

Fifty State Construction Lien And Bond Law Volume 2construction Law Library

Law Books in Print: Subject index J-ZAALL Directory and HandbookPutting Minds to WorkConstruction Industry FormbookCommercial Real Estate FinancingConstruction Damages and RemediesFifty State Construction Lien and Bond LawLaw Books in PrintThe Design-build DeskbookSweet on Construction Industry ContractsAmerican Jurisprudence Pleading and Practice Forms AnnotatedConstruction Law Survival ManualLaw Books in Print: Title indexThe Law of Miscellaneous and Commercial Surety BondsThe Martindale-Hubbell Law DirectoryState-By-State Guide to Architect, Engineer, and Contractor LicensingBruner and O'Connor on construction lawConstruction LawLaw Books in Print: Author indexState-by-state Guide to Design and Construction Contracts and ClaimsFifty State Construction Lien and Bond LawReports, Recommendations and StudiesLegal Information Buyer's Guide and Reference ManualWashington and Lee Law ReviewFifty State Construction Lien and Bond Law1998 Wiley Construction Law UpdateHandling Construction RisksSmith, Currie & Hancock's Federal Government Construction ContractsWorkers' Compensation Subrogation In All 50 States - Fifth EditionCalifornia Contractors License Law & Reference BookPerformance Bond Manual of the 50 States, District of Columbia, Puerto Rico, and Federal JurisdictionsSmith, Currie and Hancock's Common Sense Construction LawConstruction Defect Claims and LitigationWisconsin Statutes, 1961State-By-State Guide to Architect, Engineer, and Contractor LicensingLaw Books PublishedA State by State Guide to Construction & Design LawThe Official Ohio Lands BookUnderstanding the Sophisticated Real Estate PracticeThe Law of Payment Bonds

Law Books in Print: Subject index J-Z

AALL Directory and Handbook

Sorts through the complexities of construction defect claims and makes them easier to recognize, evaluate, and act on. This comprehensive, hands-on resource is written for anyone who may be confronted with a construction defect, including: a homeowner, a developer, an insurer, an architect or engineer, a realtor or property manager, and the attorneys who represent them. It gives you strategies and analysis for the entire defect resolution process -- and issues to consider when faced with correcting a defect. It examines the most common defects and presents appropriate remedies. And, to help you identify cause and liability, it explores the legal and technical aspects of defect issues.

Putting Minds to Work

Construction Industry Formbook

Workers' compensation subrogation continues to change and adapt, as trial lawyers prod its weak points and capitalize on confusing areas of the law. There have been numerous changes in workers' compensation statutes and case law in many states since the last edition. This edition includes an exhausting survey and detailed explanation of the crazy status of employer contribution in Illinois, which includes a step-by-step exposition of how contractual indemnity and the "Kotecki cap" play a role in expanded employer liability in Illinois workers' compensation subrogation cases. It covers the many nuances of Naig and Reverse-Naig settlements under Minnesota law, including an analysis of who has what burdens of proof and the effect such a settlement has on the remaining third-party case tried to a jury. In light of the landmark Missouri Court of Appeals decision in *Robinson v. Hooker*, the liability of co-employees in Missouri and surrounding states have been covered in greater detail. The concept of co-employee liability for acts which are intentional or committed outside of the course and scope of employment has been added in several states. New case law and explanations were added to the Texas chapter with regard to subrogating against UM/UIM policies, including arguments with regard to the efficacy of UM/UIM exclusionary policy language and the ability to subrogate against a UM/UIM policy actually issued by the same carrier insuring for workers' compensation coverage. West Virginia completely revised their subrogation statute and created a new statute relating to the "statutory employer" status of primary contractors and subcontractors on construction sites, limiting when and how primary contractors can become legitimate third parties for purposes of subrogation. Chapter 7, "Contractual Limitations to Subrogation" has been completely overhauled to include new statutes and case law for every state to assist practitioners in determining the law applicable when there is an alleged applicable waiver of subrogation which might otherwise destroy subrogation. A new Chapter 12 has been added, which focuses on jurisdiction of workers' compensation third-party actions taking a broad look at 28 U.S.C. § 1441, which prohibits removal of cases "arising under" state workers' compensation laws. A carrier now has the ability to prevent cases from being removed from favorable venues in state court to less favorable federal court venues - an attractive option for plaintiffs' attorneys with whom subrogated carriers can negotiate with for stipulations and concessions on their subrogation interests in exchange for maintaining a case in state court. This edition also expands on which states do and do not hold workers' compensation to be primary. Combined with more than 100 new case decisions, this Fifth Edition is the most complete and up-to-date edition yet. Workers' Compensation Subrogation is the most complete and thorough treatise covering workers' compensation subrogation ever published. There are very few areas in which the laws of each state vary more and are applied as differently, then in the area of workers' compensation subrogation. This book is intended to introduce the workers' compensation claims handler, in-house counsel, and subrogation professionals to some of the more esoteric and complex subrogation issues encountered in today's workers' compensation insurance subrogation marketplace. It covers the following issues in all 50 states: • Allocating Third Party Recoveries • Attorney's Fees • Borrowed Servant Doctrine •

