



BASSFORD REMELE

# Legal Foundations

A Publication of the Construction and Real Estate Practice Group

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**FEBRUARY 2025**

OSHA Updates Personal Protective Equipment Standard for Construction Workers

The Advantages and Disadvantages of Arbitrating Disputes

It's Time to Revisit the Basics of Mechanic's Lien

Bassford Remele in the Community



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Nothing in this publication creates an attorney-client relationship between the reader and Bassford Remele, P.A. This publication is advertising material that contains educational content, but this content is not to be construed as legal advice.



# From the Practice Group Chairs

2025 is shaping up to be another consequential year for the real estate and construction industries. With shifting market conditions, evolving regulations, and emerging risks, staying informed is critical. Through our weekly publications like *The Work Week*, *Legal Foundations*, and our periodic flash alerts—we'll keep you updated on key legal developments and their impact on the industry.

To stay ahead of these changes and continue delivering exceptional legal counsel, we've strengthened our team. Jim Kovacs has been elected shareholder, bringing deep experience in complex litigation and appellate advocacy. We have also added associates Marshall Hall, who focuses on construction litigation and cybersecurity, and Natalie Thomas, who focuses on general construction and real estate disputes resolution to our team.

This issue covers critical legal updates:

- OSHA's Updated PPE Standard (effective January 13, 2025): Employers must ensure properly fitting protective equipment; now is the time to review compliance protocols.
- Arbitration in Construction and Real Estate: Key considerations, from faster resolution to limited appeal options, and how to structure agreements to your advantage.
- Mechanic's Liens: Five Key Considerations to ensure proper filing and enforcement.

Looking ahead, watch for our Q2 edition, where we'll break down major state and federal regulatory shifts, the interplay of market trends and the law, and key takeaways from our Annual Construction Summit on February 6.

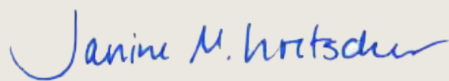
As always, we're here to help you navigate these issues. Reach out with any questions or legal needs.

Thank you for your continued trust in Bassford Remele.

Best regards,



Kyle Willems



Janine Loetscher



Jeffrey Mulder

*Construction and Real Estate Practice Group Co-Chairs*



BASSFORD REMELE

# Team Member Intro

## JAMES KOVACS

### Where are you from?

White Bear Lake (GO BEARS!)

### What do you do in the real estate and construction industry?

As a real estate and construction trial lawyer, I represent clients involved in legal disputes related to real estate transactions, property development, and construction projects. This includes a variety of different matters, including contract disputes, defending and prosecuting claims for construction defects, zoning and land use issues, property damage claims, environmental regulations, and disputes between contractors, subcontractors, and property owners. I counsel my clients through negotiations, drafting contracts, and ensuring compliance with laws and regulations. And when disputes cannot be resolved through negotiation, I represent my clients in all phases of litigation, from the drafting of pleadings all the way to the court of appeals. I leverage my knowledge and experience to help clients navigate complex legal challenges and minimize financial risks.

### How would you describe your job to a five-year-old?

As a father of young children (6, 4, 1), I tell them that I help people resolve problems they might have with others.

### First job?

My first job was a “dock boy” at Tally’s Dockside on White Bear Lake.

### What did you want to be when you grew up?

Professional athlete.

### What is the best super power?

I think flying would be the best.

### If you could pick up a new skill in an instant, what would it be?

I would like to learn a new language.

### You can only eat one food for the rest of your life.

#### What is it?

Steak—it is my favorite.

### If you could live in any state, which state would you pick and why?

Minnesota, because this is where all of my family is (but also Hawaii).

### Favorite place you have ever visited?

Hawaii.

### What is on your bucket list?

I want to play golf at Pebble Beach. I have had the privilege of playing golf at some pretty amazing courses (The Ocean Course in Kiawah Island, South



Carolina; and Whistling Straights in Wisconsin), but Pebble Beach is one place I have not been to—yet.

### Favorite family tradition?

Every year my brothers and I play in a golf tournament. Just like how the winner of the Masters gets a green jacket, the winner of our golf tournament gets a “burgundy jacket.” We actually have a burgundy jacket that we pass around to the winner. Importantly, I am the current holder of the burgundy jacket.

