

Construction Law in North Carolina

Melissa Dewey Brumback
2840 Plaza Place, Suite 400
Raleigh, NC 27612

Phone: (919) 881-2214
Fax: (919) 783-8991
Email: mbrumback@rl-law.com
Website: constructionlawNC.com

Why words matter (aka Shakespeare for Architects & Engineers) (Law note)

September 29, 2011 by Melissa Brumback

***“What’s in a name? That which we call a rose
By any other name would smell as sweet.”***

Romeo and Juliet (II, ii, 1-2)



Words do matter. In the context of construction law, there are some words that you should avoid at all costs. Top of the list is the word *inspect*. If your contract gives you the responsibility of *inspecting* the contractor’s work, stop. Do not pass go. Do not collect \$200. *Inspection* (at least to some owners and juries) connotes that a thorough review will be provided, and that every fault will be identified. Instead of *Inspection*, a better word for your construction contract is *Observe*. You should not be providing *periodic inspection*. Instead, provide *periodic observation*.

Am I nit-picking? Perhaps. But inspect implies a much stronger duty than observe. (Just my personal *observation!*). There are other words you should also avoid in construction contracts.

Construction Law in North Carolina

Melissa Dewey Brumback
2840 Plaza Place, Suite 400
Raleigh, NC 27612

Phone: (919) 881-2214
Fax: (919) 783-8991
Email: mbrumback@rl-law.com
Website: constructionlawNC.com

Instead of *certify*, try *review*

Instead of *approving* shop drawings, try *No exceptions noted*

Instead of *best (or highest) standards*, try meet the [professional standard of care](#)

Instead of *immediately*, try *without undue delay*

This list is just a sample. There are many other words to be leery of, including *guarantee*, *warrant*, *insure*, and *ensure*.

In doubt about whether your contract contains dangerous words that may expose you to extra legal liability? Write your contract as if [your attorney is looking over your shoulder](#). Keep in mind, both Romeo and Juliet learned the hard way that words do indeed matter.

Welcome to my new readers. If you have not already done so, sign up for email delivery so you never miss a post from *Construction Law in NC*. I welcome your comments & thoughts.

Photo: (c) [freefoto.com](#).

This document is intended for general informational purposes only and does not provide any legal advice nor create any attorney-client relationship.

Statutes and case law vary from jurisdiction to jurisdiction. Information presented here may not be applicable to any individual situation. You should consult a licensed attorney in your jurisdiction for legal advice relating to your specific situation.

The opinions expressed herein are those of the author and not of Ragsdale Liggett PLLC.

All material in this blog copyright 2009-2011.