



# Construction and Design



## OVERVIEW

New Mexico has extensive and complex statutory and regulatory requirements that apply to most aspects of construction and design work in the state. Construction and design professionals, including engineers, architects, other design professionals, general contractors, subcontractors, and surveyors, are each covered by separate licensing requirements and regulations. New Mexico also has state-specific statutes and regulations establishing requirements for bonding, procurement bids and protests, indemnification restrictions, liens, collection against bonds on public works projects, and special lender considerations for construction loans, among other special laws. We are well-versed and experienced in assisting the full range of construction industry participants with these requirements, including specialized expertise for contracting in Indian Country.

Our lawyers have successfully represented private and public entities in various dispute resolution strategies, including partnering, mediation, arbitration, and litigation, particularly in the areas of bond claims and contract disputes.

## Industry Leadership

Our attorneys are active members in industry and professional groups throughout New Mexico and across the United States, including Associated Builders and Contractors of New Mexico, the American Bar Association Construction Forum, and the USLAW Construction Law Practice Group. We have published numerous articles and written New Mexico chapters for national compendia on construction and design law. We also present at and sponsor construction law CLE programs.

## EXPERIENCE

### Transactional Practice

Modrall Sperling's construction and design lawyers handle complex construction transactions. We have served clients in a wide range of matters, including:

- All aspects of contractual relationships in a construction project
- Counsel to businesses seeking to work on or near Indian lands
- Licensing
- Construction financings

### Dispute Resolution Practice

We are well-versed in construction and design partnering, mediation, arbitration, and litigation should the need arise. Our experience encompasses complex claims from lien disputes to multi-party commercial disputes, such as:



- Indemnity claims in construction contracts factoring in the state's anti-indemnity statute
- Design defect litigation
- Performance and payment bond claims
- Breach of contract disputes
- Dispute resolution strategies

We have extensive experience representing clients to resolve disputes in order to keep projects moving forward. Modrall Sperling provides in-depth knowledge of the practical considerations on the contractual relationships as well as insights into the agencies and courts whose legal interpretations are a central component of effective advice and counsel. Lawyers in our Construction and Design industry group are trained mediators and arbitrators.

### Representative Clients

- Marmol Radziner, An Architectural Corporation
- AMEC
- Souder, Miller & Associates
- Andy Lee General Contractors d/b/a LeeCon General Contractor, LLC
- Action Air Conditioning, Inc., d/b/a Anderson Air Corps
- Yearout Mechanical, Inc.
- Summit Electric Supply
- Capstone Collegiate Communities, LLC
- Qualcon Builders, LLC
- George Rainhart Architect and Associates, PC

### KEY CONTACT

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## RELATED PRACTICES

Corporate, Business and Finance

Banking and Lending

Energy, Environment and Natural Resources

Air Quality

Cultural and Historic Resources

Energy

Environment

Mining

Oil and Gas

Pipelines and Transmission

Public Lands

Renewable Energy

Utilities and Infrastructure

Wastes / Contaminated Properties

Water Rights and Water Quality

Labor, Employment and Benefits

Litigation

Native American Law

Real Estate

Taxation