Conversion of Workers' Compensation Liens • Costs and Expenses • Dual Capacity Doctrine • Equitable Subrogation/Contribution • Exclusivity Rule Barring Action Against Employer • How To Calculate Your Credit/Advance and How It Is Applied In Each State • Intentional Acts • Joint Ventures • Made Whole Doctrine As Applied To Workers' Compensation Subrogation • Necessity of Intervention • Lien Reduction Statutes • Staff Leasing Services and Temporary Employment Agencies • Statutory Subrogation Rights • Subrogating Against UM/UIM Benefits • Subrogating In Medical Malpractice Cases • Subrogating In Legal Malpractice Cases • Waivers of Subrogation • Who Qualifies As A Third Party • Other Workers' Compensation Subrogation-Related Issues In addition to being an excellent primer on workers' compensation subrogation, suitable for both the new subrogation professional and the seasoned veteran, the book also contains a detailed synopsis of the workers' compensation subrogation laws in each of the 50 states. It is a must for anyone with multi-state subrogation responsibilities. Complete with diagrams, references and thousands of footnotes, this is the most ambitious workers' compensation subrogation project ever undertaken. The following issues and topics are covered in detail for each of the 50 states: Statutory Subrogation Rights • Identifies the statutory authority for workers' compensation subrogation in that state. • Discusses the purpose/legislative intent of the statute. • Is an election necessary by the worker? • Who can bring a third party action (plaintiff, carrier, employer, or all of the above)? • When and must a third party action be brought? • What are the rights of a carrier to intervene in an existing third party action filed by a worker? • Will a worker's compensation carrier's subrogation interest be barred if not brought timely? Third Parties • Who can be sued as third parties in a third party action? • Can a co-employee be sued and under what circumstances? • Can an uninsured/underinsured carrier be a "third party" under the laws of that state? • Is there a dual capacity or borrowed servant doctrine which somehow affects the ability of a worker's compensation carrier to effectively subrogate? • What is the state's workers' compensation bar? • Are there any specific restrictions regarding subrogation against a subcontractor or an employee of a subcontractor in a construction situation? • Under what circumstances can the employer be sued? • Can a carrier subrogate to the benefits of a recovery in a legal or medical malpractice action? Allocation of Third Party Recovery • How and when does the carrier recover its subrogated interest? • Does the carrier recover past benefits only or also the present value of future benefits which it owes under the Workers' Compensation Act of that state? • Is there a formula used to determine how a third party recovery is allocated? • What happens to the total recovery and how is it applied? • Can a carrier recover benefits paid by a third party or recovered in a third party action which relate to loss of consortium, or non-economic damages such as pain and suffering, mental anguish, or punitive damages? • Does the employer's negligence reduce the recovery by the worker or carrier? Attorneys' Fees/Costs • Can the plaintiff's attorney recover attorneys' fees and/or costs out of the carrier's subrogated recovery and under what circumstances? • How are attorneys' fees and costs handled if the carrier is also represented by subrogation counsel, intervenes into the third party action and actively represents its interest? • What if the carrier isn't represented? • Can a plaintiff's attorney recover attorneys' fees based on the value of past benefits only or will he be able to recover attorneys' fees based on the future benefits/credit recovered by the carrier? • Must a carrier bear its proportionate share of expenses as many states require, and what does that really mean? Credit/Advance • Can a carrier take a vacation from paying workers' compensation