### Have you had your 15 minutes of fame yet?

Does being in this publication count?

### Do you collect anything?

Wins for my clients.

### Favorite season?

I like the Fall. It is warm enough where you can still golf and do outdoor activities, but cool enough where you can actually enjoy doing those things.

### Favorite thing you’ve bought in the past year?

I bought myself a new set of golf clubs.

### Favorite charity you wish more people knew about?

Feed My Starving Children is an organization that sends food all over the world to feed those in need. Not only does this organization do good work, but I like that it is interactive and the whole family can get involved. That is, you can actually sign up to help package the food being sent around the world. It is a great way to make a difference and is actually very fun and rewarding. If you have never done it, I recommend you give it a try.

# Team Member Intro

## MARSHALL HALL

### Where are you from?

Hamburg, New York

### What do you do in the real estate and construction industry?

Primarily, I do anything relating to real estate litigation, but I am always doing something to deepen my knowledge and skills in the industry-at-large. I am intrigued by the built environment and the evolution of neighborhoods, so anything related to development, construction, architecture, urban planning, and zoning always piques my interest.

### How would you describe your job to a five-year-old?

I help grown-ups who disagree with each other on who gets to do the grown-up things that they each want to do. Sometimes, I help one side of grown-ups by writing a letter or speaking to a special grown-up that wears funny clothes whose job it is to decide which grown-ups get to do the grown-up things that they each want to do, like when your teacher or parents decide for you when you and your friends or siblings can't decide for yourselves about who gets to play on the iPad or choose the next YouTube video to watch. If the special grown-up likes how I wrote my letter or talked to them, then they will decide that the grown-ups I helped get what they want, and if the special grown-up doesn't like how I wrote my letter or talked to them, then they give the other grown-ups what they want. And sometimes, I help each of the grown-ups get what they want, or get them to agree to share, without having the special grown-up decide for us.

### First job?

Mise en place in my father's restaurant. I am a master at slicing, dicing, mincing, chopping, cubing, julienning, fileting, whisking, measuring, portioning, et al.

### What did you want to be when you grew up?

Quarterback for the Buffalo Bills until I won a Super Bowl, then become a Lawyer and win the Presidency as soon as I turned 35.

### What is the best superpower?

Teleportation

### If you could pick up a new skill in an instant, what would it be?

Fluency in every language

### Have you ever met anyone famous, and who?

Hulk Hogan

### You can only eat one food for the rest of your life.

#### What is it?

New York Style Pizza

### What is a weird food you have tried?

Fermented Shark Meat (Iceland)



### If you could live in any state, which state would you pick and why?

Minnesota — Natural Beauty, Access to Freshwater, and High Quality of Living

New York — Natural Beauty, Access to Freshwater, and High Quality of Living

### Favorite place you have ever visited?

Basque Country (France and Spain)

### What is on your bucket list?

Compete on Jeopardy

### Favorite family tradition?

Thanksgiving in Flagstaff

### Do you collect anything?

Books and Cookware

### Favorite season?

Spooky Season

### Favorite thing you've bought in the past year?

Red Wing Classic Chelsea Boots

### Favorite charity you wish more people knew about?

Minneapolis Sailing Center

### What is one thing that people would be surprised to learn about you?

I have had no social media for five years, despite being an extrovert.

### Anything else you can think of?

Memento Mori

# Team Member Intro

## NATALIE THOMAS

### Where are you from?

Overland Park, Kansas. I moved to Minneapolis to attend college at the University of Minnesota and fell in love with the Minnesota lifestyle. However, I remain a loyal Kansas City Chiefs fan.

### What do you do in the real estate & construction industry?

I help clients of all types—general contractors, subcontractors and homeowners navigate their way through the legal system. Whether the client is considering litigation or other dispute resolution mechanisms or drafting business documents to minimize potential disputes down the road, I provide support, guidance, and legal advice to meet their unique needs.

### How would you describe your job to a five-year-old?

I try to help the good guys win and make sure that things are fair.

### First job? I was the neighborhood babysitter.

### What did you want to be when you grew up?

A kindergarten teacher.

### What is the best super power?

Teleportation—being able to travel anywhere at any time would be amazing.

### If you could pick up a new skill in an instant, what would it be?

How to properly fold a fitted sheet. I am very Type-A so it drives me crazy I cannot perfect folding a fitted sheet. I have tried YouTube, but to no avail, it ends up looking cattywampus.

