

8 Ways Construction Management Can Transform Scheduling To Minimize Disputes And Litigation

One solution to reducing construction disputes and the costs of those disputes is to reduce the number of scheduling issues-sounds simple . . . or perhaps not.

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With the costs of litigation, it's judicious for construction management to take a proactive approach to the value of committing additional resources towards scheduling as a dispute prevention tool."

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Street Journal reported that hourly rates for top lawyers have crossed the \$3000 per hour threshold. Even associate lawyers can bill as much as \$1400 per hour. Adding in additional costs for research, expert witnesses, accounting for project delays and other expenses, disputes, and especially those leading to litigation, have become unaffordable to most construction companies, whether prosecuting or defending them.

Empirically, one of the top triggers of disputes are scheduling issues. Therefore, one solution to reducing construction disputes and the costs of those disputes is to reduce the number of scheduling issues. As

straightforward as that might seem, traditionally, construction management has tended to prioritize budgeting for scheduling at a lower level than they do other management components of a project. For example, experts recommend budgeting for scheduling in the range of 3%-5% of a project. However, studies demonstrate that typical budget allocations are only 1/2% to 2%, significantly reducing the scope and effectiveness of scheduling.

It's time for construction management to take a new view on how they prioritize and budget for project scheduling, according to James Gallagher, P.E., F.ASCE and CEO of Resolution Management Consultants, a thought leader in construction dispute resolution. "With the costs of litigation being what they are today, it is judicious for top construction management to take a new, more proactive approach to the value of committing additional resources towards utilizing scheduling as a valuable tool for preventing disputes," said Gallagher.

Gallagher has identified eight ways companies should consider transforming their scheduling

strategies, with a goal of minimizing disputes. They include:

1) Reinvent and re-prioritize the scheduling paradigm in one's organization. Commit more resources to the scheduling process for each project.

2) Utilize more advanced technologies, such as artificial intelligence, BIM and others, in your scheduling process. Invest in training for people in one's organization.

3) Bring more people into the project conversation. Expand the project "board", from day one, including more than just your immediate top project management, and then foster this group as a team working towards completing a successful mission together.

4) Increase communication among the team to make everyone aware of updates and their effect on the total project, not just their immediate area of skill.

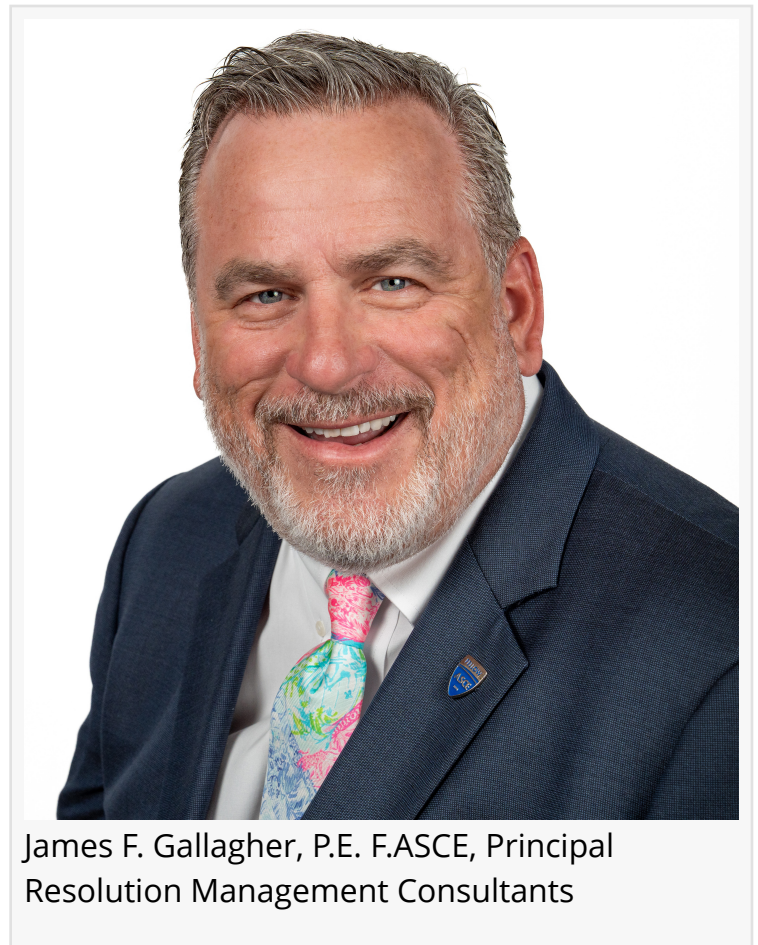
5) Devote more time to holding scheduling meetings with the team.

6) Increase attention paid to subcontractors and utilize AI to update the timeline to adjust to their issues and their effects on the entire project.

7) Approach scheduling proactively. Use scheduling to identify areas that have the potential to cause timing issues and address them before they become problems.

8) Anticipate uncontrollable factors and allow for windows of extra time to accommodate potential effects of weather conditions, supply chain interruptions, or changes in project scope that can hinder project timing.

Said Gallagher, "Reducing the causes of disputes will go a long way towards increasing the profitability of construction projects. Prioritizing the scheduling function and elevating the scheduling process offers great potential to achieve this valuable goal."



James F. Gallagher, P.E. F.ASCE, Principal
Resolution Management Consultants

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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