



Leading Out Loud: Construction


By Pete Fowler
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»»» We have seen some impressive advances recently in the technologies used in forensic investigations. How have organizations refined these technologies to conduct even more thorough investigations and better serve clients?

PETE FOWLER:

This question almost makes my head explode, because in addition to my B.S. in construction management, I have a minor in information systems, and I spent much of the last 25 years building a magical proprietary information system where everything is connected to everything, with the specific intent of making it easier for us to serve clients better, faster, and cheaper. For example, we set up every project in our cloud-based system, conduct onsite investigations using a smart phone application we built, upload high-resolution photos, and make them available to clients via password-protected client access, along with every other document we receive or create. All data integrates into our analysis and reporting seamlessly, and it's all saved forever, for no additional cost to clients.

Along this same line, I recently co-authored an article in Construction Claims Magazine called "Information Overload: In Construction, New Data and Technologies Are Everywhere. How We Use and Process It All Matters." We address many of the technologies we are seeing in claims, including building information modeling (BIM) and other design tools, proprietary and commercial file and project management applications, and a multitude of imaging technologies, including enhanced PDFs, Matterport, and drones.

 *Have there been any surprises with the investigative tools and technologies developed—perhaps a technology or technique that is yielding unexpected benefits in forensic investigations?*

PETE FOWLER:

Hands down, Matterport is the surprise winner in construction claims. They say their technology creates “...an immersive digital twin.” It is a proprietary camera+software combination that gained popularity in the real-estate industry for allowing creation of virtual walk-throughs online. For construction, and especially claims, Matterport is a tool to document the conditions of a property at a given point in time. Of course, the camera is expensive, and it requires specialized training and a subscription, so widespread use is not likely. For projects that are halted for some reason, Matterport is perfect, because we can capture almost every inch of a building’s interior at the rate of approximately 1,000 square feet per hour. This is far faster than a thorough forensic investigation can be executed, and the ability to “walk-through” afterward allows us to gain insights that we might miss by only taking photos.

 *Has there been a shift in types of construction lawsuits you are seeing this year, and, if so, what is driving that shift?*

PETE FOWLER:

Unfortunately, we are seeing a lot more injury claims; in particular, those that have resulted in death. It’s tragic. Often, these claims come from less sophisticated parties, including unlicensed contractors, and many of the victims are undocumented immigrants. Of course, we never know if our project experience is related to general market trends or to our specific expertise or niche in the marketplace.

 *Given some of the challenges facing the construction industry today, what is the best advice to construction firms for avoiding claims and litigation in today’s landscape?*

PETE FOWLER:

The ABC’s of risk management: Avoid the most dangerous situations. Be really good at what you do. Cover your assets with excellent contracts by smart lawyers and appropriate insurance coverage from smart brokers. Further, focus on high-risk building elements, especially any system that carries or should manage water in, around, or through the building. Apply tried-and-true quality management and continuous process improvement tools, including Lean.

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