

risk

reward

THE RIGHT BALANCE  
to guide you through  
Construction Risk  
Management matters.



Kenney Shelton Liptak Nowak<sup>LLP</sup>  
Easy to work with. Tough to beat.

## Construction Risk Management Group

At KSLN, we recognize the complexity of the issues and the high risk associated with building construction. Our dedicated construction risk management practice works with the construction industry and its insurers to help clients reduce risk, make informed decisions and focus on successful projects.

Having experienced countless situations in which a poor contract contributed to significant expenditures of time and money, we help our clients understand all the obligations and ramifications of contract documents. KSLN attorneys have worked with insurance carriers and experts worldwide, handling contract issues for public-private partnerships, design build projects and integrated project delivery. We have directed hundreds of mediations, and understand the value of alternative approaches. While protracted litigation is a last resort, we will skillfully litigate through arbitration or trial whenever necessary.

### Our team helps clients:

- › Negotiate contracts that accurately reflect each client's appetite for financial and legal risk
- › Articulate project objectives, create better communication and streamline project flow
- › Identify and resolve issues and claims quickly
- › Address the practical aspects of doing business in a highly competitive environment
- › Develop proactive risk management strategies to improve documentation of potential risks, and avoid costly litigation

KSLN attorneys are well versed in:

- › Construction risk transfer
- › Non-admitted/surplus lines policies
- › Additional insured coverage
- › Contract formation and negotiation
- › Alternatives to non-negotiable agreements
- › Construction-related claims, particularly those arising from professional liability
- › Coverage-related third party claims under CGL and excess liability policies
- › Construction defect claims including the standard "business risk" exclusions
- › Non-standard liability and proprietary policy provisions including continuous/progressive damage claims, and statutory liability exclusions
- › Construction project claims including E&O, delay, payment and change order issues
- › New York State Labor Law actions
- › Claims and issues arising under builder's risk and permanent property policies, as well as OCIPs and CCIPs

*“KSLN handles contract issues for different types of projects, including public-private partnerships, design build and integrated project delivery.”*

authentic

WE REPRESENT:

- > Design professionals
- > Universities
- > Healthcare systems
- > Developers
- > Municipalities
- > Insureds
- > Major national insurers
- > Foreign insurers
- > Mutuels, specialty underwriters and surplus lines carriers
- > Wholesale brokers
- > Managing general agents
- > Third party administrators
- > Businesses and corporations

effective

collegial

At Kenney Shelton Liptak Nowak LLP, you'll find a group of attorneys and professional staff who are easy to work with but tough to beat. We've been described this way by clients and opponents alike, because it's true. In every endeavor, **we strive to strike the right balance** between practicing law at the highest level, and being down-to-earth people. Many firms talk about client service, but few count their clients as friends. At KSLN, we've set ourselves apart by delivering good results and being good people, and it works.

firm

Established in 1994 as an insurance defense and coverage litigation firm, KSLN represents insurance companies, self-insured companies, workers' compensation carriers, third party administrators (TPAs), Special Funds, insurers and their insureds, and individuals in New York and Pennsylvania, through the firm's offices in Buffalo, Corning, Erie PA, New York City, Rochester, Syracuse and White Plains. Partners Patrick S. Kenney, Judith Treger Shelton, Thomas E. Liptak, James S. Nowak, Timothy E. Delahunt and Shari Jo Reich manage the firm, which has expanded to include:

- > Insurance Defense
- > Bankruptcy Law
- > Construction Risk Management
- > Insurance Coverage
- > Toxic Tort and Environmental Law
- > Workers' Compensation
- > Commercial Litigation
- > Business and Corporate Law
- > Matrimonial and Family Law
- > Residential Real Estate
- > Wills, Estates, Trusts and Probate

We are a top choice regionally for carriers, TPAs and Special Funds across New York State. Our measured growth has afforded clients the depth required to manage great volume without sacrificing the relentless pursuit of excellence and client care upon which the firm was founded.

smart

relationships

Our client relationships are some of the strongest you'll find. We spend a lot of time getting to know you and your business so that we may successfully advocate on your behalf. We believe that authenticity, honesty and goodwill are key ingredients to turning business associates into lifelong friends. At KSLN, you'll meet people that you actually like.

If you have a construction risk management matter that you'd like to consult with us about, or if you are interested in learning more about the scope of legal services KSLN provides, please contact Jennie M. Muscarella at 716.853.3801, or [jmmuscarella@kslnlaw.com](mailto:jmmuscarella@kslnlaw.com). You can also visit us on the web at [www.kslnlaw.com](http://www.kslnlaw.com). We look forward to hearing from you.

timely  
professional

responsive

KS  
LN

BUFFALO

CORNING

ERIE PA

NEW YORK

ROCHESTER

SYRACUSE

WHITE PLAINS



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