Preface to the 2019 Edition

Schedule delay, disruption, and acceleration bridge many divides in construction disputes, affecting proof of liability and damages and requiring both legal and technical acumen to apply correctly and consistently. As a result, the field represents one of the more complicated subsets of construction law that uniquely blends legal and technical skills. This book endeavors to examine the major issues that arise in this field and distill a qualitative and quantitative analysis of relevant legal authorities into a single volume resource.

For the 2019 edition, we updated and revised the book to incorporate new cases since the 2018 update covering schedule delay and disruption, waiver of the completion date, and liquidated damages in termination for convenience cases.

For the schedule delay analysis method section, there were some significant decisions from last update, including a case finding the collapsed as-built method “unreliable.” We reviewed and included 12 new case references to specific methods from the United States, the United Kingdom, Australia, and Hong Kong. These citations include:

- 4 additional time impact analysis cases
- 1 additional as-built critical path case
- 1 additional collapsed as-built case
- 2 additional impacted as-planned cases
- 4 additional as-planned versus as-built cases

For the disruption method section, one of the significant decisions since last update was a court finding that an expert’s use of the MCAA manual was inadmissible in accordance with Federal Rule of Evidence 702 and Daubert. In total, we added 16 new citations to specific methods, including:

- 3 additional measured mile cases
- 4 additional modified total cost cases
- 3 additional total cost cases
- 4 additional productivity factor cases
- 2 additional visual observation/judgment cases

The addition of the new delay and disruption cases brings the analysis totals to 226 delay analysis method cases and 218 disruption method cases, for a total of 444 cases covered in the book material referencing specific methods for proving delay or disruption. All of the charts, analysis, and statistics have been
updated to reflect the added cases.

We hope you enjoy the 2019 additions.

W. Stephen Dale
Robert M. D’Onofrio
July 2019