



Construction Consultants + Forensic Expert Witnesses + Mediation

1202 Greenacre Avenue | West Hollywood, CA 90046-5708

TEL: 800-684-9100 - 323-874-8973 | FAX: 323-874-8948

WEB: [www.mpgroup.com](http://www.mpgroup.com) | E-MAIL: [mroles@mpgroup.com](mailto:mroles@mpgroup.com)

California Contractors License No. 263193-B

Established in 1962

## Pre-Litigation and Litigated Construction Site Inspections

### *WHAT WE WILL AND WILL NOT DO*

MPGroup is a collaboration of architects, engineers, contractors, and other construction technical experts skilled in the design, project management, and construction of all types of buildings for human occupancy: apartments, commercial, condominiums, custom homes, fire stations, hospitals, hotels, industrial, office buildings, police stations, public schools, public works, shopping centers, single-family residential, skilled nursing facilities, tenant improvement, theme parks, and tract housing.

We specialize in all types of CONSTRUCTION RELATED Forensic (*meaning "for the Court"*) Expert Witness, Mediation, and Forensic Photography services for the legal, insurance, and business communities, for more than 40 years.

Often we are contacted by private individuals or businesses that may become or have been involved in a construction related claim. All too often the caller contacts our office seeking help before they have retained an attorney to represent their legal interests.

Since we are not lawyers, we are not permitted by law to give any legal advice and, therefore, we recommend that if you are not already represented by legal counsel, we strongly advise that you retain an experienced attorney who specializes in the practice of construction and/or real estate law.

The relationship between an attorney and their client is protected by what is called "the attorney-client privilege." This means that everything that is disclosed between the attorney and their client cannot be discovered by the other side during the litigation process; it is confidential.

However, the attorney-client privilege does NOT extend to professionals conducting themselves as "Expert Witnesses" once they have been designated by an attorney (*plaintiff or defense*) as a potential testifying expert to the opposition and the Court. Everything read, written, overheard or otherwise obtained by the designated expert witness must be disclosed and turned over to the opposing attorney, even if the information, conversation or documentation was obtained prior to his/her designation as an expert witness.



## Pre-Litigation and Litigated Construction Site Inspections

### *WHAT WE WILL AND WILL NOT DO*

Experience has demonstrated that the majority of attorneys we work with have clearly stated that they do not want us to issue any written report containing any statement(s) which may damage the credibility of the writer in the future. It is therefore, for that reason we hesitate to issue any written report without consent of legal counsel of record, since credibility is essential.

When we are retained by an individual (*actual or potential plaintiff or defendant*) to consult regarding issues pertaining to construction related matters, we may provide an inspection of the premises, in accordance with the following conditions:

### **WHAT WE WILL AND WILL NOT DO**

1. All site inspections are based upon a visual observation of areas that are readily accessible without the use of special tools and/or equipment.
2. Any concealed items which are not accessible to visual inspection are expressly excluded.
3. We will not move any furniture, equipment or personal property.
4. We will not conduct any destructive testing or dismantling of any substance or equipment, unless special arrangements are made in advance of the site inspection.
5. Safe access to roofs and attics and all other areas must be provided by others.
6. Should multiple units or structures be involved in the site inspection, full and unrestricted access is required within a single day, or special arrangements for multiple inspections shall be made in advance of the scheduled inspection.
7. We will photo document the conditions which exist at the time of the inspection, and provide all copies of digital images to the client for demonstrative evidence purposes.
8. In order to preserve the "attorney-client privilege" we strongly recommend that a written report of our inspection be withheld unless and until approved by legal counsel of record.
9. In the event our consulting services are being retained PRIOR to an attorney being retained by the client, we shall provide our services as "CONSULTANTS" only and advise you that a written report may not be advisable unless sanctioned by clients' attorney in advance of our site inspection.
10. If client has retained the services of an attorney, and in order to preserve the "attorney-client privilege" we reserve the right to provide our services through and under the direct supervision of the attorney of record. We also advise that both the client and attorney accompany us during the site inspection.

###