

Deardorff simplifies construction litigation

Few areas of law are as complex as construction litigation.

When a new construction project is faulty, finger-pointing is unavoidable. Who is to blame? The general contractor? The numerous subcontractors? The architects? The project engineers? The materialmen? The owners?

And as if sorting out who is to blame isn't complex enough, there are also the questions about whether the responsible parties' insurance policies provide coverage for the damages.

Were that not complex enough, some of the defendants blaming each other may also be covered by the same insurer. Among the small group of Wisconsin attorneys who spend the bulk of their time sorting out these complex disputes is Simpson & Deardorff attorney Stuart R. Deardorff.

A big focus today is on trying to reduce the litigation costs involved. Litigation can go on for years, with an army of lawyers representing different parties, and more spent on legal fees than the claims themselves.

"There has to be a better way to do it," Deardorff said.

To that end, construction attorneys are getting involved in early

discovery, and moving quickly to alternative dispute resolution, before the legal expenses take off and only make settlement more difficult.

In some cases, Deardorff won't represent any of the defendants on liability issues, instead working with the insurer to oversee the coverage issues.

Deardorff got into insurance defense after serving four years in the U.S. Navy JAG Corps after

graduation. He joined Heritage Insurance (now Acuity) in 1992.

When Acuity decided in 2000 to switch to relying on outside counsel instead, Deardorff joined fellow Acuity attorney Arthur Simpson to form his own firm, with Acuity as its primary client.

In addition to Acuity, the firm also represents many other regional insurance companies, including Society, West Bend and Mercury.

Today, the Milwaukee firm has five partners, four associates, and a business model based on hiring good associates and giving them increasing responsibility rapidly, with an eye towards rewarding them with partnership when they are ready.

When the firm first started, Deardorff says, they trained too many good associates just to see them leave to bigger firms.

Of course, managing a law firm isn't all that simple. But Deardorff makes it sound a lot less complex than construction litigation.

— David Ziemer

STUART R. DEARDORFF

EDUCATION:

University of Wisconsin, 1983;
Chicago-Kent College of Law, 1987

EMPLOYMENT:

Simpson & Deardorff, Milwaukee, 2000-present

AFFILIATIONS:

Milwaukee Bar Association;
Wisconsin Defense Counsel; Defense Research Institute

