

The Construction Industry And 10 Ways Artificial Intelligence Can Trigger Disputes & Litigation

AI can open the door to more risk and disputes than most anticipate.

PHILADELPHIA, PA, UNITED STATES, October 17, 2025 /EINPresswire.com/ -- As of early in 2025, it is reported that only a little more than 2% of U.S. construction companies are using artificial

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*James F. Gallagher, P.E.,
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intelligence. Nonetheless, although the construction industry has a reputation for being among the slowest of all industries to adopt new technologies, AI adaptation seems to be gaining momentum. Surveys are demonstrating that a majority of construction-related companies are exploring implementing AI use and its application because they recognize its potential in having a major impact in the future, on many applications.

Construction thought leader James Gallagher, P.E., F.ASCE, who is Principal at Resolution Management Consultants, a leading construction consulting firm specializing in dispute

management and litigation defense, recommends thoughtful caution in adapting AI in construction. He said, “Artificial intelligence is based on the concept that data, actions, and histories are linked, connected and relatable. Although many are, the construction industry may be unique among industries in the number of things that are individually project focused and less likely to be repeatable and relatable to the past.”

That said, Gallagher believes that ultimately, artificial intelligence will have significant impact on targeted design optimization, planning, operations, safety, productivity, quality control, predictive analysis and other functions. However, he cautions that at this time, without careful consideration and study, AI can open the door to more risk and disputes than most anticipate.

Gallagher has identified 10 ways artificial intelligence can potentially trigger disputes and litigation in construction. They include:

1) Since almost every construction project is unique, artificial intelligence has limited ability to

draw from connections and past experiences. For example, although in theory, there is great potential for the concept of BIM (Building Information Management), to be enhanced by AI, in reality, the connections may not completely connect. Even more challenging; AI is known for occasionally having “hallucinations” where it “guesses” at outcomes, results or solutions that may lead to errors and mismanagement.

2) Artificial intelligence can often deliver imprecision, especially in how it links previous construction activities to current applications and future outcomes. Since architecture, engineering and construction must be precise, even small errors can contribute to imprecision and result in costly mistakes.

3) Construction requires ongoing connectivity and updating over the course of projects. Because many construction sites occur in areas with limited access and connections, AI can be difficult to update completely throughout many projects.

4) As of this time, many artificial intelligent “tools”, such as robots, are very expensive to afford and to enable being competitive relating to construction bids.

5) In addition to being expensive to afford, it can be difficult and costly to enable the complex training required to enable utilization of those AI-related tools. It can be difficult to risk incorporating new technology when the status quo process works fine and costs much less to implement.

6) One of the challenges to the construction industry is an overall skilled employee shortage, bringing into question where the industry will find new staff educated in designing and operating artificial intelligence?

7) A major issue facing artificial intelligence in every industry, including construction, is who is responsible if AI is part of the process causing a problem, especially based on history, utilization, application and more. Assigning fault to the source of issue can be very complex.

8) There are number of security issues, created by the need to share and potentially make public



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proprietary techniques, intellectual property and other exclusive systems. Artificial intelligence can also be developed using data that is unauthorized, providing additional risk of legal challenges.

9) Artificial intelligence can make litigation more complicated adding costs - such as who specified the AI, who developed it, how it was used, who used it, was the user trained properly and more. In addition, how can one even distinguish even whether AI contributed to the issue? These complications and others would need to be settled well before one gets involved in the construction dispute itself, adding additional dimensions to legal procedures.

10) Another issue is that construction insurance may not cover issues relating to artificial intelligence.

Said Gallagher, "In the future, there will be many valuable opportunities for utilizing artificial intelligence in the construction industry, but at this time, it must be used with caution. Ultimately, it must be used as a tool, not just by itself, but together managed and operated by experienced people significantly involved in enhancing the process by utilizing artificial intelligence."

About Resolution Management Consultants, Inc.

Resolution Management Consultants, Inc. (RMC) is a nationally recognized consulting firm headquartered in Marlton, NJ. There are two sides to the business: the construction planning and management aspect – helping clients build more successful projects – and the litigation aspect – should matters go to court, providing analysis and testimony as expert witnesses. Founded in 1993 by veterans in the construction, contracting and engineering professions, RMC has assisted numerous private owners, public agencies and contractors in either achieving project goals or resolving cost and time disputes between the contracting parties.

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