. We generally encourage clients to attempt to work things out with the other side when possible, because dispute resolution can take valuable time and cost significant amounts. We are always willing to assist in this process to avoid or mitigate disputes.

Just like building a project, building a career or business can be difficult. With the right planning, scheduling and execution it can be done successfully. Strive to do excellent work, make good decisions and establish good relationships to help you achieve successful completion on your projects and in your career.

**About the Authors**

*David Owen has 30 years of experience in the construction and engineering industries. He serves as the Practice Group Leader for Bradley's Construction Practice Group.*

*Mason Rollins is a Senior Associate in Bradley's Construction Practice Group, representing general contractors, subcontractors, owners, architects and engineers related to the many issues that may arise in the construction industry.*

**About Bradley**

*Bradley combines skilled legal counsel with exceptional client service and unwavering integrity to assist a wide range of corporate and individual clients in achieving their business goals. With offices in eight locations including Alabama, Florida, and the District of Columbia, the firm's more than 600 lawyers represent regional, national and international clients across diverse industries. Learn more at [www.bradley.com](http://www.bradley.com).*



**Alida Dwyer, CPA**  
**205.871.9973**  
**dlhcpa.com**  
**Birmingham, AL**

**Your Sage Consultants**  
300 CRE

**Let our CPAs help with your**  
**Financial Reporting**  
**Tax Planning & Compliance**  
**Over/Under Billing Estimates**  
**Bookkeeping**

**BARLOVENTO, llc**  
 Employees, Integrity, Work Ethic, Safety and Teamwork!

**Jane Solomon**  
 President  
 431 Technology Drive  
 Dothan, AL 36303

Phone (334) 983-9979  
 Fax (334) 983-9975  
[jane@barloventollc.com](mailto:jane@barloventollc.com)  
[www.barloventollc.com](http://www.barloventollc.com)