

SUBJ: STORY IDEA: 6 Reasons Why Construction Risk Management Databases May Open the Door to Litigation Risk

Hello {{MediaContactFirstName}},

I thought you might be interested in this story about construction risk management databases and issues that may open the door to litigation risk, by construction dispute thought leader Jim Gallagher, of Resolution Management Consultants.

A release with further detail on Jim's insight is included below. Please let me know if I can provide more information or arrange an interview. Thank you for your consideration.

Best, Leo Levinson leo@grouplevinson.com 215-545-4600

FOR IMMEDIATE RELEASE:

**CONSTRUCTION INDUSTRY THOUGHT LEADER:
6 REASONS WHY CONSTRUCTION RISK MANAGEMENT DATABASES
MAY OPEN THE DOOR TO LITIGATION RISK**

(Philadelphia, PA) The construction industry's continuing evolution away from written records to digital ones has provided owners, designers and construction managers with an abundance of easy-to-access information. The databases storing this information have become useful for risk management by enabling analysis of past data to predict future time, personnel and budget expectations. Today, innovative software and digital programming is available to facilitate database collection of construction data and its analysis.

James Gallagher, Partner at Resolution Management Consultants, Inc., said, "Database analysis is a valuable step forward in construction, however because it might only provide part of the story, it can open the parties to the very risk they were hoping to manage, leading to disputes and litigation."

Gallagher cautions that although databases may be valuable for analyzing history, they are limited because they rarely reflect why problems or delays happened nor do they anticipate the future. He said, "It is important to understand what are the driving forces that caused the data and whether they are likely to occur again."

Gallagher outlines 6 important issues that database analysis won't reveal:

- 1) The impact of the selection of the product delivery system - design-build, design-bid-build or other - on the data and the final outcome of the project.
- 2) How much flexibility there was in the delivery date? Projects may be managed differently if there was a tighter deadline versus having more leeway.
- 3) How did the commitment of resources affect the actual results? In other words, how did supply chain issues, transportation issues and other resource availability factors influence data in a database.
- 4) How did the environment during the period when data was collected influence the data? For example, was data collected during Covid lockdowns a valid indicator? Is the past always prologue?
- 5) How have local laws, rules, taxes and other local influences and changes affected the data? As well, how will expected future local changes affect future projects?
- 6) We must also take into account the degree of completeness of

documents prior to starting the data gathering and analysis. What is the foundation of information prior to the data collection?

Said Gallagher, "Databases must be looked at as a starting point, but without an advisory perspective, the predictive qualities are limited, and may even put entities at risk for litigation, if blindly followed. It is important to review the environment in which the data was collected to anticipate what can derail a project from issues that a database cannot predict."

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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