



OUTLINE OF PRESENTATION
CONSTRUCTION CLAIMS TASK FORCE
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(CONSTRUCTION DEFECT ATTORNEY/OWNERS REPRESENTATIVE)

- I. Background, Experience, and Overview
 - A. Involved in approximately 300 construction defect cases (over 250 on behalf of commercial and residential property owners) – settlements range from negotiated repairs to monetary settlements of over \$ 5.5 million
 - B. Degree in Civil Engineering with experience in construction industry
 - C. Not an ambulance chaser; no frivolous claims; my job is to minimize loss
 - D. Litigation against contractors/insurers is necessary to get even partial reimbursement of repair costs
 - E. Owners do not get made whole

- II. In representing commercial and residential owners common concerns are:
 - A. Accountability of builders and insurers for property damage caused by basic construction errors
 - B. Who monitors code compliance
 - C. Scope, nature and cost of necessary repairs to preserve property investment and peace of mind
 - D. Disclosure requirements for sale of property
 - E. Impact on family unit
 - F. Necessity and cost of litigation
 - G. Failure to be made whole for problems caused by builder (who was paid to build it right in the first place)

- III. In analyzing liability/responsibility for defects and damages we have learned the following common problems
 - A. Lack of supervision/quality control at places where different subcontractors' work meets (e.g., windows, flashings, decks, roof/wall)
 - B. Failure to follow manufacturers instructions and specifications
 - C. Failure to monitor code compliance
 - D. Lack of details for weatherproofing; failure to follow details when provided
 - E. Experience, skill and knowledge of work force

- IV. From the owners' standpoint, construction defect problems should, and can, be eliminated before and during construction (not after)
 - A. Quality control training for common problem areas
 - B. Separate weatherproofing inspectors/inspections
 - C. Rainscreen siding installation
 - D. Higher clarity/specificity in code
 - E. Any incremental cost increases for these solutions are small, and would gladly be shouldered by owners