McElroy Deutsch

Surety



Helping surety clients to choose and execute a effective course of action.

McElroy Deutsch enjoys a national reputation in surety litigation and transactions, construction litigation and transactions, insurance, bankruptcy and commercial litigation, and other related areas. Our law firm's surety practice includes representation of major, middle and small market sureties located throughout the world. Although our surety lawyers are often engaged before litigation or other formal dispute resolution processes begin, our team includes seasoned trial lawyers that regularly litigate and arbitrate performance and payment bond claims and commercial disputes, including bad faith claims, throughout the country.

Our law firm has substantial experience assisting sureties with their investigations and adjustment strategies on projects plagued by changed conditions, defective work, delays, and design, warranty, labor, and material procurement issues, among other things. Our surety attorneys have experience with all types of vertical and horizontal construction projects throughout the world, including projects on military bases, for waste treatment plants, railroads, terminals, roads, highways, bridges, airports, schools, commercial developments, office buildings, manufacturing facilities, stadiums and hospitals.

McElroy Deutsch surety lawyers have decades of experience helping its surety clients choose and execute a course of action following a default, including financing the account, securing bonded contract receivables and other collateral, re-procurement and denying claims. Our law firm regularly helps its surety clients implement a given strategy by drafting and negotiating takeover, tender,

completion, ratification and “buy back” agreements. Our surety lawyers also advise and represent sureties with regard to project payables, payment bond claims and liens, and have provided advice, guidance and representation to third-party claim administrators.

McElroy Deutsch aggressively pursues recovery for its surety clients. Our surety lawyers successfully prosecuted claims against public and private owners involving cost-overruns and impacts attributable to delays, disruptions, differing site conditions, and other forms of equitable adjustments. We also have regular success in assisting our clients pursue claims against corporate and individual indemnitors, including claims for fraudulent conveyance, as well as claims against lenders and other third-parties further to a surety’s applicable subrogation, assignment and other related rights. Our surety lawyers routinely represent contract and commercial sureties during the underwriting process, working with and advising clients of risks and benefits of particular bond forms, bond programs, indemnity agreements and collateral packages. McElroy Deutsch is also adept in dealing with principals’ and indemnitors’ workouts, reorganizations, mergers and acquisitions, and our surety attorneys have represented sureties in connection with their due diligence efforts tied to a surety’s potential merger with or acquisition of another surety company.

We also regularly handle commercial surety claims and matters. Our surety lawyers assist commercial surety clients with all aspects of the claim process, including investigation, coverage determinations, litigation and recovery, in connection with a wide range of commercial surety products. Among the commercial surety bonds, we have experience with supersedeas bonds, court bonds, appeal bonds, injunction bonds, public official bonds, license and permit bonds, reclamation bonds, lease bonds, pole attachment bonds, customs bonds, motor carrier bonds, utility deposit bonds, and subdivision bonds, among other bonds and related instruments. In addition, our law firm has experienced bankruptcy counsel who know how to quickly and efficiently address its surety clients’ concerns and protect their rights in conjunction with financing transactions, liquidations, reorganizations and sales.

McElroy Deutsch’s surety lawyers are active leaders in industry organizations. Our lawyers have contributed to a variety of publications and articles and are routinely asked to speak at industry events. McElroy Deutsch is involved in many surety organizations, including the Fidelity and Surety Law Section of the American Bar Association, surety-related state bar associations, National Bond Claims Association, Surety and Fidelity Association of America, Surety Claims Institute and Defense Research Institute.

Related Practices

Construction
Fidelity



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