### Have you ever met anyone famous, and who?

I met Pink at a concert in Kansas City sponsored by the local radio station for the up-and-coming artists back in like 2006. I was in elementary school, and thought it was the coolest thing ever to have her autograph.

### You can only eat one food for the rest of your life.

#### What is it?

Tacos because you can never go wrong with tacos.

### What is a weird food you have tried?

I studied abroad in Spain and my host family was a big player in the jamon industry. We had a multi-course dinner party with other Spanish businesspeople, and they served some interesting dishes including blood. I am not picky and tried it, but cannot say it was my favorite.

### If you could live in any state, which state would you pick and why?

New York. My dad lives in New York City and every day feels like something brand new.

### Favorite place you have ever visited?

The Champagne Region of France

### What is on your bucket list?

Hike the Camino de Santiago.



**Favorite family tradition?** Matching Christmas PJs and breakfast on Christmas morning.

### Do you collect anything?

I collect Starbucks coffee mugs from the different Starbucks around the world to remember my travels.

### Favorite season?

Fall

### Favorite thing you've bought in the past year?

A hybrid car.

### Favorite charity you wish more people knew about?

I think a lot of people know about the American Red Cross, but I do not think enough people donate blood. I am a huge advocate for encouraging others to donate blood and to realize the lifesaving effects of blood donation. I am a regular blood and plasma donor, and donate a gallon of blood each year.

### What is one thing that people would be surprised to learn about you?

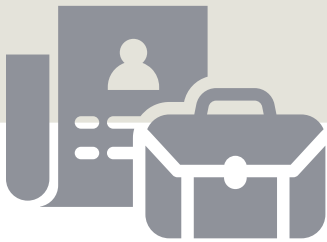
I originally wanted to be a patent prosecution attorney and quickly realized that I needed to litigate.

### What drew you to Construction & Real Estate Law?

My family has a rich history in the construction industry—my maternal grandparents had 10 children (my mother is the youngest and only girl)—my grandfather was a painter, and my uncles followed suit with their own construction endeavors in residential home construction, earthwork, and concrete and asphalt paving. Many of my cousins and other distant relatives also work in the industry, so it felt like a natural fit. An industry that reminded me of family and the values I was taught growing up.



# Employment Corner



## OSHA Updates Personal Protective Equipment Standard for Construction Workers

By Michael J. Pfau

The Occupational Safety and Health Administration (OSHA) has updated its regulations regarding personal protective equipment (PPE) in the construction industry. Published on December 12, 2024, the new rule took effect on January 13, 2025. The new rule amends 29 C.F.R. § 1926.95(c) to explicitly require that PPE must “properly fit” each affected employee to ensure adequate protection and workplace safety.

### Key Changes in the Rule

Previously, OSHA’s PPE standard for construction only required that equipment be of “safe design and construction” but did not specifically address whether the equipment fit the individual using it. This lack of specificity sometimes left workers with PPE that was ill-fitting, reducing its effectiveness and potentially introducing additional hazards. This was especially prevalent for women in the industry who were often left to use equipment designed for men.

The updated rule aligns the construction standard with similar provisions in OSHA’s general industry and shipyard employment standards. These already emphasize that PPE must fit properly to provide the intended protection.

### Why Proper Fit Matters

Properly fitting PPE is critical to worker safety. Ill-fitting equipment can:

- Compromise protection, leaving workers vulnerable to hazards.
- Be uncomfortable, reducing compliance with PPE usage requirements.
- Create secondary hazards, such as loose equipment getting caught in machinery.

By mandating a proper fit, the updated rule ensures that all construction workers have access to PPE that performs effectively and does not hinder their ability to work safely. The new rule also reflects the evolving workforce in the construction industry.

### Compliance and Economic Impact

OSHA has stated that this amendment will not impose significant new costs on employers or have a disproportionate impact on small businesses. OSHA maintains that the rule clarifies employers’ existing responsibility to ensure their employees are adequately protected, rather than introducing entirely new obligations.

