

## James Wright P.E. – Claims & Disputes Services

Engineering/Construction Claims & Disputes -Litigation Support - E-Discovery

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### Discussion

Every capital project experiences changes, and every contract includes provisions to manage these changes. This includes procedure[s] for submitting routine Change Requests and the subsequent review, negotiation and approval thereof. Contracts also typically provide protocol[s] for escalating such matters when approval cannot be achieved at the project level. Normally this is escalation to Executive sponsor[s] in both organizations, and then on to ADR [Alternative Dispute Resolution] via mediation, arbitration, and/or litigation. As the matter escalates, costs increase dramatically for both parties, and the potential for harm to the client/contractor relationship, especially at the project level, increases.

When the matter begins to escalate as a “claim” it is essential that the Executives are fully informed as to the issues, facts, and relevant applicable contract provisions to inform decisions re: settlement or ADR. This assessment necessitates interviewing key project staff, understanding the details of the issues, reviewing contemporaneous project documentation, and review of relevant contractual provisions. This assessment is best performed by personnel independent of the project staff who have experience in changes, claims, and especially ADR. If the matter further advances to arbitration or litigation, an experienced liaison is also needed between the project staff and the counsel engaged to oversee the ADR.

### Claims Services

The above discussion precisely describes the experience and expertise of James Wright during his 6-1/2 year tenure as a Contract Claims Specialist in the Halliburton/KBR Law Dept. Having previously served as testifying expert in such matters while Principal of his own Project Management firm, he was recruited to Halliburton and provided these services on KBR, Brown & Root Offshore and Halliburton Oilfield Services contracts in matters ranging from \$1MM to \$100+MM. In this position, he authored Claims requests and engaged/managed outside experts when deemed necessary. He also served as Halliburton’s Director of E-Discovery during his latter tenure there.

Rather than joining one of the local Construction Claims firms who offer similar services, James remains an independent consultant working for both Contractors and Owners to facilitate resolution of claims and disputes.