

GENESIS OF A CLAIM

There seems to be a recognizable pattern to the escalation from a dispute to a claim. Most experienced construction claim neutrals, parties and advocates will see familiarities in the following outline:

Courtship and Honeymoon

- The Dance of Hope and Design
- Great Prospects for Success for Client and Architect
- Variable Time Frame

First Cracks Appear

- Service Issues Problems
- Quality Issues Problems
- Employee Issues Problems
- Financial surprises/Budget and costs
- "Trust" is violated, Distrust takes over
- Communications Breakdown/Inability to Listen



The Honeymoon is Over

- Personal Insults begin
- Betrayal takes over as emotional thread
- ANGER / RESENTMENT / VENGEANCE
- Confrontation and Argumentation

Red Flags Appear

- Late or nonpayment of invoices
- Non preparation of Invoices
- Non return of phone calls
- Ignoring of requests for action by either Party
- Excuses, rationalizations, blame

Call out the Calvary; End of the Line

- The first "Nasty Letter" arrives from an attorney
- The slippery slope: the "Counter-letter" response
- It's getting out of your control now

Dispute Takes on Life of its Own

- Mutual threats
- Righteous indignation by all

"Damn the Torpedoes, Full Speed Ahead"

- Liens filed
- Conciliation court claim filed
- Demand for mediation/Arbitration filed
- Lawsuit commenced?
- You will become obsessed: time, \$, emotion
- GET OUT THE CHECKBOOKS!!
- Unpleasant times ahead. Your job takes a backseat.

Who Wins in This Scenario?

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