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David Travers Writes “SJC Ruling Brings Law in Line With Industry Practices” for *Banker & Tradesman*

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David Travers wrote an article for the July 9 issue of *Banker & Tradesman* on an SJC ruling about construction contracts. Here is an excerpt from the article:

Since at least 1940, parties to construction contracts have been held to high standards of showing “complete and strict performance of all [of the construction contract’s] terms.” This has historically turned otherwise straightforward disputes over payment into battles where the parties could point to any performance failure as a basis to avoid liability. It also impacted construction projects in the context of termination where any breach of a construction contract was a default that could lead to termination. The result was that owners and upstream contractors had significant leverage to enforce their contracts.

That rule changed on June 13 when the Commonwealth’s Supreme Judicial Court issued its decision in *G4S Technology LLC v. Massachusetts Technology Park Corporation*, in which a design builder on a publicly funded broadband installation project had its breach of contract claims dismissed due to evidence of having submitted false payment certifications. The SJC expressly overruled its prior decisions and instituted a new rule that more accurately reflects the realities of an industry that is infinitely more complex than it was in the 1940s.

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