

# RHarper Consulting Update



## How are You Addressing Construction Claims?

As new development has subsided there has been a corresponding rise in claims from contractors, subcontractors, A&E firms, vendors, and suppliers. Most of these claims are seeking some form of monetary relief from the Owner or developer. Without the prospect of future projects to offer as incentive to settle claims, we must now focus on the best methods for settling these disputes. While most AIA documents contain arbitration clauses, in recent years many practitioners have added clauses allowing or requiring mediation for disputes under a certain dollar amount.

Mediation is an informal process where the parties come together with the help and facilitation of a neutral third party. Mediation is focused solely on a settlement outcome and not on findings of fact, motion activity or presentation of evidence or testimony. As such, it is the most cost effective and expedient method of alternative dispute resolution (ADR). Mediation should be

strongly considered by the parties as an opportunity to arrive at a settlement early in the process before significant discovery costs and legal fees are incurred. Another benefit is the ability to select a neutral with specific industry knowledge rather than rely on a judge with limited industry knowledge and a crowded docket.

Roger Harper, Principal of RHarper Consulting Group, is a listed Rule 31 Mediator by the Tennessee Supreme Court. He is also listed by the American Arbitration Association as a neutral for Arbitration. This makes him uniquely qualified to assist in preparing, evaluating, and assisting with your claims and disputes or to serve as a neutral for your ADR hearing.

For more information on how we can assist you with claims management contact us at: 615-218-4102

or  
RHarper@Rharperconsulting.com

## Who We Are

RHarper Consulting Group provides full service real estate development and owner representation services from initial market analysis through construction completion and building commissioning.

Roger Harper has over twenty-five years of real estate development experience. He has expertise and has developed

projects throughout the country specializing in the areas of mixed-use, multi-family, condominiums, senior housing, assisted living, retail, site development, and skilled care.

Our clients range from not-for-profit sponsors developing a single special use project to privately held development

companies simultaneously developing multiple projects.

Our services are specifically tailored to meet your project's needs.

For more information :  
Roger Harper  
615-218-4102  
Or  
RHarper@Rharperconsulting.com

Winter 2009

615-218-4102  
RHarper@Rharperconsulting.com  
www.RHarperconsulting.com

### Mission Statement

RHarper Consulting Group strives to provide the highest level of professional expertise and service to deliver real estate services that meet our clients missions and goals.

To learn how we can add value to your project please contact us at:

RHarper@Rharperconsulting.com

615-218-4102

### Recent and Current Engagements

- Listed as Rule 31 Civil Mediator by Tennessee Supreme Court
- Listed by American Arbitration Association as a qualified neutral for arbitration
- Senior housing site analysis—Atlanta
- Strategic Alliance with Stonetrust Partners
- Workout plan and analysis for stalled condo project—Nashville
- Multi-family new construction project—feasibility analysis—Nashville
- New Senior site analysis—Nashville