The new rule, however, does leave some gaps as it does not explicitly define “properly fit.” The rule, as it does in the industry and shipyards standards defines “properly fits” as the PPE being appropriate size to provide an employee with the necessary protection from hazards and does not create additional safety and health hazards arising from being either too small or too large. While OSHA received numerous comments during the rule-making process to provide more guidance as to what constitutes “properly fits,” OSHA declined and stated in the rule’s preamble that after it reviewed the comments, it believed that the proposed language accomplishes the goal of having clear and explicit language.

### Next Steps for Employers

To ensure compliance with the updated rule, employers should conduct a review of your PPE inventory to identify whether it fits all employees appropriately, or where gaps exist. Employers should also train supervisors and workers on the importance of properly fitting PPE and how to assess that the fit is indeed proper. Finally, employers should look into updating their procurement processes to include fit considerations for all new PPE.

Employers should act promptly to align with the updated requirements and ensuring a safer working environment for construction employees. The Bassford Remele [Employment Law Practice Group](#) can guide employers in understanding and implementing compliance measures to protect their workforce and avoid penalties. Please reach out with any questions with new hiring and recruiting standards.

# Accolades



**Kyle Willems** was selected to *The Best Lawyers in America* and to the Minnesota Rising Stars list by *Super Lawyers*. Kyle has also been selected to the *Minnesota Monthly* Top Lawyers list in Construction Litigation. This list was generated from a survey collectively run by

Professional Research Services and *Minnesota Monthly* in which actively practicing attorneys were eligible to vote for their fellow attorneys that they believe are the best in their field of law. Kyle is a Master of the Amdahl Inn of Court and serves on the Minnesota State Bar Association Construction Law Section Council.



**John Holper** was named to *The Best Lawyers in America* in construction law and construction litigation. John has also been selected to the *Minnesota Super Lawyers* list and *Minnesota Monthly* Top Lawyers list. He is rated AV Preeminent® by Martindale-Hubbell®.



**Jeffrey Klobucar** was selected to the *Minnesota Super Lawyers* list and has become a Master in the Amdahl Inn of Court. He was also named to the *Best Lawyers* list in Commercial Litigation and Bankruptcy and Creditor/ Debtor Rights/Insolvency and Reorganization Law. Jeff is rated AV Preeminent® by Martindale-Hubbell®.



**Janine Loetscher** was named the 2024 Top Woman in Construction in the Professional Services category by *Finance & Commerce* and a [2024 Top Women in Law](#) by *Minnesota Lawyer*. She was also named to the *Minnesota Super Lawyers* and *Best Lawyers*

lists. Janine serves as the Legal Advisor to the Association of Women Contractors.



**Wynne Reece** was named to the Top Woman Lawyer list by *Minneapolis/St. Paul Magazine* and to the Minnesota Rising Stars list by *Super Lawyers*. She has become a Barrister in The Honorable Jimmie V. Reyna Intellectual Property Inn of Court. Wynne is recognized as a North Star Lawyer by the Minnesota State Bar Association (“MSBA”) and serves as a MSBA Mock Trial Committee Member. Wynne is also the founder of [The Creatives Counsel®](#), which focuses on making legal work accessible, with relatable counsel. To date Wynne has worked with over 1,800 clients in an outside counsel capacity.



**Jeffrey Mulder** was selected to the *Minnesota Super Lawyers* list.



**Andrew Marshall** was named an Attorney of the Year by *Minnesota Lawyer*. Andy is committed to serving the community in which he works and lives and is recognized as a North Star Lawyer by the Minnesota State Bar Association. The program recognizes members who

provide 50 hours or more of pro bono legal services per year to people who otherwise could not afford representation. Andy was also selected to the *Minnesota Super Lawyers* list and is rated AV Preeminent® by Martindale-Hubbell®.



**Bryce Riddle** was named to Best Lawyers: Ones to Watch in Commercial Litigation and the Minnesota Rising Stars list by *Super Lawyers*.





**James Reece** has been recognized as a North Star Lawyer by the Minnesota State Bar Association. He is a Qualified Neutral under Rule 114 of the Minnesota Rules of Practice for the District Courts for Mediation and Arbitration. James is also rated AV Preeminent® by Martindale-Hubbell®.