benefits once a worker makes a third party recovery? • How is the credit calculated under state law? • Does the carrier have to do anything special to obtain the credit, such as filing with the Workers' Compensation Commission? • Does the carrier get a credit toward future compensation benefits it owes or does it actually get to collect the present value of the future benefits it owes and still be obligated to pay the scheduled benefits in the future? Statutes of Limitation • What are the applicable statutes of limitation or statutes of repose that may be applicable to third party subrogation actions? Related Subrogation Issues • Are there any other issues or statutes which affect a worker's compensation carrier's right of subrogation, such as the made whole doctrine, common fund doctrine, or anti-subrogation statutes? • Are there any lien reduction statutes, such as those existing in Indiana, which affect a worker's compensation carrier's right of recovery? • Does the state have any no-fault laws which complicate workers' compensation subrogation involving an automobile accident, such as exist in Michigan and Colorado? • What are the carrier's options if the worker and his attorney simply refuse to repay a worker's compensation carrier's lien after settling a third party action? • If the worker fails to repay the carrier, is there a cause of action for conversion of a carrier's subrogation interest or may the carrier still proceed against the third party tortfeasor to recover its subrogation interest?

Commercial Real Estate Financing

Construction Damages and Remedies

Fifty State Construction Lien and Bond Law

"This publication has been prepared for use in conjunction with the mid-winter program of the Fidelity & Surety Law Committee of the Tort Insurance Practice Section of the American Bar Association, held in San Francisco, California on January 30, 1998"--P. iii.

Law Books in Print

Failure to comply with state licensing laws could derail a construction, engineering or architecture project and even put licenses and payments in jeopardy. Don't take the risk. Turn To The resource that provides comprehensive guidance on the architecture, engineering and contractor license laws for all 50 states And The District of Columbia. State by State Guide to Architect, Engineer and Contractor Licensing gathers all of the vital information you need in one convenient source to help you develop a cost-effective compliance strategy. With State-by-State Guide to Architect, Engineer, and Contractor

Licensing, practitioners will be prepared to handle virtually any state licensing question including Is a license required For The design or construction work that is going to be performed Is a license required before the bid or proposal is submitted? What are the special licensing requirements for partnerships? for corporations? Is a seal for stamping drawings required of design professionals? If so, which design documents must be stamped? Is a license necessary when bidding for work? Who in the organization must stamp these documents? What are the penalties if the license is not received on time? If an agent is managing the construction for an owner, must he obtain a license?

The Design-build Deskbook

Sweet on Construction Industry Contracts

American Jurisprudence Pleading and Practice Forms Annotated

Construction Law Survival Manual

Cut through the legalese to truly understand construction law Smith, Currie & Hancock's Common Sense Construction Law is a guide for non-lawyers, presenting a practical introduction to the significant legal topics and questions affecting the construction industry. Now in its fifth edition, this useful guide has been updated to reflect the most current developments in the field, with new information on Public Private Partnerships, international construction projects, and more. Readers will find full guidance toward the new forms being produced by the AIA, AGC, and EJDC, including a full review, comparison to the old forms, areas of concern, and advice for transitioning to the new forms. The companion website features samples of these documents for ease of reference, and end of chapter summaries and checklists help readers make use of the concepts in practice. The updated instructor support material includes scenario exercises, sample curriculum, student problems, and notes highlighting the key points student responses should contain. Construction is one of the nation's single largest industries, but its fractured nature and vast economic performance leave it heavily dependent upon construction law for proper functioning. This book is a plain-English guide to how state and federal law affects the business, with practical advice on avoiding disputes and liability. Understand construction law without wading through legal theory Get information on an emerging method of funding large-scale projects Parse the complexities presented by international and overseas projects Migrate to the new AIA, AGC, and EJDC forms smoothly and confidently This book doesn't cover legal theory or serve as a lawyer's guide to case law and commentary - its strength is the clear, unaffected common-sense

approach that caters to the construction professional's perspective. For a better understanding of construction law, Smith, Currie & Hancock's Common Sense Construction Law is an efficient reference.

Law Books in Print: Title index

The Law of Miscellaneous and Commercial Surety Bonds

The Martindale-Hubbell Law Directory

State-By-State Guide to Architect, Engineer, and Contractor Licensing

Bruner and O'Connor on construction law

Construction Law

Many experienced construction lien and bond attorneys have learned the hard way that a failure to comply with a seemingly minor requirement of a particular statute may threaten to void contractor's or supplier's rights under that statute. Fifty State Construction Lien and Bond Law, Second Edition is the first and only in-depth state by-state guide To The law and business of construction liens and bonds. This valuable reference covers not only the legal issues but also essential instructions and unique procedures for proper filing and follow through steps. Fifty State Construction Lien and Bond Law, Second Edition guides you through similar and contrasting requirements, both between public and private projects, within the same state and among the different states. You'll get complete coverage of: Bid bonds Payment bonds Performance bonds Mechanics' liens Forms for preserving both lien and bond rights in each of the 50 states This indispensable three-volume reference is written by leading construction lien and bond experts from each of the fifty states - as well as District of Columbia, Puerto Rico, Guam and American Samoa. it provides authoritative coverage of mechanics' liens, payment bonds, performance bonds and bid bonds, along with comprehensive coverage of the statutes and analysis of the key cases in each state. There's even a chapter on federal payment bond law. You also get an entire volume with the necessary forms for preserving liens and related payment remedies in all fifty states.

