

The recession hit construction firms hard, and by association their specially trained legal counsel have struggled, too. For lawyer Carol Coplan Babbitt, though, a second focus on employment law has been a saving grace.

Interview by Erin Ercolano

At a Glance

Location

Chicago

Founded

1997

Employees

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Specialty

General commercial litigation with a focus on construction litigation and employment law



Carol Coplan Babbitt had eight years' worth of construction-litigation experience when she decided to start her own firm, the **Law Office of Carol Coplan Babbitt**, in April 1997. And after the attorney she rented office space from offered her some overflow work, Babbitt also began handling employment cases.

Construction and employment law may not immediately seem to have much in common, but Babbitt's dual focus has helped her build a successful Chicago-based legal practice that's earned collections ranging from \$5,000 to \$1.4 million for construction clients, and it also won a consumer class claim settlement of \$3.1 million. Babbitt spoke with *American Builders Quarterly* about the recession's effect on construction, when builders should hire a lawyer, and the advantages of hiring a solo practitioner.

"Call an attorney before you think you need one."

CAROL COPLAN BABBITT, OWNER

The construction industry has often been thought of as a traditionally male-dominated field. Do you find that to be true?

Carol Coplan Babbitt: Twenty years ago, I was definitely an odd duck. I was often the only woman sitting at a table of all men. Many of the men believed that as a woman, I couldn't figure out what to do. As it turns out, women can. But there are so many more women in the construction field [now]. I'm very pleased that I rode it out.

From a legal perspective, how has the construction industry fared in recent years?

CCB: A couple years ago, when the economy went through its lowest point, the construction trade really suffered. New projects didn't really crop up. Having the diversity of knowing employment law has made me secure in a time of uncertainty, and [it] allowed me to continue assisting the clients I already had.

Has your job changed because of the economy?

CCB: My role as an attorney has changed tremendously with the economic downturn. If there's nothing left, it makes it very difficult for you to collect.

Are things improving?

CCB: It's getting better. I'm seeing more activity, and that's a good sign, but you have to adapt. If you don't pay attention to the environment you're in, you're not going to be successful.

How have you weathered the storm?

CCB: Building relationships is key. Many construction companies are still very much mom-and-pop-type companies, and many of the bigger ones are [led by] very loyal people who like a long-term relationship instead of a short-term one.

Are there advantages to a construction company using the same attorney for many years?

CCB: Absolutely. Different companies invoice in different ways: there's 30-day billing, per-piece billing, all kinds of variations. And once I learn that, I can argue negotiations with people that somebody new cannot do.

Are you finding that large companies are considering smaller firms because such firms are a more reasonably priced option?

CCB: There are so many benefits to [using] a solo practitioner. I'm going to work on your file; I'm not going to pass it to an associate. I can keep rates down, and people have negotiated rates with me.

How have you helped construction-industry employees use legislation such as the Mechanics Lien Act to get paid for their work?

CCB: The Mechanics Lien Act is a way for a subcontractor to assert an interest against an owner of a property when the subcontractor didn't have a contract with the owner but had it with the general contractor. In the business world, you can't go after the owner

of a building, so it gives you a way to collect for work you've done. It's an excellent tool for any contractor.

Do companies contact you more often to prevent conflicts, or do they tend to wait for an issue to arise?

CCB: That's one of the biggest problems I see. There are organizations that, by nature, just aren't proactive. My advice is, call an attorney before you think you need one. It's certainly cheaper to pay me to advise you than to draft the lien, file the complaint, and there you are in the middle of a lawsuit—which is draining and uncertain from the get-go.

What tips would you give attorneys starting out in the field?

CCB: Be open to learning about as many areas [of the law] as you can. Because I know employment and construction law, I can do more than just a client's mechanics lien or collections work; I can also help with their discrimination investigations, for example. Just like with any entrepreneur, it's about building relationships. It's not just about doing work—it's about learning their business. **ABQ**