**James Kovacs** was selected to Best Lawyers: Ones to Watch in Personal Injury Litigation and Insurance Law.



**Beth LaCanne** was named to Best Lawyers: Ones to Watch in Labor and Employment Litigation and Professional Malpractice Law. She was also selected to the Minnesota Rising Stars list by *Super Lawyers*. Beth is in her second year of a four-year term serving on the

Commission on Judicial Selection for the Tenth Judicial District. Beth is a Board Member and Secretary of the Hennepin County Bar Foundation. Beth is a member of the American Bar Association Forum on Construction Law, Division 6, Labor & Employment Section.



**Marshall Hall** has undergone extensive training in digital forensics and digital evidence at the National Computer Forensics Institute. He holds both the Certified Information Privacy Professional/United States (CIPP/US) and Certified in Cybersecurity

(CC) certifications, allowing him to provide comprehensive legal solutions in information security, data privacy compliance, incident response, and cyber risk management.



**Bassford Remele** has been recognized in the 2025 edition of Best Law Firms®, a testament to our unwavering commitment to legal excellence. Firms included in the 2025 Best Law Firms list are recognized for professional excellence with impressive ratings from clients and peers. Achieving a ranking in Best Law Firms signifies high-quality legal practice and a depth of legal proficiency. Bassford has received rankings in Construction Litigation, Construction Law, Commercial Litigation, Bet-the-Company Litigation, and sixteen other practice areas.

Chambers  
AND PARTNERS



"Bassford attorneys are able to navigate complex cases, whether factually or legally complex."

**BASSFORD REMELE, A PROFESSIONAL ASSOCIATION**  
LITIGATION: GENERAL COMMERCIAL  
MINNESOTA

# Recent Articles



## The Advantages and Disadvantages of Arbitrating Disputes

By John C. Holper and Natalie M. Thomas

When negotiating contracts in construction, real estate, or other industries, one question often arises: **"Should we arbitrate or litigate disputes?"** While the answer depends on the specifics of each situation, there are key factors to consider when deciding whether arbitration is the best course of action. Arbitration gained popularity in the late 20th century as a private alternative to costly and time-consuming litigation. While it still offers privacy and an alternative resolution mechanism, arbitration is no longer guaranteed to be faster or cheaper in many cases. In addition, arbitration brings several unique considerations that must be evaluated before being included in a contract.

Here are some of the key advantages and disadvantages of arbitration to help guide your decision-making process.

### Advantages of Arbitration

- **Efficiency:** Arbitration is often quicker than traditional litigation due to streamlined pre-hearing procedures, limited discovery, and fewer motions.
- **Expertise:** Arbitrators are often selected for their expertise in a specific field, ensuring more informed decisions on technical or complex matters.
- **Confidentiality:** Arbitration proceedings are private, which helps protect reputations and sensitive business information.
- **Flexibility:** Parties have greater control over the process, including selecting arbitrators, deciding the hearing location, and setting procedural rules.
- **Finality:** Arbitration awards are binding, reducing the likelihood of prolonged appeals and ensuring closure.

### Disadvantages of Arbitration

- **High Costs:** Arbitration can become costly, particularly for complex disputes. Fees for filing, administration, and arbitrators can quickly amount to tens of thousands of dollars.
- **Limited Appeal Rights:** Arbitration awards are typically final and binding, with very limited grounds for appeal—even if errors are made.
- **Lack of Legal Precedent:** Unlike court decisions, arbitration outcomes do not establish legal precedents, making it harder to predict results in future disputes.
- **Relaxed Rules of Evidence:** Arbitrators are not bound by formal rules of evidence, meaning otherwise inadmissible evidence may be considered during the hearing.
- **Enforcement Challenges:** While arbitration awards are generally enforceable, they may face challenges in certain jurisdictions or require court involvement to convert them into binding judgments.

There has been a rise in simple mistakes related to mechanic's liens. Being unprepared can jeopardize your right to file a lien, so it's essential to take proactive steps to protect your interests.

### Customizing Arbitration Provisions in Contracts

Don't overlook arbitration clauses in your contracts. It's crucial to avoid unquestioningly accepting standard arbitration provisions. A well-drafted arbitration clause can significantly impact the cost, efficiency, and fairness of the process.

