

## A Cheap Lawyer

**Executive Summary:** Construction projects are becoming more and more litigious. The cost of outside counsel is practically its own line item in a contractor's estimate these days. Hiring a junior attorney today for pennies, may later save you dollars.



**The problem.** I was listening in on a webinar this morning with the industry's leading financial management association. The session was being led by two veteran Chief Financial Officers. One of them said "if you don't have at least one change per day, you're not experiencing the industry average". I was sickened by that matter of fact comment. I found myself asking "why does it have to be that way?" The answer is the subject of another article, but for me the answer is an easy one: **prepare for every job like it's going to claims.**

**The solution.** A cheap lawyer! I know, that's an oxymoron like jumbo shrimp or liquid gas or Hells Angels. But, hear me out.

You could get a fresh-out-of-law-school attorney who could interpret your specifications and write project letters as long as (s)he was put on the scent of the issue by the project manager. And, at a time now when the Bureau of Labor Statistics says that "more students graduate from law school each year than there are jobs available" [QR], they'll come at a reasonable rate.



**Your part in the deal.** This junior attorney I'm talking about is young and inexperienced and may know nothing of construction. This is where your senior project manager comes into play. Your manager must know the technical issue as well as the jist of the contract law. Once he or she can pass on the basics of the matter, your whippersnapper references all the applicable contract law with paragraph references, et cetera.

**My story.** I started my career with the country's leading heavy/civil contractor. And I remember way back when that they had a lawyer on the job up on the second floor of the job site office. During today's breakfast meeting, my friend stated that he instituted this practice described above on all of his larger jobs.



In my career, I ended up being the junior attorney and the project manager. I wrote the letters and, when necessary, passed them on to the \$400/hour attorney. In retrospect, I should have pushed to have a junior attorney back at the home office or on my larger projects.