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Lean Approach to Construction Dispute Resolution

Abacus Dispute Resolution (Abacus) advocates a lean approach to construction dispute resolution.

Abacus is a construction claims consultant, construction claims expert, and construction expert witness serving the construction industry since 1994. We are specialists in ***timely*** and ***cost-effective*** recoveries or defenses when a project suffers problems, disputes arise, and claims must be prepared or rebutted.

Our experience includes, but is not limited to, the following types of construction claims and means of construction dispute resolution:

Types of Construction Claims

- Construction ***Delay*** Claim
- Construction ***Defect*** Claim
- Construction ***Disruption*** Claim
- Construction ***Acceleration*** Claim
- Construction ***Loss of Productivity*** Claim

Means of Resolution

- Construction Dispute Resolution by ***Negotiation***
- Construction Dispute Resolution by ***Arbitration***
- Construction Dispute Resolution by ***Mediation***
- Construction Dispute Resolution by ***Litigation***

The new normal facing construction dispute resolution in the construction industry demands the shortest time and lowest cost to resolve a construction dispute and deliver construction dispute resolution services.

The fundamentals remain. **Proofs** of liability, causation, and damage are essentials to achieve fair and balanced resolution. Liability is a question of law and contract. Causation and damage are questions of fact. Current construction industry accepted causal analyses are essential to link liability to damage. Construction expert witnesses who are qualified to opine upon the acceptability of the analyses and validity of the damages are required should the dispute go beyond construction negotiation and construction mediation into construction arbitration or construction litigation.

To this end, our Lean Approach to Construction Dispute Resolution provides high-quality construction claims management and gets to the root of the essential Proofs at minimum time and cost.

Firstly, Abacus provides an **Initial Consultation**. The purpose of this consultation is to become familiar with the matters at hand for which you seek independent construction claims expertise. Once familiar with the matters at hand, Abacus makes a proposal to undertake a **Preliminary Assessment**. The initial consultation and the proposal are made at **no cost** to you, except for the time and effort to provide Abacus pertinent information. A confidentiality agreement will be entered into with respect to this information, if desired.

Then a **Preliminary Assessment** is undertaken for a **fixed** Professional Fee and Timing. The Assessment results in an **Action Plan**, which is tailored to your business objectives and legal strategies. The Assessment includes, if possible from the then available information, Abacus' initial views as to proof of liability, causation and damage.

The Action Plan sets forth the specific investigations and analyses proposed to be undertaken with respect to proof of liability, causation and damage, including a Fee for Abacus services to implement the Plan. The Fee is tailored to your business objectives with respect to the dispute. The Plan is revised should unknown circumstances arise or new information comes to light during the investigations and analyses.

Our Lean Approach to construction claims management, construction dispute resolution services, and construction expert witness services enables us to provide cost-effective services to clients with small (less than \$500,000), medium (\$500K - \$5.0 million), and larger matters (over \$5.0 million) in dispute. Generally, for the aforementioned range of matters in dispute, we do the Preliminary Assessment (including an Action Plan) for a **fixed fee** at about one percent (1%) of the dollar amount in dispute. For matters in dispute over \$2.5 million, this percentage significantly decreases. Likewise, for matters in dispute less than \$500K this percentage increases, but not significantly in dollar amount.

We have distilled what you need to know to achieve cost-effective construction claims management and meet your business objectives and legal strategies into two succinct white papers:

How to Succeed at Construction Claims

[This white paper provides a proven framework for preparation of, or response to, a construction claim.]



How to Succeed at Negotiation | Mediation of Construction Disputes

[This white paper shows how construction negotiation and construction mediation is really done and how to do it right.]

These are "**How-To**" guides, which you can do "**In-house**," thus significantly reducing the cost of outside legal and consultant expertise, and enable you to cost-effectively carry your dispute forward at reasonable expense and without loss of effort or momentum into construction arbitration or construction litigation, if an acceptable agreement cannot be reached in a construction negotiation or construction mediation.

If you would like to have an Initial No-cost Consultation and a proposal to undertake a Preliminary Assessment (and Action Plan), then please follow the Site Links below.

Site Links

[Put Us On Your Team](#) | Use [e-Consult](#)™