Key considerations when crafting arbitration clauses:

- **Forum and Arbitrators:** Decide whether to use a specific arbitration provider, such as the American Arbitration Association (AAA), JAMS, or an industry-specific organization. Research the pros and cons of each, including administrative costs and the quality of arbitrators available.
- **Procedural Rules:** Evaluate each provider's procedural and substantive rules. This includes deciding whether formal rules of evidence will apply and how much pre-hearing discovery is permitted.
- **Pre-Hearing Processes:** Determine the extent of pre-hearing procedures, such as discovery, depositions, and motions. Unlike litigation, these processes are not automatically included in arbitration and must be expressly agreed upon.

### Conclusion

Agreeing to arbitrate disputes and crafting a thoughtful arbitration clause can be just as important as the business terms of a contract. Avoid relying on boilerplate provisions that may not suit your agreement's specific needs. Tailoring an arbitration clause upfront can save significant time, expense, and frustration if a dispute arises.

# Newsletters

## *The Work Week with Bassford Remele*

Each Monday, our **Employment Team** publishes and sends a new article to your inbox to hopefully assist you in jumpstarting your work week.

## *Building Trust*

A quarterly publication from our **Trust and Estate Litigation Group**, offering insights into the everyday challenges faced by attorneys, trust officers, financial advisors, CPAs, beneficiaries, and others involved in or interested in the transfer and administration of family wealth.

## *Legal Foundations*

A quarterly publication from our **Construction and Real Estate Group**, specifically designed for leaders in the real estate and construction industries.





# Recent Articles

## It's Time to Revisit the Basics of Mechanic's Lien

By Janine M. Loetscher and Michael J. Pfau

Mechanic's liens are among the strongest weapon in the arsenal for contractors, subcontractors, and suppliers to ensure payment for their work or materials. In Minnesota, the process of filing a mechanic's lien is governed by strict statutory requirements. However, there has been a rise in simple mistakes related to mechanic's liens. Being unprepared can jeopardize your right to file a lien, so it's essential to take proactive steps to protect your interests. Sometimes revisiting the basics can be beneficial.

Here are five considerations to ensure that your mechanic's lien is effective:

### 1. The Pre-Lien Notice

General contractors must include a pre-lien notice in their written contracts with the property owner or developer. Subcontractors and suppliers must generally provide this notice within 45 days after first furnishing labor, skill, or materials for the improvement. The language to be included in the notice is provided in Minn. Stat. § 514.011, subd. 2. A simple "copy and paste" can ensure strict statutory compliance.

Finally, the notice must be served by personal delivery or certified mail. If you have been corresponding with the property owner via email, a *courtesy copy* via

email is fine, as long as a notice was sent by personal delivery or certified mail.

### 2. Keep Detailed Records of the Project

Maintaining thorough documentation is crucial to support your lien claim. Keep a copy of your contract or agreement and track all invoices, change orders, and payments. Be sure to document the work performed and materials supplied, and record dates for project milestones, work completion, and when notices were served.

### 3. Mark Your Calendar

Issues and disputes may arise during the course of the project. Whether or not you believe the project owner may withhold payment, you should set calendar reminders so you do not miss the filing deadline for a mechanic's lien. A mechanic's lien must be filed within **120 days** of the last date of work or delivery of materials. The lien must then be enforced by filing a lawsuit within **one year** of the last date of work or delivery. Missing these deadlines will result in losing your lien rights.

### 4. File Accurate and Complete Lien Statements

When it's time to file a lien, make sure the lien statement is accurate and includes all required information, including: (1) the name of the property owner; (2) a legal description of the property; (3) the amount due and unpaid; and (4) your name and address as the lien claimant. File the accurate lien statement with the county recorder or registrar of titles where the property is located.



This is where your diligence under Consideration No. 2 pays off. If you do not keep accurate records of the work or supplies you contributed to the project, you run the risk of overstating the lien exposing yourself to a "slander of title" claim. Placing grossly inaccurate mechanic's liens on real property can constitute "malicious conduct" for purposes of a slander of title claim. Situations where a court may find that the lien was published "maliciously" include the lien contained claims for sums owed to the contractor for things clearly not "lienable" under Minnesota law including claims for liquidated damages, contents handling, items that were intentionally overcharged,

There has been a rise in simple mistakes related to mechanic's liens. Being unprepared can jeopardize your right to file a lien, so it's essential to take proactive steps to protect your interests.

amounts related to fraudulent invoices from subcontractors, amounts for items that the contractor purchased but expressly refused to release to the homeowners, work that was not done at the premises and work for which homeowners had already paid for and received lien waivers.