Law Books in Print: Author index

State-by-state Guide to Design and Construction Contracts and Claims

Many experienced construction lien and bond attorneys have learned the hard way that a failure to comply with a seemingly minor requirement of a particular statute may threaten to void contractor's or supplier's rights under that statute. Fifty State Construction Lien and Bond Law, Second Edition is the first and only in-depth state by-state guide to the law and business of construction liens and bonds. This valuable reference covers not only the legal issues but also essential instructions and unique procedures for proper filing and follow through steps. Fifty State Construction Lien and Bond Law, Second Edition guides you through similar and contrasting requirements, both between public and private projects, within the same state and among the different states. You'll get complete coverage of: Bid bonds Payment bonds Performance bonds Mechanics' liens Forms for preserving both lien and bond rights in each of the 50 states This indispensable three-volume reference is written by leading construction lien and bond experts from each of the fifty states - as well as District of Columbia, Puerto Rico, Guam and American Samoa. It provides authoritative coverage of mechanics' liens, payment bonds, performance bonds and bid bonds, along with comprehensive coverage of the statutes and analysis of the key cases in each state. There's even a chapter on federal payment bond law. You also get an entire volume with the necessary forms for preserving liens and related payment remedies in all fifty states.

Fifty State Construction Lien and Bond Law

Reports, Recommendations and Studies

Legal Information Buyer's Guide and Reference Manual

Washington and Lee Law Review

For the past decade, legal and business professionals in the construction industry have eagerly anticipated the annual release of this best-selling guide. The 1998 Wiley Construction Law Update provides in-depth analysis of critical, need-to-know legal and business developments from every corner of the construction industry. Comprised of 18 informative

chapters--each written by an expert of team of experts from the legal, business and government sectors--the 1998 Update offers timely, practical analysis on these issues of national importance: the launching of the American Institute of Architects' (AIA) General Conditions--new AIA Document A201 Additional insured endorsements Other peoples' insurance (OPI) coverage in construction projects Limitations on design professional liability Recent developments in arbitration law Multi-prime contracting Owners' remedies for damage to property Correction or withdrawal of a bid; government contracts Liability under the Americans with Disabilities Act and more! You get clear, in-depth explanations of recent case law and statutory developments, plus on-point practical guidance to help you make informed strategic and tactical moves. The 1998 Wiley Construction Law Update also brings you up-to-date with new developments impacting the Northeast, Southeast, Midwest, Southwest, Northwest and Western regions of the U.S. These include: new state legislation affecting payment obligations, minority business enterprise requirements, bidding rights and obligations, contractual rights and obligations, building Code issues, taxation, and more!

Fifty State Construction Lien and Bond Law

1998 Wiley Construction Law Update

Handling Construction Risks

Smith, Currie & Hancock's Federal Government Construction Contracts

Workers' Compensation Subrogation In All 50 States - Fifth Edition

For a construction business to function properly, architects, engineers, and contractors need to understand how the various state and federal laws affect their business and how to avoid disputes and exposure to liability. This book offers a comprehensive review of the US legal environment, both criminal and civil, focusing on the key legal concepts and issues applicable to a typical construction project. Construction professionals will find clear, concise introduction to a wide range of contractual issues related to project participants, as well as issues related to the actual construction and litigation.

