

MEMBER SPOTLIGHT



An experienced business/construction litigation attorney representing national and international companies, **Rosaria (Rose) Suriano** brings to her clients over 29 years of trial and appellate court experience in both state and federal courts across the country. Throughout her career, Rose has worked for several of the state's most prominent law firms. She has successfully handled complex contract and business matters, including claims between members of limited liability companies, partnership/shareholder disputes, theft and misappropriation of trade secrets and proprietary information, restrictive covenant litigation, domain name disputes, theft of computer data, and a wide variety of other contract and business

disputes. Rose handles construction and real estate claims, including claims between general contractors, construction managers, and subcontractors. She has litigated delay claims, defect claims, and non-payment claims in the construction industry. A true leader, Rose is a member of several organizations and the recipient of many honors and awards. In 2019, she was named a "Women of Achievement" by the New Jersey chapter of Professional Women in Construction.

Rose comes from Brach Eichler LLC: Since its founding in 1967, Brach Eichler has built trusted, personal relationships with its clients, rendering advice that is business-savvy and creative, yet practical. A recognized pioneer in many practice areas, Brach Eichler is a multidisciplinary firm dedicated to serving the myriad needs of clients from multiple industries. Brach Eichler is known for "getting the deal done" with its clients' interests well represented and always at the forefront of the process. For more information on Brach Eichler LLC and their areas of practice, please visit <https://www.bracheichler.com/>

What changes to the construction industry have you seen over the span of your career?

"The biggest change I have seen is that contractors and subcontractors absolutely need a lawyer these days! Agreements can no longer be done on a handshake. Contractors need to respond to daily letters and claims. Although a contractor should only be interested in getting his/her job done, the reality is that daily letters, demands, claims, and threats, need a response and action. A paper trail is needed to protect the company's position and interests. Today, long and complicated documents involving contractors and subcontractors are the norm. If you are signing a document that you do not understand, or fail to respond to an important letter, you may open up the company and yourself to liability. Documenting what happens during the course of a job, or in the event of a dispute, is a must for the protection of all parties. It never used to be this way, but now it's the only way to successfully conduct business."

What is the biggest challenge of working in the construction industry?

"From a legal perspective, there are often situations where contractors and subcontractors work without finalized contracts, and in some cases, without a contract at all. Contracts protect a company's rights, provide limits on liabilities and exposure, and control risk. (answer continued on the next page)

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"In most cases, it sets a tone so that expectations are met. When there is no contract, or where a contract has not been reviewed by an attorney, contractors and subcontractors are left wide open as to their rights, obligations, and work requirements. I often tell contractors that the cost of having an attorney review a contract is nominal in comparison to the cost involved if a lawsuit is filed. Lawsuits are expensive, unpredictable, and very time consuming. If a lawsuit is unavoidable, a contract that protects the company's interest will help navigate through the lawsuit and streamline the issues. No contract, or a poorly written one, makes it more difficult for me to protect my clients' interests and obtain a positive result. Early in the process, there must be direction on how to handle critical aspects of the project, including disputes, through a signed agreement. Another significant challenge I see in the construction industry is ensuring that the payment stream works efficiently and effectively. Every contractor should get paid and then pay its subs, and so on down the chain. When this does not happen, problems develop, tempers escalate, and, in some cases, projects come to a halt. If the project is disrupted, delay claims are triggered, liquidated damages may be imposed, and lawsuits are filed. Payment issues should be addressed early on and handled appropriately. This is critical to avoid major disputes and to prevent the destruction of relationships. It also helps get the project completed on time. Lastly, being a woman in the construction industry still has its challenges but should never stand in the way of being firm, persistent, and being tenacious. Gender is irrelevant to the ability to be successful in this field."