#### 5. Seek Professional Assistance

Mechanic's lien laws are complex, and a simple mistake can nullify your claim. If you're unsure about any step in the process, consult with an attorney experienced in construction law to guide you.

By taking these proactive measures, contractors can safeguard their right to payment and be prepared to file a mechanic's lien if necessary. Mechanic's liens are a powerful tool for ensuring payment, but they require careful attention to detail and strict adherence to Minnesota's legal requirements.

Complacency can be costly. Failing to stay proactive or follow the steps outlined above can lead to mistakes, missed deadlines, and the loss of lien rights. By remaining vigilant and prepared, contractors can protect their interests and secure the compensation they've earned.

Preparing for the possibility of filing a mechanic's lien is an essential part of risk management for contractors in Minnesota. By understanding the legal requirements, keeping meticulous records, and acting within the required timelines, contractors can protect their financial interests and maintain leverage in payment disputes.

## Presentations

***Commercial Construction Landscape: Challenges and Opportunities***, *Minnesota Real Estate Journal* Construction Summit, January 2025 (Kyle Willems, moderator)

***Strategies for Managing and Resolving Disputes***, *Minnesota Real Estate Journal* Construction Summit, January 2025 (John Holper)

***Women in Construction: Empowering Progress***, *Minnesota Real Estate Journal* Construction Summit, January 2025 (Janine Loetscher)

***6 Common Business Issues Clients Routinely Ask Their Attorneys to Resolve***, *Minnesota Continuing Legal Education Representing Small Businesses in Minnesota*, November 2024 (Wynne Reece)

***Legal Issues in Real Estate Investing***, *Minnesota Real Estate Journal* Commercial Real Estate Investment Summit, November 2024 (John Holper)

***The Family and Medical Leave Act & Minnesota Earned Safe and Sick Time***, *Minnesota Continuing Legal Education The Employment Law 60 Seminar*, October 2024 (Danielle Fitzsimmons and Beth LaCanne)

## Publications

***The Corporate Transparency Act: Business Opportunity or Risk Landmine***, *Attorney at Law*, December 2024 (Jennifer Bovitz and Bryce Riddle)

***Understanding Your Client's Reimbursement Rights When Responding to Third-Party Subpoenas***, *Attorney at Law*, November 2024 (Jeffrey Klobucar and Beth LaCanne)

***Web Compliance for Law Firms: Safeguarding Your Online Presence Against Legal Pitfalls***, *Attorney at Law*, October 2024 (Jessica Klander and Bryce Riddle)

***The Family Medical Leave Act & Minnesota Earned Sick and Safe Time***, *Minnesota Continuing Legal Education The Employment Law 60 Seminar*, October 2024 (Danielle Fitzsimmons and Beth LaCanne)

# Bassford Remele in the Community

## **Minnesota Real Estate Journal**

The *Minnesota Real Estate Journal* Annual Construction Summit was held on January 23, 2025, at the Golden Valley Country Club. The Bassford Team had a great morning engaging with industry professionals and sharing our knowledge on critical issues shaping Minnesota's construction sector.

**Kyle Willems** moderated the "Commercial Construction Landscape: Challenges and Opportunities" panel:

- Exploring the State of the Industry and Strategic Approaches for 2025
- The impact of inflation and interest rates on construction costs and timelines
- Key projects reshaping the commercial landscape across Minnesota
- Addressing workforce shortages and innovative labor solutions
- Building with sustainability: Strategies and initiatives for a greener future
- Risk management insights for general contractors: Mitigating and managing project risks
- Navigating regulatory changes and compliance requirements
- Emerging trends and technological advancements impacting construction
- 2025 commercial construction outlook: Market predictions and growth areas

**John Holper** presented on the "Strategies for Managing and Resolving Disputes" panel. Topics included:

- Prevention, Communication, and Resolution Tactics for Success
- Proactive contract management and early risk identification to avoid disputes
- Essential communication and documentation strategies for clear project alignment
- Negotiation techniques and strategies for amicable resolution of issues
- Mediation and arbitration: Effective alternatives to traditional litigation
- Noteworthy court decisions and their implications on construction dispute management
- Real-world examples and best practices for successful dispute resolution



Janine Loetscher, Michael Pfau, and Natalie Thomas.



