PENDER & COWARD
ATTORNEYS AND COUNSELLORS AT LAW

PRACTICE AREA

MEDIATION AND ARBITRATION

Pender & Coward attorneys frequently advocate for clients in the resolution of construction and other types of disputes by mediation, arbitration and other forms of alternate dispute resolution, in addition to our litigation practice.

Our attorneys represent business owners, contractors, subcontractors, material suppliers, architects, engineers, and other parties with respect to disputes arising under construction and commercial contracts. We are often engaged to handle disputes involving technical issues and requiring the knowledge of a client's specific business that our attorneys' possess.

In our role as mediators and arbitrators, we serve as a neutral party to facilitate an agreement of the parties through dispute resolution. When we serve as mediators, we do not make decisions regarding a dispute but only assist the parties in reaching a resolution. On the other hand, when we serve as arbitrators, we are empowered to make a final binding decision. In addition to acting as an advocate for parties in a dispute, Pender & Coward's attorneys have the training, knowledge of rules which govern mediation and arbitration, and experience to handle large complex construction and commercial contract disputes.

Although mediation, arbitration and other forms of alternative dispute resolution (ADR) are not intended to replace the use of litigation to resolve disputes, in certain types of disputes, ADR can be a more cost-effective and more expeditious way to achieve resolution. In disputes arising under cocost-effective other types of contracts, often mediation or arbitration may be a mandatory requirement of the contract. Some courts have the power to order litigants to attempt to resolve disputes by mediation.

Attorneys at Pender & Coward have over 50 years' combined experience in handling mediation and arbitration of large complex cases, as well as smaller cases. We are proud to provide legal services to clients at a reasonable cost. Our attorneys are strong advocates of mediation and arbitration as a way to avoid costly litigation.

REPRESENTATIVE CASES AND TRANSACTIONS

- Contractor's $4.3 million claim for added costs due to differing site conditions, delays and design defects in construction of federal office building.
- Mechanical contractor's claim of approximately $2 million due to defective design and lack of coordination between the structural and mechanical design of a performing arts center.
- Claims of two subcontractors on highway project for delays, breach of implied warranty of access to jobsite,

- differing site conditions, and payment for owned equipment costs.

- Claim of city against contractor for billing irregularities and other breaches of contract and defense of contractor's claim against city for delays and extra work resulting in recovery by city of approximately $1.9 million from contractor.

- City's claim against contractor for defective construction of a bridge involving approximately $3.5 million to reconstruct bridge.

- Claim of third party against subcontractor in suit brought by university against contractor for cost of $1.2 million to remove and replace defective precast stairs in new dormitory.

- Claims of approximately $1.1 million asserted by a condominium association against contractor for the cost of removing and replacing the artificial stucco on the exterior of the buildings.

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