

Take A Peak At CAI

SOUTHERN COLORADO
CHAPTER


community
ASSOCIATIONS INSTITUTE

"THE NATION'S VOICE
FOR CONDOMINIUM,
COOPERATIVE AND
HOMEOWNER ASSOCIATIONS"

July - August 2005

Benson & Associates, P.C.

"I love my job," says Doug Benson, founder of Benson & Associates PC. "I've been able to making a living out of helping homeowners." The law firm, which recently expanded to new office space in Golden, devotes the majority of its practice to representing local homeowners associations plagued by poor construction. Such litigation has, unfortunately, become a bustling industry in Colorado, as more and more builders move into the state to cash in on the high demand for housing. CAI's constituents have not been immune, as many member associations have found themselves faced with the choice of levying an unpopular assessment or fighting with the community's builder over repairs.

"I've been asked hundreds of times, 'How did my home pass inspection?'" Benson recalls. "The truth is, the cities and counties don't have the manpower to keep up with the current pace of construction. Their inspectors try to check off on major issues, but there just isn't time to see everything when you have to look at fifteen or twenty job sites every day. The inspectors rely on the builder to do a good job, and a few bad apples see this as a chance to cut corners."

Under Benson's direction, the law firm has quickly become a leader in

Colorado construction law, pioneering new methods of alternative dispute resolution, such as the "Plan B" approach, in which the association and the builder agree to hire neutral experts to design repairs. "Plan B helps get around some of the animosity generated by a typical, adversarial lawsuit," Benson explains. "With neutral experts, neither side believes that the other is relying on a hired-gun paid to say whatever his client wants. The builder gets the chance to fix his product, and the homeowner is made whole, oftentimes at a much lower cost than either party would face in litigation."

For times when this approach does not work, the firm maintains an active trial practice. Benson is aided by an experienced staff and three partners in the firm, Heidi Storz, Jeff Kerrane, and Jesse Witt. The four attorneys have been working together for the past five years, and each remains firmly committed to preserving homeowner rights in Colorado. "The insurance lobby spent a lot of money to defeat Amendment 34 last year," notes Witt, referring to the failed ballot initiative which would have prevented future legislatures from restricting property owners' rights. "It is crucial for groups such as CAI and HADD [Homeowners Against Deficient Dwellings] to help their representatives understand the importance of quality construc-

tion." Witt, who has helped author several friend-of-the-court briefs on behalf of HADD, believes that lawmakers should look at the source of the problem rather than the symptom. "Colorado is one of the only Western states without any statewide regulation of contractors. Rather than eliminating homeowners' rights, we should be working to improve code enforcement and identify the small minority builders who are responsible for large majority of lawsuits. Holding them accountable would be the fastest way to curtail the spread of defect litigation in Colorado."

In recent years, Benson & Associates has established an impressive track record, winning several multi-million dollar judgments and settlements for their clients. The firm has also successfully resolved a number of "Plan B" cases, in which the builders have agreed to repair the community's construction defects and pay the association's fees and costs. These experiences have given Benson a highly satisfying career. "It feels great every time we help a family get the home they paid for."

Benson & Associates PC emphasizes construction defect litigation, insurance disputes, and appellate practice. To speak with an attorney from the firm, please call 720-898-9680 or email law@bensonpc.com.

CAI

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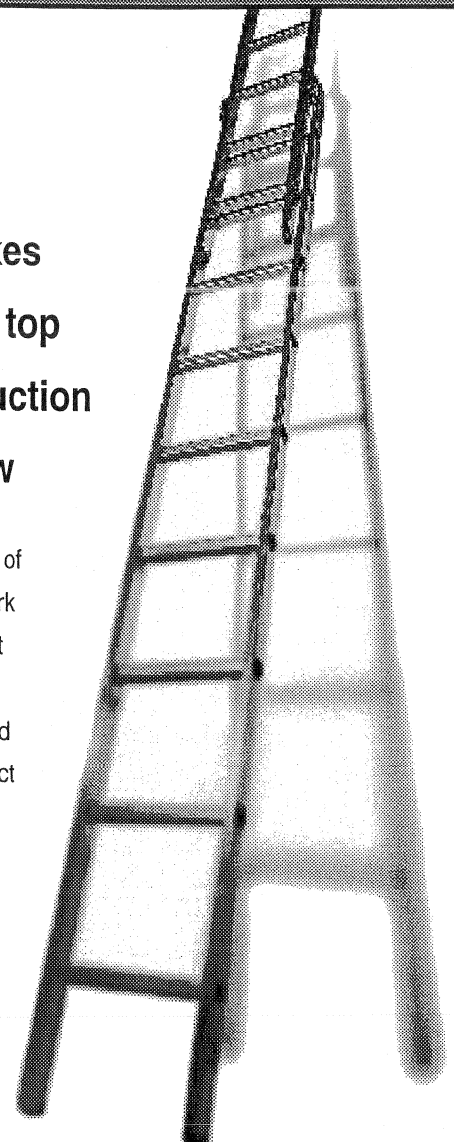
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Mission Statement

CAI - Southern Colorado Chapter

The mission of the Southern Colorado Chapter of CAI is to provide the leadership for successful development and operation of Community Associations through information research and education.