California Contractors License Law & Reference Book

This text advances one's understanding of concepts and issues involved in construction law for all fifty states. It provides valuable information about construction contract litigation, mechanic's liens, payment bond claims, trust fund agreements, "pay when paid" provisions, as well as credit management. It also contains over 30 commonly used contract forms. Fullerton & Knowles is a Virginia Corporation representing owners, design professionals, suppliers, subcontractors, general contractors and other members of the real estate and construction industries in the Mid Atlantic region.
www.FullertonLaw.com

Performance Bond Manual of the 50 States, District of Columbia, Puerto Rico, and Federal Jurisdictions

Federal Construction Law for Construction Professionals Any firm intent on benefitting from the boom in federal government construction contracts must navigate an increasingly complicated and demanding set of laws, regulations, and practices that govern these projects and the contractors performing them. To help guide you through this maze, here is the updated edition of the easy-to-understand guide to the practical reality of these special requirements, and how managers and owners of construction industry firms can use them to effectively avoid pitfalls on current projects and compete successfully for new projects. Smith, Currie & Hancock's Federal Government Construction Contracts, Second Edition walks the reader through actual federal contracts, highlights critical clauses, and simplifies governmental and legal jargon to provide ease of use by the nonlawyer. Updates to this Second Edition include: Coverage of the newly enacted American Recovery and Reinvestment Act of 2009 Specifics of federal government grants to state and local public construction contracts New insights on Design-Build, Early Contractor Involvement (ECI), BIM, Green Construction, and Web-based project management techniques used by the federal government A revised look at the increasingly detailed business ethics and compliance program requirements for contractors and subcontractors as mandated by the federal government for its contractors A unique Web site at www.wiley.com/go/federalconstructionlaw provides the user with a Table of Acronyms and Terms commonly found in federal government contracts, an extensive list of Web sites of interest to federal government construction contractors, checklists, sample forms, as well as specifications related to innovations in project delivery By making transparent the many rights, risks, and legal responsibilities involved in a federal government construction project, Smith, Currie & Hancock's Federal Government Construction Contracts, Second Edition provides construction industry professionals—from general contractors, subcontractors, and designers to surety bond agents—with the insight and understanding they need to avoid problems and run a successful project from start to finish.

Smith, Currie and Hancock's Common Sense Construction Law

Construction Defect Claims and Litigation

Wisconsin Statutes, 1961

State-By-State Guide to Architect, Engineer, and Contractor Licensing

Law Books Published

A State by State Guide to Construction & Design Law

This hands-on reference gives you a concise explanation of what to document, how to document it, and why. It takes you through the entire construction documentation process -- from contracts between the parties to bid, award, and quality assurance documents. In addition, the book contains must-see material on computerized documentation.

The Official Ohio Lands Book

State-by-State Guide to Design and Construction Contracts and Claims, Second Edition provides a practical, state-by-state analysis of legal issues affecting architects, engineers, project owners, and construction contractors. Included are in-depth treatments of design and construction issues for all 50 states, Washington, D.C., and Puerto Rico. Updated annually, this essential sourcebook covers each state in its own separate chapter written by leading construction industry attorneys from that jurisdiction, making it easy to find answers quickly for your jurisdictions. You'll find expert answers to such questions as: Are contract clauses that waive a potential claimant's statutory lien rights enforceable in your jurisdiction? Can you enforce andquot;pay-if-paidandquot; and andquot;pay-when-paidandquot; contract clauses in your jurisdiction? Is there a leading case or statute in your jurisdiction that specifically discusses the elements of a claim for breach of contract? Is there a leading case or statute in your jurisdiction that specifically addresses the elements of a claim for ordinary negligence, gross negligence, or professional negligence? What are the most common theories of recovery in the design and construction claim setting in a particular jurisdiction? What damages are recoverable in the context of design and construction claims in a particular jurisdiction? Designed to assist you in managing any type of litigation situation, the State-by-State Guide to Design and Construction Contracts and Claims, Second Edition offers expert explanations and analyses of

the full range of contract and claim topics.

Understanding the Sophisticated Real Estate Practice

The latest Forum book, *Construction Damages And Remedies*, should be of value to every practitioner in the construction field. It can serve as a useful reference when evaluating a claim for settlement, drafting complaints and answers, negotiating risk allocation terms in a construction or design contract, or offering quantum evidence at trial. Five experienced and highly regarded construction lawyers from across the country have produced the best available combination of the historical sources and applications of various damages theories and equitable remedies, and the elements of proof by which they can be established and defeated. The array of damages to which participants in the construction process - owner, designer or constructor - are exposed. Practical suggestions based on the authors' substantial collective experience about the best techniques for presenting damages in a dispute. *Construction Damages And Remedies*, but in a unique innovation, the authors have also included citations to the West key number system, enabling the reader conveniently to cite additional case authorities both before and after publication of the book. *Construction Damages And Remedies* is a resource that will be indispensable to any construction industry lawyer, from the newly involved to the seasoned veteran.

The Law of Payment Bonds

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