John Holper (L) and Kyle Willems (R) present at the *Minnesota Real Estate Journal* Construction Summit.

**Janine Loetscher** presented on the "Women in Construction: Empowering Progress" panel:

- Advancing Women's Roles and Opportunities in the Construction Industry
- Insights into current challenges and opportunities for women in construction
- Highlighting key areas for progress and support
- Overcoming barriers: Lessons and strategies for success
- Mentorship, networking, and skill-building as pathways to advancement
- Project management, technical skills, and leadership development for career growth
- Understanding legal rights, protections, and advocacy for women in construction
- Strategic career planning and industry initiatives supporting women

**Michael Pfau** and **Natalie Thomas** also attended the summit, furthering our firm's commitment to staying at the forefront of construction law developments.



### Associated General Contractors of Minnesota (AGC)

We look forward to seeing you at the AGC Construction Summit on Wednesday, February 19, 2025!

**Kyle Willems** and **John Holper** will present "Ethical Traps in the Post-Covid Construction Industry," which has been approved for 1.00 hour of continuing legal education ethics credit.

Kyle and John will discuss the latest ethics problems that the construction industry has faced since the end of the COVID pandemic. Using examples, they will highlight some new post-COVID challenges that the construction industry is facing and the ethical traps that are created by these challenges. The session will discuss legal implications and application of the Rules of Professional Conduct, that has broad applicability for engineers, architects, owners/developers, business leaders and managers, superintendents, and employees.

The Bassford Team will be at Booth #56. Make sure you stop by for some swag and a chance to win great prizes again this year!

### Bassford Remele's Mechanic's Lien Seminar

We held our mechanic's lien seminar on Thursday, December 12, 2024, at our offices. Attendees started the afternoon with networking and lunch, attended three informative sessions (for which they received 3.00 Continuing Education units for Residential Contractors from the Minnesota Department of Labor and Industry and 3.00 continuing legal education credits in Minnesota and Wisconsin), and ended the day with a happy hour.

The seminar was designed to equip attendees with the knowledge and tools to navigate the complexities of mechanic's liens effectively. They learned crucial strategies to preserve their lien rights and efficiently collect payment for work performed or supplies provided when payment is not made. It was an opportunity to stay ahead in the industry and optimize their business operations.

SESSION 1: Pre-Lien Considerations, **Janine Loetscher**

SESSION 2: Foreclosure of the Lien and Trial Considerations, **John Holper**

SESSION 3: Post-Trial Enforcement and Considerations, **Kyle Willems** and **Jeffrey Klobucar**



Kyle Willems (L) and Jeffrey Klobucar (R) were among the presenters at the Mechanic's Lien Seminar.

### Association of Women Contractors (AWC)



Natalie Thomas at the AWC January Member Mingle.



Janine Loetscher (L) and Natalie Thomas (R) at the AWC holiday celebration.

### AGC Construction Summit



Kyle Willems and the lucky 2024 AGC Construction Summit raffle winners



## UPCOMING EVENTS

### SAVE THE DATE

#### MBEX 2025 Spring Social

Bassford will be a sponsor for the Minnesota Builders Exchange (MBEX) Spring Social. An annual social, this MBEX event provides members the opportunity to mingle, network, and deepen their connections with other industry professionals. Enjoy an afternoon out with local construction business owners, executives, and industry professionals, with chances to win exciting door prizes or indulgent bottles of wine or spirits.



#### DATE:

Wednesday, April 16, 2025

#### LOCATION:

Golden Valley Country Club  
7001 Golden Valley Road, Golden Valley, MN 55427

#### SCHEDULE:

3 PM - Doors open, drinks & networking  
5 PM - Program, raffle winners & door prizes

TICKETS: \$50 per person

Registration will open in early March

#### AWC Scholarship FUNdraiser Golf event

DATE: Friday, June 20, 2025

LOCATION: Majestic Oaks Golf Club, Ham Lake

#### AGC Golf Tournament

DATE: Friday, August 1, 2025

LOCATION: Keller Golf Course, Maplewood

#### Housing First Minnesota Golf Open

DATE: Thursday, August 7, 2025

LOCATION: Majestic Oaks Golf Club, Ham Lake

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