

Construction

Miller Canfield's Construction Industry Team represents local, regional and national construction industry clients, including developers, builders, contractors, lenders, governments and educational institutions, international and local retailers, manufacturers, and energy and utility companies at every step of their construction projects, from pre-construction planning drafting and negotiating contracts, handling post-construction claims and everything in between.

Our comprehensive construction industry practice is made up of a group of highly skilled attorneys who dedicate their legal practice to serving the construction-related needs of our clients. In addition to legal expertise, many of our attorneys have backgrounds in engineering, accounting, dispute resolution and labor relations, which gives our clients the benefit of working with a legal team that brings real-world, practical experience to the table.

Development

Miller Canfield's construction team represents local, regional and national developers, owners, and public institutions using a multi-disciplinary approach to ensure that the transaction structure ultimately utilized best meets the client's financial and operational business objectives in a coordinated, comprehensive and cost-efficient way.

We have helped owners and developers in a variety of areas associated with their construction and development projects. Most notably among such areas are the following:

- Pre-planning, entitlements, and issues unique to the development of shopping centers, office buildings, hotels, casinos, industrial centers, regional malls, neighborhood shopping centers and other retail centers, mixed-use developments, medical/hospital facilities, single and multi-family housing, theaters, restaurants, and sports arenas
- Bidding and bid protests
- Certification requirements
- Property management agreements and issues
- Permitting and land use issues
- Design and construction contracts
- Residential subdivisions
- "Green" (LEED-compliant) development
- Brownfield development
- Economic incentives
- Government contracts
- Environmental and OSHA regulations

Employment and Labor

Miller Canfield has a nationally recognized Employment and Labor group that provides service to construction industry clients. We advise clients with all employment issues, including labor relations, harassment and discrimination litigation, wage-and-hour (FLSA) and accommodation claims (FMLA and ADA), worker's compensation, OSHA regulations and

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employee benefits. We also provide human resources training to help clients to avoid disputes before they occur.

Finance

Miller Canfield finance lawyers assist public bodies, private companies and financial institutions with investment, acquisitions, development and construction financing. Our experience includes:

- Economic incentives such as New Market, Historic Rehabilitation and Brownfield Redevelopment tax credits
- Traditional lending criteria
- Surety and bonds
- Public-private partnerships (P3)

Litigation and Dispute Resolution

Miller Canfield construction litigators are experienced in handling complex disputes involving claims relating to scope changes and additions, differing conditions, design and construction defects, delays and impacts, acceleration, interference, trade stacking, and contract termination. Our areas of expertise also include payment and performance bonding, sureties and insurance coverage issues. We also advise our clients regarding construction loan defaults, receiverships, and construction lien enforcement and defense.

Our clients include national general contractors and construction managers, universities and other public entities, public utilities and power plants, private owners, hospitals, high-rise office and hotel towers, and sports venues.

International

Our lawyers assist clients with the acquisition, leasing and development of real estate anywhere in the world, with significant experience in Poland and the E.U., China and throughout North America.

In Poland, we provide the following services to clients:

- Due diligence investigation of the property's legal status
- Prepare and negotiate the contract of sale, including contracts with communal organizations and the State Treasury
- Supervise the course of proceedings to obtain the necessary permits and decisions to commence construction
- Provide legal opinion on construction agreements (according to the FIDIC regulations)
- Structure optimal solutions to foreign investors to acquire real property in Poland
- Provide assistance to foreign investors during administrative proceedings to obtain the necessary permissions from Polish authorities to purchase real property
- Structure and manage the steps necessary to acquire real property, including the creation of investment trusts and special purpose vehicles

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Our China Practice Team helps corporate clients with all of their Chinese real estate issues including:

- Obtaining land use rights in China
- Advising manufacturing companies and real estate developers in their commercial, industrial or residential property construction and development.
- Negotiating and coordinating real estate and M&A transactions.

We advise clients with respect to environmental compliance matters, environmental due diligence, environmental law related contracts and agreements, environmental impact assessments, consent and permit proceedings and disputes related to environmental prosecutions.

Representative Matters

Led real estate acquisition efforts on \$650 million sports arena and related development located in Detroit. Related work involved land acquisition, title clearance, environmental assessment review, legal structuring, planning, financing, leasing, and drafting and negotiating design and construction contracts

Represented the owner in one of the first large construction projects in Michigan utilizing an integrated project delivery system

Represented client on a design-build contract for approximately \$20 million in facility renovations and installation of equipment to facilitate significant expansion of operations

Represented large refinery in construction-related claims arising from expansion of the facility

Handled the development and construction of a new state-of-the-art manufacturing plant involving over \$500 million in capital investment located in South Carolina, including federal, state and local incentives

Representation of the construction manager in connection with the construction of Ford Field, the home of the Detroit Lions

Served as lead trial counsel defending a billion-dollar construction management company against a \$20 million construction claim brought in a multi-party arbitration

Represented the purchaser of privately placed tax-exempt bonds issued by the Illinois Finance Authority, the proceeds of which were used for renovation and construction projects at Chicago's Navy Pier, including the purchase of a new Ferris wheel and construction of a new theatre

Represented the administrative agent and lead bank in syndicated secured construction loan for development of a mixed-use project consisting of retail, office and residential apartments in the West Loop in Chicago

Represented a public utility in defense of action filed by process piping contractor asserting a multitude of claims aggregating \$5 million for claimed added scope and alleged design deficiencies resulting in increased costs, inefficiencies and delays with respect to a compressor project.

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Represented the affiliate of public utility in defense of a suit filed by contractor for additional compensation more than \$1 million in connection with a contract for steel and equipment erection at generating station site alleging failure to provide material and equipment, complete foundation work and obtain necessary permits in a timely manner.

Extensive experience in construction lien proceedings, payment and performance bond enforcement, judicial mortgage foreclosure proceedings and post-judgment enforcement of real estate liens and interests.

Advised warehouse developers during construction of warehouses in Poland. Provided legal advice on development projects, including land acquisition, leasing, permitting, construction and commissioning, and settlements with contractors and subcontractors

Represented a general contractor in defending a \$5 million mechanics lien claim filed by a demolition subcontractor for the re-development of the historic Palmolive Building in Chicago

Served as co-counsel for the acquisition of real property and development of a large medical complex, which is one of the most significant public-private partnership projects in the Greater Lansing, Michigan area

Represented a national bank in multi-stage financing for acquisition, development and construction of the first Cabela's-anchored shopping center in West Michigan

Represented a national bank in multi-stage financing for acquisition, development and construction of the first Costco-anchored shopping center in West Michigan

Represented a national bank in construction financing for the Women's Health Center on Grand Rapids' Medical Mile