



## Neutral Services.....

### Summary

Design and construction related claims typically require the involvement of expert witnesses. Architects, engineers, contractors, and other specialty consultants are commonly retained on behalf of the plaintiffs and defendants involved in a legal claim to evaluate and analyze the disputed issues and to provide expert opinions regarding the merit of the claim.

A "Neutral" provides similar services as those performed by the experts typically involved in a disputed matter however, a Neutral is retained jointly by both parties to evaluate and analyze the issues at hand and to provide expert opinions and recommendations that will offer assistance in reaching a settlement agreement.

### Application

There are two methods commonly utilized for the implementation of a Neutral in the context of design and construction related disputes. The first method occurs once the expert reports have been disclosed by both the plaintiff and defendant and there is a huge divergence between the findings, recommendations and costs associated with the claim. At this time a Neutral is sometimes retained by both sides to evaluate the expert reports and offer opinions regarding the similarities and differences. The Neutral, when requested by the parties, will offer opinions regarding alternative methods which may be acceptable to all parties.

The second method for Neutral Services occurs early on when the dispute first arises. In this case, the Neutral is retained by both parties to provide expert services regarding the claim. These services may include forensic investigations, analysis of relevant documentation, establishing recommendations and preparing cost estimates associated with the recommendations. Here, both parties utilize the Neutral's findings and recommendations as the basis for their respective positions. This method offers benefits not realized by the first method such as substantial cost savings in expert witness fees and legal fees.

### Approach

As a Neutral, The Architectural Alliance Group will meet with the conflicting parties and their counsel to develop a complete understanding of the issues involved. AAG will review and analyze all relevant project documentation and information necessary to establish opinions regarding the disputed matters. Upon completion of its analysis, AAG will prepare a written report outlining all findings and opinions and submit to each of the parties for review. AAG will continue working with the parties as requested to assist in facilitating a settlement agreement.

Unique to AAG's approach, when necessary and upon request, AAG will prepare design and construction documents necessary to implement all repair and remediation work. AAG will continue assisting the parties throughout the construction process to ensure that the work is performed in conformance with the documents.



Alternative  
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Resolution



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Support  
Services



Forensics



Risk  
Management



Owner  
Representation